

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY  
REGULAR MEETING MINUTES  
February 2, 2022  
ZOOM MEETING**

The regular meeting of the Mansfield Township Committee was held on the above shown date with the following in attendance: **Mayor Marcial Mojena, Deputy Mayor Rudy Ocello, Committeeman Robert Tallon, Committeeman Daniel Golenda, Committeeman Brian Sisz, Township Solicitor Tim Prime, Engineer Doug Johnson, CFO Bonnie Grouser, Administrator Michael Fitzpatrick, and Deputy Clerk Ashley Jolly.** Clerk Semus was absent.

**Deputy Clerk Jolly** read 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 via Resolution 2022-1-11. 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, posted on the official website, 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 7, 2022.

A motion was offered by **Deputy Mayor Ocello** and second by **Committeeman Tallon** to go into Executive Session as per the following Resolution:

**RESOLUTION 2022-2-0**

**RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

**WHEREAS**, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and,

**WHEREAS**, this public body is of the opinion that such circumstances presently exists;

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows:  
Personnel/
3. It is anticipated at this time that the above subject matter will be made public when the matter has been resolved and approved for release by the Township Solicitor.

A motion to come out of Executive Session was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Tallon**. Motion carried unanimously.

**Attorney Prime** explained that the Township Committee did conduct an executive session to discuss personnel matters as permitted by the Open Public Meeting’s Act. There will be no action taken on any matter discussed at this time.

**ENGINEER REPORT:**

**Engineer Johnson** mentioned the improvements to the Mill Lane culvert. The contractor is looking to begin the middle of February.

In regards to the current Land Use Board Projects, the weather has slowed them down a bit. The Jones Farm on Route 130 will begin underground infrastructure such as stormwater, sanitary and water piping. There was a request from the developer who is constructing the bridge between the two Margolis properties, they had requested a final inspection; that will be done in the near future.

There were no questions from the Committee regarding the above report.

**Committeeman Golenda** made a motion to repeal Article 5 of the Land Use Code Titled Improvements. His motion is to change Section 50-40 which currently allows the Township to give preliminary approval to make changes to land without all outside agency approvals. He is proposing that construction be prohibited prior to receipt of all required outside agency approvals. No construction of site improvements or other improvements per any application for development until all approvals for development are obtained. The reason for said request is that large site plans require many local, county, state and possibly federal reviews and approvals. To begin construction on a site without full clearances could render a property with stalled and/or failed construction plans could alter the Township and its residents to a detriment. The main purpose of this Ordinance, is the initial site preliminary improvement work to be done is to benefit the developer because of possible weather related costs. He believes this Committee agrees the greater value is protecting the ecosystems, environment and residents to ensure all approvals are fully obtained as opposed to the potential financial burden that could impact multi million and billion dollar companies.

The above motion was seconded by **Committeeman Tallon**. He explained that he believes that was enacted many years ago and he does not feel this is as big of a problem for developers as it was before. It does not stop the developer but it will bring more views on it to look more closely at what is happening.

**Attorney Prime** explained that there was an Ordinance prepared that would accomplish what Committeeman Golenda suggested. It would've prohibited any site improvements being constructed until all outside agency approvals were obtained. That Ordinance was defeated last year by a vote of 3-2. As explained previously, certain projects have all approvals except for ancillary outside agency approvals. The Township has never allowed a developer to construct improvements when there was a substantial approval still outstanding such as a wetland approval or a general permit required, the developer would not be able to start. The Ordinance allows the developer to start based on its preliminary approvals subject to the posting of the required performance guarantees, subject to inspection escrows, subject to the Township Engineer to inspect the work, subject to a pre-construction meeting and the Township evaluation internally as to whether or not the project should be entitled to proceed without a certain approval. Some developers have been turned down for request of work to do be done prior to approvals; in particular one warehouse project still required an NJDOT approval that may not be received for a year or two. Under the current Ordinance they could have proceeded however the Township did not allow them to do so. The intent of the Ordinance was to allow the developers to proceed with initial site improvements such as clearing, grading and stormwater improvements in order to work around the weather constraints. It is a policy matter for the Township Committee to decide. The Ordinance has been in effect for years and to his knowledge there has not been an issue as long as it is carefully monitored and evaluated.

