

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
MEETING MINUTES
August 10, 2016**

7:30 PM

The Executive Session Meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Sean Gable, Committeeman Arthur Puglia, Committeeman Committeewoman Laverne Cholewa, Committeeman Robert J. Higgins, CFO Joseph Monzo; Engineer Richard Brown, Attorney Michael Magee, Clerk Linda Semus, Administrator Michael Fitzpatrick and Deputy Clerk Barbara A. Crammer. Committeeman Robert Semptimphele** was not in attendance.

Mayor Gable called the meeting to order followed by the following opening statement.

Public notice of this meeting pursuant to the Open Public Meetings Act NJSA 10:4-6 to 10:4-21 has been satisfied. Notice of this meeting was properly given in the annual notice, which was adopted by the Mansfield Township Committee on January 4, 2016. Said Resolution was transmitted to the Burlington County Times and the Trenton Times, filed with the Clerk of the Township of Mansfield, posted on the official bulletin board at the Municipal Complex, filed with the members of this body and mailed to each person who has prepaid any charge fixed for such service. All of the mailing, posting, and filing having been accomplished as of January 8, 2016.

Mayor Gable opened the meeting with a moment of silence and the flag salute.

Mayor Gable explained that the first order of business, a presentation from Northern Burlington will be postponed and rescheduled at a later date.

ENGINEER'S REPORT

Engineer Richard Brown referred to his report dated August 10, 2016. In referring to the fire suppression pump, he said proposals have been solicited to evaluate the existing sprinkling system in the municipal building to decide whether a fire pump is required. In reviewing the plans, and upon discussions with Remington & Vernick, their determination of a fire pump being required was based upon a hydrant flow test provided to them by New Jersey American Water. They concluded that a fire pump would be required. He also spoke to them about discussion in regard to undersized piping in the building. **Mr. Brown** said the codes for sizing of sprinkler piping has not changed in several years but they confirmed that they did not make that statement. Based on discussions with R&V, **Mr. Brown** felt we need to get in the building and evaluate the entire sprinkler system, look at sizing, sprinkler head locations, etc. then they can take the flow test they already did. The initial impressions that a pump will not be required. He will solicit a proposal in the amount of \$2,500 to evaluate the entire system and then move forward with either a pump or no pump alternative.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to authorize the \$2,500 expenditure. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMPHELTER ABSTAIN: NONE

Engineer Brown explained that his firm is preparing to make a submission to the New Jersey Department of Transportation to get their approval on the plans for Axe Factory Road so we can then go out to bid. In discussions with the County Engineer, they are going to participate in doing the balance of the road to extend the project limits to the Mansfield/Bordentown boundary line.

The DOT has unfunded the Mansfield Road East project so that design is currently on hold.

Bids were received for the second floor accessibility. The base bid plus the alternate came in for a total of \$61, 750 which is under the allotment awarded by CDBG which was \$65,000. He is recommending the contract be awarded to Joseph Porretta Builders Inc. A pre-construction meeting will be scheduled next week. The entire project has to be done by the end of September.

Engineer Brown met with the developer for the reconstruction of White Pine Road. The pole location was resolved. They will be starting work in a week to ten days.

Engineer Brown is currently soliciting reports for 959 Mansfield Road West. The work at 330 Mansfield Road East has been completed.

A final inspection was conducted for Mansfield Logistic Park. The items on the inspection will be addressed in the next couple of weeks.

Based on a conversation with Mr. Fitzpatrick, it is his understanding we are going to get authorization to proceed with the Seal Master Company for the Four Seasons crack filling and pavement sealing as our test case. Then we will move forward if that is successful with more areas in the municipality. **Administrator Fitzpatrick** said there will be a test demo to see if this product works well.

Mr. Brown said he is continuing to work with Landmark Companies and Ryan Homes as well as the Homeowner's Association to resolve some of their concerns. He expects the final paving in Legends will take place in September of this year. This includes placement of street trees and the other improvements they have bonded. This way, they can move to get off their performance bond and submit their maintenance bond.

Mr. Brown met with the contractor today in regard to the municipal access drive off Hedding Road and will have a quotation by the end of the week. This will be to provide drainage under the roadway prior to elevating the roadway which will include the construction of a swale from the easterly side of the roadway going to an existing roadside ditch on Hedding Road.

Mr. Brown said he responded to a letter that had been sent to the township in January by Pulte/Centex in regard to what they felt was completion of their work. However, because of flooding on the roadway, they have to do some regrading so it is consistent with the plans approved by the DEP for their Freshwater Wetlands Permit.

Committeeman Higgins said he received communications from residents on Axe Factory Road indicating there are tractor trailers on the road. They are not supposed to be on that road. **Committeeman Higgins** was concerned that the bridge could not handle tractor trailers. **Engineer Brown** suggested police enforcement.

Committeeman Higgins said he got a phone call from the electrical contractor in regard to street lights. The contractor said he changed the lights with a change order. The contractor wants to be paid. **Administrator Fitzpatrick** said the change order is in the architect's hands who has to sign off on all change orders. Upon his approval, the purchase order will be executed for payment. **Mayor Gable** said there was one additional parking lot light that was a different design and didn't match the others in the parking lot. The contractor put in a matching light and wants payment. Because of a hitch in the paper work, this has not happened. It was recommended that **Administrator Fitzpatrick** send a letter to the architect so payment can be made.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to accept the Engineer's Report, Motion carried,

FINANCE

RESOLUTION 2016-8-1

A RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY OF MANSFIELD TOWNSHIP, BURLINGTON COUNTY, HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE 2015 ANNUAL AUDIT ENTITLED "GENERAL COMMENTS AND RECOMMENDATIONS"

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Township Clerk as per the requirements of N.J.S.A. 40A-5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the local Finance Board has promulgated NJAC 5:30-6-5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "General Comments AND Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the annual audit entitled “General Comments AND Recommendations” as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJC 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52-27BB-52 – “A local officer or a member of a Local governing body, who, after a date fixed for compliance, fails or refuses to obey an order of the Director of Local Government Services, under the Provision of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mansfield hereby states that it has complied with NJAC 5:30-6-5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

CFO Monzo explained that the above resolution as well as the following resolution have to do with the audit that was finalized and submitted by Holman/Frenia. The State requires the Committee to read the findings and regulations and to pass the resolution that says you have done so. The following resolution, Resolution 2016-8-2 is a requirement that the CFO prepare a corrective action plan based on comments and recommendations in the audit. A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-1. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-2

RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, APPROVING A CORRECTIVE ACTION PLAN FOR 2015 AUDIT

WHEREAS, the Township of Mansfield, County of Burlington, State of New Jersey received its 2015 Audit, dated August 5, 2016 and submitted to the Township for review on August 5, 2016; and

WHEREAS, the Township will implement the 2015 Corrective Action Plan for the findings therein as follows:

CORRECTIVE ACTION PLAN - 2015 AUDIT TOWNSHIP OF MANSFIELD BURLINGTON COUNTY

Recommendation Number -1 – During the audit it was noted that fixed asset accounting system was not updated to reflect the retirement or additions of fixed assets.