**Committeeman Tallon** added that as a member of the Watershed Association for the past 18 years, he has seen countless development where they have cleared the land and then the winter hits and the silt fences were overblown and no one was watching and huge amounts of soil washed into the streams. There is no oversight. There is one person in Soil Conservation for the whole County of Burlington.

**Attorney Prime** understands Committeeman Tallon's concerns however he believes it is more of an enforcement issue. He does not feel that it would be a hindrance or a help to developers. Most Townships have similar provisions.

**Committeeman Sisiz** stated he would like to read the Ordinance that was previously prepared and he does not know enough about the matter.

**Attorney Prime** explained that the motion is to prepare the Ordinance and if the motion is approved the Ordinance would be sent out for review prior to first reading at the next meeting.

**Mayor Mojena** questioned if other Townships have done similar things

**Attorney Prime** explained that the UCC prohibits the Construction Official from issuing building permits for foundation, demolition permits etc. without the receipt of all agency approvals and that is strictly enforced. You cannot get a building permit in Mansfield without all prior approvals. The issue is can a developer do initial site clearing and drainage improvements in anticipation of getting the building permits once all approvals are obtained. Most towns have a provision that allows preliminary site improvements based on preliminary approvals. It is a fairly common provision due to weather conditions in the Northeast.

**Committeeman Golenda** in regards to the Tower Gate property at the corner of Route 130 and Kinkora Road, it is a heavily wooded lot with some wetlands, right now they are not building because they are suing Bordentown to access to their sewer. Hypothetically speaking, under the current Ordinance the developer can cut down all the trees, grade all the soil and start preliminary construction and hypothetically if they do not get access to Bordentown sewer they will be unable to build or their ability to build is reassessed and there will be an altered lot for the remainder of time.

**Attorney Prime** clarified that Tower Gate has no approvals, so hypothetically, if they had approvals from Mansfield they could do an initial site clearing without having all the other approvals if it is approved by the township. However, Tower Gate does not have any approvals therefore they cannot clear the site at all.

**Attorney Prime** reiterated that the motion is for the preparation of the Ordinance and disseminate it to the Committee. The Committee will then need to decide if they want to add it to the agenda for first reading at the next meeting.

**Engineer Johnson** explained that R&V coordinates after certain approvals, when the developer makes a request to mobilize, clear the site and put up soil erosion. That has been the extent and in his experience it has been done on a case by case basis. The pre-construction meeting and posting of bonds is required prior to any work. Most of the projects have received all their prior approvals before they have begun.

**Mayor Mojena** questioned if it was possible for the Committee to make an exception for a reason that the Committee would find acceptable.

**Attorney Prime** explained that the Committee could make it prohibited and add a clause stating unless the Township Committee approves a waiver to allow them to start depending on what approvals are outstanding.

**Committeeman Tallon** added that in his experience he has witnessed huge amounts of sediment run out of these projects. He believes that the environmental consequences need to be addressed because he has seen some real damage from leaving the sites open too long.

**Committeeman Golenda** questioned if someone is building a residence they cannot start said construction without all approvals.

**Attorney Prime** explained that they don't have the right to do preliminary site improvements as that is based on Planning and Zoning Board approvals.

**Committeeman Golenda** questioned if the primary reason we allow construction to begin before all approvals is to benefit the developer in terms of time and/or money.

**Attorney Prime** stated yes except for the instance where the Township received the roll back taxes, it really benefits the developer not the Township.

The motion was offered by **Committeeman Golenda** and seconded by **Committeeman Tallon**. Motion carried unanimously on a roll call vote recorded as follows:

**AYE: Golenda, Tallon, Sisz, Ocello, Mojena**

**NAY: None ABSENT: None**

**ORDINANCE:**

**SECOND READING/PUBLIC HEARING/FINAL ADOPTION:**

**ORDINANCE 2022-1  
CALENDAR YEAR 2022**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and members of Township Committee of the Township of Mansfield in the County of Burlington finds it advisable and necessary to increase its CY 2022

budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and members of Township Committee hereby determines that a 1.0% increase in the budget for said year, amounting to \$63,754.24 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Mayor and members of Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two succeeding years;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and members of Township Committee of the Township of Mansfield, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Mansfield shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$223,139.86, and that the CY 2022 municipal budget for the Township of Mansfield be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

A motion to approve the above Ordinance was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Golenda**.

**CFO Grouser** explained that the above Ordinance is to exceed the municipal budget appropriation limit. Local Budget Law allows a municipality to increase their appropriations from the prior year budget cycle to the succeeding year budget cycle by 2.5%. When this ordinance is done it allows the Township to increase by 3.5%. In addition, it allows the Township to bank, so this year the Township will be at 3.5% allowing \$223,000 increase in appropriations. If not used the \$223,000 can be banked for the next year.

**Mayor Mojena** clarified that after the two years the bank cap expires and the Township would lose that. This is something to evaluate at the time since it has impacts to the tax rate, so the Township committee would decide whether to give it up or implement part, some or all of it.

**CFO Grouser** explained that this just gives some flexibility.

**Public Hearing:**

**Steve Waldie, 27 Millennium Drive** – He owns block 4, lot 8.01 adjacent to the warehouse currently being built on Route 206. He questioned if he would be blocked from doing anything there at this time.

**Mayor Mojena** explained that this public hearing was specifically for Ordinance 2022-1. All comments and questions should be related to this specific Ordinance.

**Ramy Reddy, 7 Pheasant Court** – He believes that there is a lot of CAP money being given to the Township. He questioned what the need is at the moment to increase from 2.5% to 3.5%.

**CFO Grouser** explained that in this stage in the budget process the Township is not aware if there is a need but this Ordinance is done every year should the need arise the extra percentage is there.

**Mayor Mojena** explained that this would be a just in case and would only be utilized if absolutely necessary.

**Mr. Reddy** questioned the plans for the extra money that will be coming in and why is it necessary to increase the budget when there is other funds that can be used for the Township.

**Administrator Fitzpatrick** explained that the Township is currently not seeing the revenue stream as of yet. This Ordinance is here in case it is needed.

**Carl Schwartz, 40 Fitzgerald Lane** – He questioned the timing for the Ordinance or if it could be done when you need it.

**CFO Grouser** explained that the Ordinance needs to be introduced and adopted before the Township introduces the budget.

The above motion was carried unanimously on a roll call vote recorded as follows:

AYE: Ocello, Golenda, Tallon, Sisz, Mojena

NAY: None      ABSENT: None

**SECOND READING/PUBLIC HEARING/FINAL ADOPTION:**

**ORDINANCE 2022-2**

**AN ORDINANCE AMENDING THE MANSFIELD TOWNSHIP CODE, CHAPTER 2, “ADMINISTRATION OF GOVERNMENT” TO CREATE A NEW SECTION 2-1 (D) ENTITLED “RULES AND REGULATIONS OF THE TOWNSHIP COMMITTEE”**

**BE IT ORDAINED** BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION 1. Purpose and intent.** This Ordinance amends the Mansfield Township Code to establish the rules and regulations pertaining to the procedures governing the meetings of the Township Committee in Mansfield Township, with the express intent being to enact regulations in a manner which ensures the orderly and efficient conduct of Township Committee meetings for the benefit of the safety, health and welfare of residents of the Township and the public at large.

**SECTION 2. Amendment:** The Mansfield Township Code, Chapter 2, entitled “Administration of Government,” is hereby amended to adopt a new Section 2-1.D entitled “Rules and Regulations of the Township Committee”, as follows:

§ 2-1.D “Rules and Regulations of the Township Committee”

- A. Applicability: This Ordinance shall apply to all meetings conducted by the Mansfield Township Committee, both in person and remote meetings. For purposes of this Ordinance,

the term "Chair" shall mean the Mayor, Deputy Mayor or other individual presiding over the Township Committee meeting.