Corrective Action: Based on the Township performing an inventory every two years, the Fixed Assets accounting system will be updated annually.

Recommendation Number-2- During the review of the quarterly pension filing for PERS and PFRS, it was determined that the reports were filed late for all quarters of 2015.

Corrective Action: Management agrees that 5 of the 8 reports were filed late. The certifying officer will file the 2016 reports timely. This will be a priority in the office,

Recommendation Number-3- That the Township, prior to the encumbering of purchase orders, verify that sufficient funds are available in the applicable appropriation line item in order to prevent the over-expenditure of funds.

Corrective Action: There was an over expenditure (due to a vendor providing an invoice in an untimely manner) in the utility fund that should not have been paid but held and paid from the 2016 budget as a prior year bill. If this situation arises in the current or the utility fund the

invoices will be held and budgeted for properly

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, implement the Corrective Action Plan as outlined above by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Township Clerk of the Township of Mansfield, be directed to forward certified copies of this resolution to the New Jersey Division of Local Government Affairs, in compliance with State statute.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to adopt Resolution 2016-8-2. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

ORDINANCES: SECOND READING/FINAL ADOPTION

ORDINANCE NO. 2016-11
AN ORDINANCE TO AMEND ORDINANCE 1978-8, ADOPTED
12/19/1978, AMENDED 6/5/2000 BY ORDINANCE 2000-8 CHAPTER 65
ZONING; ARTICLE XXX LOW-AND-MODERATE INCOME
HOUSING MANAGEMENT PROGRAM AT SECTION 65-166, B(2) –
AFFIRMATIVE MARKETING

WHEREAS, the Township of Mansfield adopted a Zoning Ordinance to cover, among other things the low and moderate income housing Management program for the Township,

WHEREAS, said ordinance provided for the affirmative marketing of said low and moderate

WHEREAS, the Township of Mansfield has decided to amend that portion of the ordinance relating to affirmative marketing to allow the administrative agent to charge a reasonable fee to program participants for the administration of the Housing Affordability Control Program.

NOW, THEREFORE, BE IT RESOLVED, Chapter 65. Zoning; Article XXX. Low- and Moderate-Income Housing Management Program at section 65-166, B(2) be replaced with the following language;

“The developer shall assume all costs for the affirmative marketing and initial sales and rental transactions associated with the low and moderate income housing development. The developer’s administrative agent shall have all of the responsibilities as put forth in this rule and shall follow the same procedures for affirmative marketing, qualifying individuals and households and recording of property instruments as described herein for the Township’ Administrative Agent. After the initial sales and rental transactions, the Administrative Agent shall assume the duties of the developer’s administrative agent for any re-sales or re-rentals. The Administrative agent shall charge a reasonable fee to the program seller(s)/owner(s) for the administration of the housing affordability controls program.”

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

CFO Monzo gave a brief background in regard to COAH fees. The Township takes in **COAH** fees based on the State of New Jersey COAH languages. The State allows the municipality to use up to 20% of the money for administrative costs. Since its inception, we have used that money for some legal costs. For the most part, we have used it to pay for the services of the closing costs company. We have reached the maximum of the 20%. Thus, the ordinance was created to change the manner in which those fees get paid to put the onus of the fee on the seller. Upon speaking to the professionals at COAH plus Mark Remsa from the County to find out whether or not that cost which is about \$1,300 closing could be considered Affordability Assistance. At least 30% of the collected income is to be spent of the collected income on affordability assistance. This ordinance will allow us to start paying for the closing costs out of COAH funds, not municipal funds. The ordinance would also provide for any other affordable assistance.

Mayor Gable felt that, since we have that information, we should take the opportunity to make sure of the proper way we want to charge. Perhaps a meeting with the Homeowner’s Association should be held as they are who it affects. A public hearing is to be held tonight. However, **Mayor Gable** felt this should be put on hold.

Committeeman Higgins asked what else the 30% can be used for. **CFO Monzo** said it could be used for repairs. However, the State has to approve the spending plan. We do get more

COAH money from any new construction. Therefore the pot of money can grow. **Committeeman Higgins** explained to those in attendance how the COAH funds has been spent and how it can be spent in the future.

Mayor Gable opened the public hearing.

Laurie Payokovitch, 42 August Drive, proposed that the current residents of Mapleton can be grandfathered in as it wasn't in their contract.

Mayor Gable said the Township wants to meet with their Homeowner's Association to see what would best suit the residents there now and to get their input.

With no further comments, the public hearing was closed.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to table this ordinance. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

ORDINANCE NO. 2016-12
AN ORDINANCE TO AMEND CHAPTER 27, ENTITLED "LAND USE PROCEDURES", SECTION 27 ATTACHMENT 1, CHECKLIST A, WHICH WAS AMENDED ON JANUARY 18, 1977 BY ORDINANCE 1977-1 AND AMENDED ORDINANCE 2008-28 ADOPTED OCTOBER 8, 2008

WHEREAS, Chapter 27 entitled Land Use Procedures has specific requirements in the form of checklists for completion in connection with development; and

WHEREAS, in today's electronic age it has become necessary to require owners and applicants to provide certain technical information plans drawings etc. in connection with an application for development in Mansfield Township

WHEREAS, Mansfield Township has decided to Chapter 27 Checklist A, Attachment 1, to require an electronic filing in addition to that which is required.

NOW, THEREFORE, BE IT RESOLVED be it resolved chapter 27 checklist a attachment one be amended to add a number 20 to read as follows:

The applicant needs to provide a copy of all plans/reports and estimates in electronic format on a CD disc after all approvals and all revisions are made to the final Site Plans and Mylar are endorsed by the Township Engineer and the Township Planner. The plans are to be in Auto-CAD version no later than 2014, correspondence in Word format or PDF format and estimates in Excel Version no later than 2010 or PDF format.