- B. Chapter 2-1 of the Mansfield Township Code entitled "Township Committee" provides, in subsection a: "The mayor shall be the chairman of the Township Committee and the head of the municipal government in accordance with the provisions of N.J.S.A. 40A:63-5 and shall have those powers set forth in said statute."
- C. N.J.S.A. 40 A: 63-5 entitled "Powers of the Mayor" provides that (1) the mayor shall be the chairman of the Township Committee and head of the municipal government; (2) the mayor shall have all those powers placed in the mayor by general law. (3) the mayor shall preside at meetings of the committee and shall have the right to debate on vote and vote on all questions before the committee.
- D. Rules and Regulations:
- (1) Compliance with Open Public Meetings Act: All meetings of the Township Committee, shall comply with all provisions of the State of New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 *et. seq.*, specifically including, but not limited to, establishing its regular meeting time, its standing order of business, and its agenda for each meeting.
  - (2) Agenda: all regular meetings of the Township Committee shall follow the following format for the agenda:
    - I. Call to Order
    - II. Open Public Meetings Act Statement
    - III. Roll Call
    - IV. Executive Session (if required)
    - V. Flag Salute
    - VI. Department/Board Reports
    - VII. Ordinances for Introduction/First Reading
    - VIII. Ordinances for Second Reading/Public Hearing/Adoption
    - IX. Resolutions (Non-Consent)
    - X. Consent Agenda
    - XI. Approval of Bill List
    - XII. Approval of Minutes
    - XIII. Discussion Items/Public Hearings/Presentations to Council
    - XIV. Public Comment
    - XV. Any other Item of New Business
    - XVI. Motion for Adjournment
- (i) Under Roberts Rules of Order, the agenda for any meeting shall be prepared by the president or chair of the body conducting the meeting, in this case the mayor. Pursuant to N.J.S.A. 40A:9-133, the Township Clerk, with the assistance of the Township Administrator and the Township Attorney, will prepare the preliminary agenda and forward it to the Mayor. The mayor shall review and approve the agenda with any modifications as set forth herein. Any member of the committee can add an item to the agenda with consent from a majority of the committee. Members of the Committee shall forward such request to the Mayor. If a majority of the committee approves, the matter is added to the agenda; if not, the items shall not be added. In advance of any committee meeting, the Mayor shall request consent from the committee in compliance with the Open Public Meetings Act. The Mayor shall forward the final agenda to the Township Clerk for official release to the public.
  - (ii) During a committee meeting, any member of the committee can make a motion to add a matter or item to the agenda of the meeting (or to add an item or matter to the agenda of a future meeting) with the consent of a majority of the committee. Any motion to add a matter or item to the agenda of the meeting (or to add a matter or item to the agenda of a future meeting) must be made during the "Any other Item of New Business" segment of the meeting after conclusion of the regular agenda and prior to adjournment. The motion must be seconded and then considered by the Township Committee as a whole. If a majority of the committee approves, the matter is added to the agenda; if not, the motion fails.
  - (iii) Any Township Committee member can request that an ordinance or resolution covering a specific matter be prepared and added to the agenda of the meeting (or to be added at a future meeting), provided that all ordinances and resolutions must be prepared and/or reviewed by the Township Attorney prior to being added to the agenda.

- (3) Roberts Rules of Order: Except as may be modified by this § 2-1.D, as may be amended, the public meetings of the Township Committee shall be conducted pursuant to the latest addition of Robert's Rules of Order.
- (4) Rules and Regulations Governing Public Comment (as adopted by Resolution 2022-1-9)
  - (a) These rules and procedures for public comment apply to all Township Committee meetings, both in-person and remote.
  - (b) Unless relaxed for good cause by the Chair, persons addressing the Township Committee shall be allowed a maximum of five (5) minutes for comment, and shall not be permitted to comment more than one time. Time cannot be shared with or allotted to other speakers.
  - (c) If the item on which the public comment is addressed is a matter on the Township Committee agenda for which there is a scheduled public hearing, all comments must be addressed to the Township Committee during the public hearing on that matter and not during the general Public Comment period of the Township Committee agenda.
  - (d) Unless relaxed for good cause by the Chair, the total time period for public comment during a Township Committee meeting shall not exceed one (1) hour.
  - (e) The Township Committee takes comments, concerns and questions from the public very seriously. Public Comment by way of questions is welcomed, however, the Public Comment period is not designed to be a discussion nor is it a question-and-answer session. Accordingly, unless a question is routine in nature, the public should not expect the Township Committee to respond to questions during the meetings. The Township Committee may require sufficient time to process and research issues so that questions can be answered correctly and expeditiously. The Township Committee will make every effort to respond to questions in a timely manner.
  - (f) The public will direct all comments to the Township Committee. Specific questions, concerns or requests are to be addressed to the Chair. As implied by the term "Public Comment", this portion of the meeting is for the public to speak and be heard. With the exception of the Chair, members of the Township Committee will refrain from commenting unless specifically directed to do so by the Chair.
  - (g) Questions or comments pertaining to litigation, personnel, or negotiations cannot be discussed in public.
  - (h) Members of the public addressing the Township Committee will identify themselves by stating their name, address, and group affiliation, if applicable.
- (5) Violations; Penalties; removal from meeting. All persons, including members of the Township Committee, attending any Township Committee meeting shall observe order and decorum during the meeting. No person in the audience shall engage in noisy or disruptive conduct such as hand clapping, stamping of feet, whistling, using profane language, shouting or other similar demonstration which may disturb the peace and order of the meeting. Any person(s) making personal, defamatory or profane remarks or who willfully utters loud, threatening or abusive language or engages in any disruptive conduct which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the Chair. If such conduct continues, after the call to order by the Chair, the Chair may order such person removed from that meeting by the Sergeant at Arms. In addition, any person violating this Ordinance may be subject to the provisions of Mansfield Code Section 1-15 specifying the general penalties for violation of any provision of the Code. In the event a committee meeting is being held virtually or remotely, the Chair shall maintain and implement all of the rules and procedures set forth in this ordinance using any tools available from the remote meeting provider. The Chair shall have the sole authority to instruct and/or direct the remote meeting provider host or technical support assistant.
- (6) Sergeant at Arms. The Chief of Police, or such member of the Department of Police as the Chief may designate, shall be available as Sergeant of Arms at the meetings. On instruction of the Chair, the Sergeant at Arms shall remove from the meeting any person who disturbs the proceedings of the public meeting. Only the Chair shall have sole authority to direct the Sergeant at Arms.
- (7) Resisting removal. Any person who resists removal from the meeting by the Sergeant of Arms, when directed by the Chair, may be charged with a violation of N.J.S.A. 2C:33-8, Disrupting Meetings and Processions, and the penalties for a disorderly person offense as set forth in N.J.S.A. 2C:52-3.
- (8) Any rule or regulation adopted herein may be relaxed by a two-thirds majority of the Township Committee members.

**Committeeman Sisiz** made a motion to adopt the above Ordinance. Said motion was seconded by **Deputy Mayor Ocello**.

**Public Hearing:**

At this time there were no comments from the public.

**Committeeman Golenda** stated that the ordinance is based on Roberts Rules of Parliamentary Procedure which are a set of bylaws written in 1876, which according to the MIT and Harvard public disputes program Robert Rules of Order assists in accomplishing the work for which it was designed by restraining the individual so that the interests of the group could be met. He feels this is a restraint of dissenting opinion

whether it's the Township Committee or public comment. He believes this is unconstitutional, inappropriate and it is dictatorship like.