Applicant shall also provide in electronic format on the CD the entire signed set of plans in PDF format. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Mayor Gable explained this is an addition to the checklist to have developers provide their information and plans electronically.

Mayor Gable opened the public hearing. With no questions or comments, the public hearing was closed.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Ordinance 20-16-12. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

ORDINANCE 2016-13
AN ORDINANCE AMENDING CHAPTER 34A OF THE TOWNSHIP CODE ENTITLED PEACE AND GOOD ORDER TO HELP PROTECT LOCAL BUSINESSES

WHEREAS, the Township Police Department has requested that the governing body review the Peace and Good Order ordinance to expand the police power to assist local businesses that experience an influx of disorderly behavior within their establishments; and

WHEREAS, the purpose of this ordinance is provide an enforcement power which IS authorized pursuant to the New Jersey Home Rule Act; and

WHEREAS, the ordinance is not pre-empted by the New Jersey Criminal Code as the Home Rule Act specifically permits ordinances to maintain order, prevent vice and to preserve the peace and good order;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that Chapter 34A of the Code of the Township of Mansfield, be and is hereby amended and supplemented to add the following new activity within the list of prohibited conduct in §34A-1(A):

“(11) wrongful interference with legitimate business activity within the Township.”

AND BE IT FURTHER ORDAINED AND ENACTED, that any provisions of the Township Code that are inconsistent with the foregoing amendment are repealed to the extent of any inconsistency;

AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect twenty (20) days following adoption and publication according to law.

Mayor Gable explained this ordinance from the Police Department to enable them to investigate and follow through on any violations. He then opened the public hearing. With no comments or questions, the public hearing was closed.

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to adopt Ordinance 1016-13. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

ORDINANCE NO. 2016-14
AN ORDINANCE TO AMEND CHAPTER 50, ENTITLED
“SUBDIVISION OF LAND”, SECTION 58

WHEREAS, Chapter 50 entitled Subdivision of Land has specific requirements regarding Certificate of Occupancies and payment schedules for inspection fees in connection with the same; and

WHEREAS, the current ordinance provides for the collection of an initial inspection fee for said Certificate of Occupancies, but does not address any reinspection fees when needed; and

WHEREAS, Mansfield Township has decided to Amend Chapter 50 to provide for the collection of an inspection fee and a reinspection fee that may be necessary and required prior to the issuance of a final certificate of occupancy; and

NOW, THEREFORE, BE IT RESOLVED be it resolved Chapter 50, Section 58B is hereby amended by adding Section 58B(1) as follows:

B (1) The applicants will submit a fee of \$375.00 when applying for a Temporary Certificate of Occupancy (TCO) which allocates \$250.00 for initial inspection and the premium charge of \$125.00 for the re-inspection (second Inspection) when applying for final Certificate of Occupancy (CO).

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to introduce Ordinance 2016-14 and hold the public hearing on September 14, 2016. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

ORDINANCE 2016-15
AN ORDINANCE TO CORRECT ORDINANCE 2012-5 AMENDING CHAPTER 65 OF THE CODE OF
THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY FOR
ZONING AMENDMENTS TO IMPLEMENT THE MASTER PLAN

WHEREAS, as per Ordinance 2012-5, the Township Committee determined it is in the best interest of the Township to amend Chapter 65 of the Land Use Regulations for zoning amendments and implementation to the Master Plan; and

WHEREAS, The Table of Zoning Map Amendments included descriptions of amendments to the Zoning Map of the Township of Mansfield; and

WHEREAS, Due to a typographical error, the description of Block 47.01, Lots 2, 3.01 and 4 was inadvertently listed as Block 47.02, Lots 2, 3.01, and 4 and should be corrected to reflect the correct Block Number, which remains effective since March 3, 2012, as R-1 (FLP) Farmland Preservation.

AND BE IT FURTHER ORDAINED AND ENACTED that this Ordinance shall take effect twenty (20) days following adoption and publication according to law.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to introduce Ordinance 2016-15 and hold the public hearing on September 14, 2016. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTIONS

RESOLUTION 2016-8-3

RESOLUTION APPOINTING SPECIAL COUNSEL FOR ANY AND ALL RIGHT TO FARM ISSUES WITHIN THE TOWNSHIP OF MANSFIELD

WHEREAS, there exists a need for the appointment of a Special Counsel for Right To Farm Issues that have or may arise within the Township of Mansfield; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that:

- 1. **Douglas L. Heinhold, Esq.** of Raymond Coleman Heinhold & Norman, LLP, Moorestown, NJ be and is hereby appointed as Special Counsel to represent the Township’s interests in the aforementioned matters.
- 2. The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award.
- 3. This award is made available through account numbers: **01-201-20-100-162**

A motion was offered by **Committeeman Cholewa** and second by **Committeeman Puglia** to adopt Resolution 2016-8-3. Motion carried on a Roll Call Vote, recorded as follow:

AYES: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAYS: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-4

CANCELLATION OF TAXES DUE TO VETERAN EXEMPTION

WHEREAS, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and,

WHEREAS, the properties listed below are owned by a 100% Disabled Veteran;

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following **2015 & 2016** taxes:

Block	Lot	Property Owner	Amount
42.08	116	Marguerite Foltermann	\$ 208.99 (2015-Effective 12/14/15) \$ 5,225.77 (2016)

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-4. Motion carried on a Roll Call Vote, recorded as follows:

AYES: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAYS: NONE ABSENT: SEMPTIMPELTER ABSTAIN: NONE

RESOLUTION 2016-8-5

RESOLUTION TO INCLUDE PRIOR YEAR BALANCES IN TAX SALE

WHEREAS, N.J.S.A 54-:5-20.1 allows the Tax Collector to omit balances from Tax Sale for taxes levied along with interest and costs less than \$100.00 and,

WHEREAS, this provision is not to exceed 5 years or until the total amounts exceeds \$100.00 and,

WHEREAS, the property listed below exceeds the 5 year requirement,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, State of New Jersey at their regular meeting held on August 10, 2016 that the Tax Collector be authorized to include these balances in the upcoming Tax Sale, scheduled for September 14, 2016.

Block	Lot	Name	Amount
6.01	1.12	Dunns Mill, LLC	\$8.86

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-5. Motion carried on a Roll Call vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-6

RESOLUTION TO INCLUDE PRIOR YEAR BALANCES IN TAX SALE

WHEREAS, N.J.S.A 54-:5-20.1 allows the Tax Collector to omit balances from Tax Sale for taxes levied along with interest and costs less than \$100.00 and,

WHEREAS, this provision is not to exceed 5 years or until the total amounts exceeds \$100.00 and,

WHEREAS, the property listed below exceeds the 5 year requirement,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mansfield, State of New Jersey at their regular meeting held on August 10, 2016 that the Tax Collector be authorized to include these balances in the upcoming Tax Sale, scheduled for September 14, 2016.

Block	Lot	Name	Amount
6.01	1.12	Dunns Mill, LLC	\$11.95 (2011-2015)

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-6. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-7

A RESOLUTION APPOINTING PART TIME, AS NEEDED

MAINTENANCE/RECYCLING/SANITATION EMPLOYEE WILLIAM J. MOLLER.

WHEREAS, the Mansfield Township Public Works Department is in need of help for the maintenance/recycling/sanitation departments of the Township; and

WHEREAS, William J. Moller was interviewed and found to meet the qualifications that best meets the needs of the departments.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their Regular Meeting held on August 10, 2016 at the Municipal Complex at 7:30 PM that **William J. Moller** is hereby appointed as part time, as needed maintenance/recycling/sanitation employee at the rate of \$12.00 per hour, with no benefits and holidays effective August 4, 2016.

Mayor Gable said the appointment being made was requested by Jef Jones. The employee will be on an as needed basis with no benefits and no holidays.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-7. Motion carried on a Roll Call basis, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-8

CATERERS UNLIMITED INC.

2015-2016 LIQUOR LICENSE RENEWAL

WHEREAS, **Caterers Unlimited Inc.**, Plenary Retail Consumption License #0318-33-002-006 located at 24491 W. Main Street, Columbus, NJ 08022 has applied to the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey for renewal of said license to permit the sale of alcoholic beverages at their establishment; and,

WHEREAS, said application for the 2015-2016 Licensing Year has been received with required fees submitted as prescribed by Ordinance in the amount of \$630.00 to Mansfield Township and \$200.00 to the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, a satisfactory report has been received by the Mansfield Township Chief of Police and the Mansfield Township Fire Official, and no other written or verbal complaints have been received by the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Plenary Retail Consumption License #0318-33-002-006 in the name of Caterers Unlimited Inc. be renewed for the 2015-2016 Licensing Year, pending any and all tax clearance certificates from the Division of Taxation.

Mayor Gable said this resolution and the following are for the Columbus Inne. Requirements of the State were made by the owner. A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia**, to adopt Resolution 2016-8-8 and the following, Resolution 2016-8-9. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

**RESOLUTION 2016-8-9
CATERERS UNLIMITED INC.**

2016-2017 LIQUOR LICENSE RENEWAL

WHEREAS, Caterers Unlimited Inc., Plenary Retail Consumption License #0318-33-002-006 located at 24491 W. Main Street, Columbus, NJ 08022 has applied to the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey for renewal of said license to permit the sale of alcoholic beverages at their establishment; and,

WHEREAS, said application for the 2016-2017 Licensing Year has been received with required fees submitted as prescribed by Ordinance in the amount of \$630.00 to Mansfield Township and \$200.00 to the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, a satisfactory report has been received by the Mansfield Township Chief of Police and the Mansfield Township Fire Official, and no other written or verbal complaints have been received by the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Plenary Retail Consumption License #0318-33-002-006 in the name of Caterers Unlimited Inc. be renewed for the 2016-2017 Licensing Year, pending any and all tax clearance certificates from the Division of Taxation.

RESOLUTION 2016-8-10

RESOLUTION ACCEPTING THE PROPOSAL IN THE AMOUNT OF \$5,000.00 TO ENVIRONMENTAL RESOLUTIONS, INC. FOR THE PREPARATION OF A PRELIMINARY INVESTIGATION FOR DETERMINATION OF AN AREA IN NEED OF REDEVELOPMENT, FOR BLOCK 47.02, LOTS 3.01, 5, 6 AND BLOCK 45.02, LOT 4, IN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, the Township of Mansfield has received a proposal from Environmental Resolutions, Inc., to provide a preliminary investigative services to the Township to determine if an area within the Township is in need of redevelopment; and

WHEREAS, Environmental Resolutions, Inc., has provided a proposal to provide the investigative services required in order to make a determination on redevelopment for block 47.02, lots 3.01, 5, 6 and block 45.02, lot 4, in a letter dated July 22, 2016, which is attached hereto and made a part hereof, in the amount of \$5,000.00 ; and

WHEREAS, the Chief Financial Officer has certified that funds are available in that amount; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that:

1. The Township Committee hereby awards a Contract to Environmental Resolutions, Inc., in accordance with their proposal in the amount of \$5,000.00; and
2. This award is made available through the following account:

The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-10. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-11

RESOLUTION ACCEPTING THE BID OF JOSEPH PORRETTA BUILDERS INC., 551 ANDERSON AVENUE, HAMMONTON, NEW JERSEY 08057, FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM-MUNICIPAL BUILDING SECOND FLOOR ACCESSIBILITY IMPROVEMENTS

WHEREAS, the Township advertised for bid the need to provide services for the construction of Second Floor Accessibility Improvements to the Municipal Building using the Community Development Block Grant Program; and

WHEREAS, a single bid was received, with the lowest qualified and responsible bid being that of John Poretta Builders Inc., in the amount of \$61,750.00; and

WHEREAS, the bid has been reviewed and is in compliance with the specifications and bidding requirements and has the endorsement of the Mansfield Township Municipal Engineers on behalf of Mansfield Township; and

WHEREAS, the Chief Financial Officer has certified that funds are available in that amount; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that:

1. The Township Committee hereby awards a Contract to Joseph Porretta Builders Inc. for the Community Development Block Grant Program-Municipal Building Second Floor Accessibility Improvements.
2. Said funding will be provided through a grant award from the Community Development Block Grant (CDBG) Program. Should additional funding be necessary, same will be provided through the capital fund of the Township of Mansfield.
3. This award is made available through the following account: **04-215-20-121-810**

- The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

Mayor Gable explained that Resolution 2016-8-11 that a grant was received for accessibility to the second floor of this building.

A motion was offered by **Committeeman Puglia** and duly second by **Committeewoman Cholewa** to adopt Resolution 2016-8-11. . Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-12

A RESOLUTION ACCEPTING THE QUOTE IN HE AMOUNT OF \$4,800.00 TO LEXINGTON APPRAISAL GROUP FOR APPRAISAL OF THE FOUR MUNICIPAL OWNED BUILDINGS ON 3.82 ACRES, KNOWN AS THE MUNICIPAL COMPLEX, IN THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY

WHEREAS, the Township of Mansfield has received a quote from the Lexington Appraisal Group to provide appraisal services to the Township; and

WHEREAS, the quote received was to appraise the four (4) buildings in town known as the Municipal Complex; and

WHEREAS, the Lexington Appraisal Group has agreed to provide the appraisal services in the amount of \$4,800.00 dollars under the terms of the attached Commercial Appraisal Quote, dated July 22, 2016, which is attached hereto and made a part hereof; and

WHEREAS, the Chief Financial Officer has certified that funds are available in that amount; and

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that:

- The Township Committee hereby awards a Contract to the Lexington Appraisal Group in accordance with their quote in the amount of \$4,800.00; and
- This award is made available through the following account:

The Mayor and Township Clerk, as necessary, are hereby authorized to execute a Contract and any related documents necessary to effectuate this award in a form substantially the same as that included in the specifications.

Mayor Gable said some people are interested in redeveloping the area of the old municipal building. In order to do so, an appraisal is necessary.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adopt Resolution 2016-8-12. Motion carried on a Roll Call vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

RESOLUTION 2016-8-13

RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2016 CRACKDOWN

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Mansfield Township Committee declares their support for the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

Mayor Gable explained that grant money will cover the costs for extra patrol time for the police

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to adopt Resolution 2016-8-13. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

MINUTES: July 13, 2016

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Higgins** to approve the minutes of the July 13, 2016 meeting. Minutes carried on a Roll Call Vote recorded as follows:

AYE: CHOLEWA, HIGGINS, GABLE
NAY: NONE ABSENT: SEMPTIMHELTER
ABSTAIN: PUGLIA

BILL LIST

A motion was offered by **Committeewoman Cholewa** and second by **Committeeman Puglia** to approve the bill list as submitted. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CHOLEWA, PUGLIA, HIGGINS, (see below) GABLE
NAY: NONE ABSENT: SEMPTIMHELTER
ABSTAIN: HIGGINS (on check #2873, 5641, 5647, 5646)

DISCUSSION/ACTION

a. Fire Prevention – Inspection Software – Doug Borgstrom Appearing

Mr. Borgstrom was unable to attend the meeting but did state that he would like the Committee to consider his purchase of software for his inspections for all aspects including both the township and the fire. He would like it as soon as possible. **Administrator Fitzpatrick** was advised to distribute a copy of his proposal to members of the Committee tomorrow. **Administrator Fitzpatrick** explained it would be a onetime initial fee of \$7,365.00 with an annual subscription fee of \$2,936. **CFO Monzo** has looked at the budget and told him he would have to wait until next year as it is not in the fire budget for this year. It will be considered in the 2017 budget.

b. Application for Membership to the Franklin Fire Company

Michael E. Mitchell as a full member and
John C. Kampo as a junior member

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to approve the above applications. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: GABLE

**c. Mansfield Township Application for use of Recreational Facilities
Columbus Home and School – September 25, 2016 for their Fall Festival
(soccer field and field next to concession stand)
All required insurance is received.**

The above has been approved by the Recreation Department.

Committeewoman Cholewa commented that she was there last year and it was fantastic.

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to approve the above application for use of the Recreation Facilities. Motion carried on a Roll Call Vote, recorded as follows:

AYE: PUGLIA, CHOLEWA, HIGGINS GABLE
NAY: NONE ABSENT: SEMPTIMHELTER ABSTAIN: NONE

PUBLIC COMMENT

Myra Dickert, 8 Allister Lane, said she was here as a concerned citizen and a representative of the Civic Association of Four Seasons. She said, that, knowing full well that we had a total reassessment for the 2014 tax year, she asked what rationalization the committee used to approve a Compliance Plan for tax year 2016 that primarily targeted the two senior communities along with town homes in Country Walk. She felt the seniors were singled out. Since the taxes were raised two years ago and the seniors are already paying their fair share or even more since they pay school tax but do not impact the schools in any way, why were they singled out? She questioned why only the senior communities and the 8 houses.

Mayor Gable explained that the presentation by the Tax Assessor that he reviewed the assessed values to market value for the entire township. The areas affected by the Compliance Plan were under assessed. After putting the compliance plan together, he made a verbal presentation to the Committee, then submitted to the County for approval who approved the plan. He did review the entire township and determined that Four Seasons, Homestead, and portions of Country Walk were areas needing the Compliance Plan.

Mrs. Dickert said she had asked Mr. Burd if he felt these were the only communities where house values went up. She felt this hard to believe. Didn't the Committee question that the areas were so specific.

Mayor Gable said that Mr. Burd showed the Committee the values he was using for the resale values and the current market and the current assessment. He also presented this to the County who approved the plan.

Mrs. Dickert said Mr. Burd has been cited by the Division of Taxation for four failures to follow the rules governing reassessments. They were: failure to provide the Committee with written reasons for reassessing certain properties in the township, requesting permission verbally to do so in a private executive session is not legal, violation of New Jersey Taxation rule 902.1 and NJSA 54:4-23. Mr. Burd stated that requiring written notice prior to a Compliance Plan Conformance was merely a courtesy, violation of NJSA 54:4-23. Mrs. Dickert further said that Mr. Burd did not have public notice of the plan published in at least one newspaper prior to the January 10th filing of the plan with the County Tax Board, violation of NJSA 54:4-38. She also said that every tax payer should have been notified by mail prior to February 1 of the current assessment of the prior year's taxes. Each taxpayer should have been notified by mail within 30 days of any change to the assessment. By notification, "green/white cards" were mailed late and was their first notification, violation of NJSA54:4-38.1. So, this in relation to her first question, she asked where were the Committee and the Township Attorney when all of the violations were taking place? Were they never questioned? It should have been obvious that proper protocol was not being followed. Because of these violations, this issue is now in the hands of the Attorney General. Their ultimate goal is to get the assessments rescinded. She asked where the township was in all of this. Did the Committee hire an overzealous, incompetent tax assessor or this Township Committee and the Attorney become incompetent, unknowledgeable, and uncaring especially of the seniors? Many of them live on very, very fixed incomes. She asked the Committee how they could allow all of these violations. They have to have some knowledge of it. She said she didn't understand nor did many of the people here.

Mayor Gable said, first of all, Mr. Burd did present the information to the Committee. Mrs. Dickert added, verbally and in executive session which is a violation. **Mayor Gable** said that the only violation that they were informed of was that he was supposed to give the Committee written noticed and he did not do that. Other than that, they received feedback that there were no other violations.

Mrs. Dickert said she had listed four violations.

Mayor Gable said the Committee does care about the residents. He did present the information to the Committee and he did mail out the green cards. Mrs. Dickert said the cards were late. She said many of the people got increases of well over \$1,000. That is pretty difficult when you are not out there earning it. They are on fixed incomes. Social Security has no COLA, no Cost of Living increases. The economy is not great. They would like to pay their taxes and support the Township but there is no semblance of fairness here when the increase is amongst two developments who are on fixed income and 8 other homes. There is something wrong.

Attorney Magee said he agreed with the Mayor's comments and referred to a letter from Deputy Director Patricia Wright which cites the one deficiency. In regard to other comments, **Attorney Magee** advised the people that, if they believe their assessment is incorrect, you have a time to appeal the assessment. The taxes are a result of what the budget is and the tax rate that has to be established in order to satisfy the budget requirement. If the people have a problem with the process or the procedure, the Committee can do nothing in that respect because they rely on the County Tax Board to certify our tax role. They did that. If the people think the Committee can rescind the action of the Burlington County Tax Board, this is beyond their powers. In response to Mrs. Dickert's question as to why they were singled out, after our reassessment, a law suit was filed by a group of residents who contended that the reassessment favored older communities to the detriment of other communities. We are defending the law suit and are taking the position that the assessor in this case did nothing wrong. The Judge stated that, notwithstanding the fact our ratios were within the accepted levels, he was concerned they were at the higher and lower end of those accepted ratios. When Mr. Byrd became our new assessor, he was made aware of the situation and, in reviewing the most recent sales throughout Mansfield Township he determined that there were some neighborhoods under assessed and some over assessed. That was the plan he submitted to the County for approval to review those neighborhoods. He did and that's where we are now. **Attorney Magee** said it wasn't fair to compare the assessment with what you pay in taxes. He referred to his own taxes which, from 1989 until 2016, his taxes have gone from under \$3,000 to \$14,000. He said he doesn't have kids in school and he feels the pain. **Attorney Magee** felt no specific group was targeted.

Mrs. Dickert said they are not asking the township to rescind this. They are giving them a point of information. That is their goal. They couldn't do anything because all of the information came to them too late. They couldn't speak to the assessor as they had no time. She felt that, under law, they are entitled to. He was cited for that and he was also cited for saying that it was just a courtesy, he did not have to let the Committee know in writing. Mrs. Dickert said the assessor was specifically cited for four violations.

Attorney Magee referred to a letter dated July 27, 2016 from the Deputy Director and it only cites NJSA 54:4-23. Mrs. Dickert said she has the others as well. She felt it was unreasonable that the Committee went along with him. There had to be other areas in the township selling at a profit. She said it doesn't make sense that it is just the two communities.

Committeeman Higgins said this is more difficult than most people understand. It is the Assessor's responsibility to track what houses are assessed for and what they sold for. There are statutory requirements for reassessments. There are provisions for hot spots which are certain communities which have experienced significant increases. That is what happened here. In Country Walk, the double houses were experiencing a significant price increase over the single family homes. This allows this area to be identified as an area for compliance. The assessor goes to the county because he really works for the county. We just pay him. **CFO Monzo** clarified that he technically works for the State Division of Taxation. **Mr. Monzo** further explained that, after a town has a reassessment or a revaluation, in order to keep the values of the community at or near market, they do a compliance plan which is like a four or five year plan. So, every year, they are required to monitor the sales and to look at, at a minimum, 25% of the municipality on a 4 year cycle to make sure the town, as a whole, doesn't fall below the ratio they want to maintain. The Compliance Plan is made to keep the ratio as close to 100% of the market value as it can. They monitor the sales prices to see where adjustments may need to be made one way or the other.

Committeeman Higgins said that, when the assessor comes to the township, he is reporting what he is going to do. The Committee does not have a say but the assessor is bringing his plans to the Committee's attention. He then goes to the County. He understands Mrs. Dickert's point because, if they had received written notice, maybe they could have spoken to the assessor before that but this was the County's decision.

Mrs. Dickert again said it was the township's responsibility to request this in writing and it was not done. She also believed there is a cap on the amount your taxes can be raised. **CFO Monzo** said this does not apply to this situation. The cap is not on the assessment but on the tax levies as a whole. If you look at the four components of that tax bill, they were all within the 2%. **CFO Monzo** said there are no other laws governing tax increases. There is no cap on the increase or decrease of the assessment of a property.

Mrs. Dickert suggested that, the next time the Assessor comes before the Committee, they should think twice about agreeing to go along and they should observe the proper protocol.

Mr. Solinam, 8 Fitzgerald Lane, said he had a problem with the tax rate and the assessment. He said he had an unrealized gain. He said his assessment went from \$300,000 to \$400,000 which he felt is an unrealized gain. He compared his home in Florida and the way he is taxed. He repeated his concern that he had an unrealized gain.

Mayor Gable said the assessment system is set up by the state. With reassessments and Compliance Plans, it is based on the fair market value. We have nothing to do with the way assessments are set up.

Mr. Solinam again stressed that he is being taxed on an unrealized gain. He said he has a master's degree in accounting and taxation. He never saw any government tax you on an unrealized gain.

Virginia Olinsky, 76 Country Lane, said he understand that the Committee can't help. However, she needs to help. She is 69 years old and feels as though she has to go back to work because he taxes are going up so much. She said she is on a tight budget. Every year her taxes go up, \$800 last year and \$800 this year. When it goes up that much, it is killing her. She said she shouldn't have to back to work full time, She said everyone is here looking for help. She said she contacted the tax assessor 6 times last year and left messages. He never called her back. She wrote him a note. He never called her back. She said they need someone to back them up. They are on limited income. Someday, the Committee will be in their shoes and they will see how tight it is.

Mayor Gable said the Committee has been working hard for many years to get some ratables in our town that will help us. Progress has been made. Although these are a few years away, they will help stabilize the taxes. If you look at your tax bill where the highest percentage of her money is going. They need to hear from you also. She referred to school taxes. She said she still works at school helping with special education students. She is putting her money in school and is still paying school taxes. She can't keep doing it and needs help. She is tired of working full time. She feels as though she is hitting a brick wall. There is no one there to help.

Administrator Fitzpatrick said that, if she looks at her tax bill, she will see that it is predominately the school taxes. She is asking where she can go, what can we do, and how can this township help you. He advised her that it is the school. If she wants to find out where her money is going, maybe she should show up at the school meeting.

Ms. Olinsky commented that it is not the teachers getting paid, it is the "uppers" being paid.

Ed Koenig, 8 Horseshoe Lane North, said he was raised in Bordentown City. He had a nice home on the river with taxes were up to \$6,000. He questioned how the City Committee runs the city as there are no ratables, no industry and they are locked in by a highway and the Delaware River. He felt this is outrageous. Mr. Koenig said he sells real estate at the Homestead Realty where about 75% of the homes in Homestead are sold. For example, he has a house at 98 Chestnut Hill Lane for sale. He has an offer down to \$140,000. There is a lot of work needed on the house including a new roof and cracks in the slab. This house is for sale for 10's of thousands less than what he paid for it. There has been an influx in Homestead from Hamilton Township because of higher taxes. Currently, he has 15 applications of copies of current tax bills that they are going to appeal in February. He expects this to grow. He referred to tax appeals in the past where his taxes came down. He said his current taxes went up \$1,000. He said he doesn't know how Mr. Burd works. He came one night to speak to him and when he approached the door, Mr. Burd was leaving indicating to him that he was leaving for the night as he had to go. Mr. Koenig felt Mr. Burd should have been here. Mr. Koenig also felt the Committee should have made it mandatory that Mr. Burd was in attendance tonight. Mr. Koenig said his taxes went from \$3,000 to \$5,000 in 15 years. Now they went up \$1,000 a year later. He felt there will be an exodus of seniors in Homestead. Mr. Koenig said no one came to his front door this time. He said it is ridiculous and he will appeal. They have an attorney from Hamilton who was successful with appeals in prior years. Mr. Koenig said he has had people approach his office about the taxes. He told them he was just the realtor but explained what he was doing. He felt things just can't continue, it's can't be and they are taking steps to go somewhere to do it. Yes, they need help and they are going to

go out on their own to get it. He never in his life ever seen an increase like this here or in Bordentown. Mr. Koenig then asked about talk about a bypass from Petticoat Bridge Road to Route 206. **Mayor Gable** explained it is in the Master Plan but nothing in the immediate future.

Mark Semus, 82 Greenbrook Drive, questioned **Administrator Fitzpatrick** about the status on the illegal dumping in Mapleton. **Administrator Fitzpatrick** said it was referred to the Police who were investigating. At this point though, he was advised that the Officers did not witness the incident, and since there was a witness that the witness needs to come forward and file a complaint. **Mr. Semus** asked the Mayor if he (Mr. Semus) is the one who has to do a complaint about a commercial businessman doing something wrong on Township Property. He is to be the one to protect municipal property from illegal dumping. **Mr. Semus** said, upon speaking to Sgt. Smith, Sgt. Smith was told the individual admitted to him (Sgt. Smith) and the other new Officer riding with Sgt. Smith, that he did infact dump there and he also publicly urinated there. **Mr. Semus** asked if he is being told right now that a Cop's word is not good enough. However, as a resident, Mr. Semus questioned why he would have to go through the process of filing a complaint for illegal dumping in his Community, Township Property. He then questioned the purpose of community policing. Mr. Semus said he would not file a complaint as it is not his job, but that of the Townships. He said he would be a witness, if need be, but he wouldn't sign his name to a complaint and possibly get a cross complaint for harassment etc. from the individual that completely disregards this Township and this Community. He said he wouldn't and, if the Township does not move forward on this, he will look the other way on everything going forward since the Township does not care. **Mr. Semus** said the man confronted him when he saw that he was taking pictures, and the gentleman laughed and said "no one would do anything to me in this Township". Mr. Semus said this individual has been a thorn in the Township's side for a very long time. He dropped a commercial vehicles on Lincoln Drive, and unsafely, and, although the police gave him the courtesy/opportunity to remove the truck, he said he wouldn't and told the Officer to just ticket him, because he didn't care. This person also posted advertisement signs throughout the development, against our Township Ordinance, and gave Mr. Fitzpatrick a hard time when he requested him to remove all the signs put out. This gentleman feels he is above the law and could do whatever he pleases and he has no respect for this Township and its laws.

Mayor Gable said he thought this matter was taken care of by the Police Department already. He said he will have the police revisit this. Mr. Semus went on saying this individual cut an area in the woods where there are piles and piles of debris. **Mr. Semus** again said he witnessed this action and was willing to step forward as a witness, but not as the Complainant. He said there are many residents somewhat afraid of this man and retaliation. **Attorney Magee** said that, since this gentleman admitted to the Officer that he did dump and urinate on Township property, he wasn't sure why Mr. Semus would have to file a complaint and why the Police are not issuing violations. **Mayor Gable** said he will follow up with the Chief.

Mr. Semus directed the next statements to the residents sitting behind him in the audience. He made mention for those to be aware that Dr. Sarruda wasn't here today to give his presentation. He was but he left once he saw the crowded Court Room. He said to keep that in mind next month or within the next several months when he tries to come back to the Committee. He said the school is where most of our tax dollars are going. What they want to do at that school is horrendous. The residents should be here when Dr. Sarruda gives his presentation. Dr. Sarruda should address the resident's questions and concerns.

Janice DiGiuseppe, 16 Garfield Court, said she was at the April 27th meeting when the Tax Assessor was here. She said she told him of the violations he committed. However, Mr. Burd said it was a courtesy and the Division told him he could do it. We have proof that he was wrong. All the things people have said about him tonight failing to call them back, to sit in a public meeting where people are concerned about their taxes and for him to tell false statements to them is unconscionable. **Mrs. DiGiuseppe** said her taxes went up over \$1,000 which is a lot of money whether you are on a fixed income or not. She said she is afraid the Township will be paying Mr. Magee a lot of money next year because of all of the appeals that are going to be filed. That money will probably eat up all of the increases you see from the Compliance Plan.

Richard Langan, 51 Vandevere Lane, said his assessment went up 13.4%. This municipal tax went up 1.3%. It combines to a total of 14.7%. Most of the increase came from the assessment, not the tax increase. He has come to three meetings here. The assessor was not present at the first although, at that meeting, the Committee said this was not their fault, it was his. The Committee

did say they pay the assessor. Mr. Langan felt that, in his lifetime, anyone who paid him was his boss. The Committee is his boss whether they acknowledge it or not. The assessor attended the second meeting he was here. He said it was not his fault but the County's. In speaking of assessments, the answer came back that it was the school's fault. They are the big bucks. But what has happened to them is the increase in the assessment. Mr. Langan felt Homestead, Four Seasons, and a few others are being picked on. He felt that it is easy because, if you throw out one cast, you get a lot of fish. Mr. Langan said he was at the tax office today and found out there are 3,425 homes in the township. The homes in Four Seasons and Homestead represent 45% of the homes in the entire community. The assessor is saying these homes went up in value but didn't speak to the rest of the community. Mr. Langan said that, last year, there were 21-21 homes sold in Four Seasons. He felt that was a small sample to use to increase assessment by 13%. Mr. Langan felt that, since the increase falls on just Homestead and Four Seasons, the remainder of the community is paying a smaller rate in taxes this year than last. It makes no sense. He felt the Township Committee is not doing their job if they are operating in this fashion.

Steve Blue, 14 Wildflower Court, said he feels the plight of Homestead and Four Seasons but he wants to be a voice of the duplexes in Country Walk. His taxes went up 59%. He never heard of something that large. There are only about 20 duplexes in Country and was not sure of the sales he was using. Most have not been sold recently. He questioned where the assessor got the assessment. **Mayor Gable** said he was not aware of their percentage of increase and asked Mr. Blue if he met with Mr. Byrd. Mr. Blue said he did speak to him today who responded the same way the Committee has said. Mr. Blue said his assessment went from \$192,000 to \$300,000 and his taxes went from \$5,900 to \$9,400. **Attorney Magee** asked Mr. Blue what he could get out of his house now. Mr. Blue said he didn't know but he couldn't get what he paid for it since resale values are so much lower than the initial cost. He loves his home but almost forced to move out as he is not going to be able to afford it. **Mayor Gable** advised him to meet with Jeff Burd to see how he specifically came up with his assessment.

Robert Lenhart, 8 Farmview Lane, said his taxes went up \$754.00. He spoke to his neighbor who said his taxes didn't go up. The neighbor has the same model. In speaking to the neighbor across the street, his taxes didn't go up either. Why did his taxes go up \$1054 and not his neighbors? He was advised to give his information to **Mr. Fitzpatrick** so he can then speak to Mr. Byrd.

Colleen Herbert, 2 Millennium Drive, said she comes to a lot of meetings. We have issues with taxes every time the tax bill come out. She asked if we are trying to right wrongs that have been accumulating because of the incompetent tax assessor. Although the Committee says the Assessor doesn't work for them, Ms. Herbert said she would charge the township committee to look at who they are hiring, how they are doing their job. Look at who you are employing and get it right so we can be on an even playing field. We all need to be assessed equally. She felt the Township should have someone more customer friendly. People needed to be taxed fairly and equally.

Ed Koenig, 8 Horseshoe Lane North, questioned how the governing body works and is there a liaison to the School Board from the Township Committee. He referred to the bond referendum last year and how he had distributed copies to the residents of Homestead. He said he and another man had offered to run a bus to bring people to the poles. Homestead defeated the referendum and he will attend every meeting to see what this guy is up to again because, if we have to do it again, that School Board has to be overspending. He said he has been told Mr. Sarruda is a 6 figure guy. He is not there three days a week as he has an assistant who does most of his work. He doesn't trust him. If he tries to pull something, we can vote against it and he will get out to Homestead again.

Charles Grover, 35 Vandevere Lane, said he has lived here 5 weeks. He heard it mentioned earlier that the tax assessor was picking out a hot spot. He felt the Committee and their forefathers have done a good job. It is a lovely area which he and his wife picked after 6 months because of all of the amenities. He said he is glad is a hot spot but he doesn't understand why taxes are being raised. We are paying all the school taxes for a parking lot. People have a limited income. He is happy he is here but surprised and doesn't understand why this is such a hot spot. A drive buy indicated the taxes should be increased a thousand or so percent. He felt the tax assessor is a miracle worker. Mr. Grover said his assessment from the time he agreed to buy the house which did not change. Nothing changed other than his taxes he is paying. From the day he

agreed to buy the house until yesterday when he received the tax bill, the taxes went up \$1,000. No one came to the house or walked around. No one did anything but send a tax bill that increased \$1,000. His assessment did not change at all.

CFO Monzo explained that Mr. Grover didn't get a tax bill last year. Although Mr. Grover said he paid the taxes for the 4th quarter. However, he now owes for what he did not pay in the amount of \$379. And the taxes went up another \$1,000. **CFO Monzo** questioned the 2015 assessed value compared to the 2016 assessed value. He questioned whether Mr. Grover looked at last year's assessed value and further explained the process for the bills which go out in July for the last two quarters of 2015 and the first and second quarter of 2016. **CFO Monzo** went into detail about the tax bill and how the numbers are figured. He then said he would speak to Mr. Grover by phone.

There being no further comments, the public hearing was closed.

MAYOR AND COMMITTEE COMMENTS

Committeewoman Cholewa felt this has probably been a frustrating meeting for a lot of people but if they do have questions, she advised them to come to the township building and speak to the assessor. He said her taxes went up quite a bit. Please go to the school board and question what they are doing. She said she had heard it was a 2.5 million dollar parking lot. You have to go to the meeting.

Committeeman Puglia said just go to the school board meeting. He felt Ed Koenig is right about Mr. Sarruda.

MOTION FOR ADJOURNMENT

A motion was offered by **Committeeman Puglia** and second by **Committeewoman Cholewa** to adjourn at 9:35PM. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC
Municipal Clerk

Approval: September 28, 2016