**Attorney Prime** respectfully disagrees with Committeeman Golenda. He explained how there were issues earlier in the year with questions on procedures such as putting items on the agenda. He looked at other towns to try and develop rules and regulations so all were aware of the process such as, how the agenda would be structured and when public comment would be allowed. The OPMA allows broad discretion to a Governing Body on how it should conduct its meetings. The state statute and local code gives the Mayor the obligation to run the meetings and be the Chair. He had tried to create a procedural Ordinance that lays out the procedures that the Township Committee would follow in conducting its meetings. It is not the intent of the Ordinance to silence or discriminate against anyone. He does not believe in his legal opinion that it is unconstitutional.

**Committeeman Golenda** stated that it exceeds procedural when you give one person the ability to censor others. He questioned if this had pertained to something that he had asked for and how things were added to the agenda prior to the Ordinance.

**Attorney Prime** explained that Committeeman Tallon had asked for something to be added to the agenda and there was no procedure for that. Previously, the Clerk had always added to the agenda with the Mayor.

**Committeeman Golenda** questioned why this Ordinance restricts individual's ability to speak; including the public and the Township Committee members.

**Attorney Prime** stated that is not being restricted in this Ordinance. He added that during public comment members of the public questions are directed to the Mayor, the chair of the meeting, the chair then decides who if anyone answers it. The Township Committee during the New Business portion of the agenda can bring up whatever they want. There is no restriction on anyone's ability to talk; it is procedures and rules to run an efficient meeting. In addition, the Mayor may extend the meeting at his/her discretion to allow for public comment to continue.

There being three individuals who wanted to comment on the above Ordinance, **Mayor Mojena** opened for additional public comment.

**Joseph VanMater, 26954 Mt. Pleasant Road** – There are a few things that he had concerns about that might put Mansfield Township in some liability situations. The purpose of the Ordinance is for safety, health and welfare, but he needed someone to explain how the Ordinance pertains to those matters. Section D part 2I, that any member can put up any item for vote to be added to the agenda with the consent of the majority. He questioned if items are being added to the agenda, by the majority of the Township Committee and if that decision making is occurring with a quorum outside of public view, or is it being accomplished in executive session outside of the public view. The rules and regulations for public comment regarding the 5 minutes and the one hour time limit cap; if the Township Committee really wants to hear what the public has to say it seems counterintuitive to pose both a 5 minute individual time limit and an hour time limit. It's possible that the Township could be accused of violating someone's constitutional rights for not being heard. Section 4C appears to be improper as it puts constraints on the content of public comment. By saying that a person can't comment on an item on the agenda, violates that individuals constitutional rights for public comment. With respect to Section 6 wherein it states on the Chair may direct the Sergeant of Arms, however if the Chair violates any of the rules is there a mechanism in place for that.

**John O'Callaghan, 53 Oak Lane, New Egypt** – He questioned if the Ordinance applies to public hearings as well as, public comment. He believes much of the Ordinance goes above and beyond the problem. He thinks there are some general concerns from the public about the limiting of time. If the problem is the agenda, he asked that the Committee focus the Ordinance on the agenda and look for other opportunities working with the public if there are problems with public comment or decorum to address them as appropriate.

**Attorney Prime** explained that there has not been a problem with Ordinance public hearings with excessive time, problems or comments. The time does not apply to the public hearings unless there is a problem in the future.

**Mayor Mojena** added that with regards to comments during a public hearing are related to the subject of the Ordinance in question and at such time when there is public comment an individual may comment on anything.

**Committeeman Golenda** questioned if that was specifically explained in the Ordinance.

**Attorney Prime** explained that the Ordinance explains that during the public hearing portion of an ordinance you can only discuss the ordinance.

**Ramy Reddy, 7 Pheasant Court** – He explained that when there are rules and regulations it helps to move the meeting along smoothly and that seems to be the intention; not suppressing anyone’s freedom of speech. The question regarding a hot topic issue wherein a lot of people would want to comment, Attorney Prime explained it well when he stated that the Committee can extend the meeting should they chose to do so. It does not seem like the Ordinance is stopping anyone from speaking.

**Committeeman Golenda** stated that there was no chaos at prior meetings and there was procedures in place. When it’s specified how many people can speak in a given time period, that suggests restriction and although the Committee can choose to extend the meeting, this can also be used to stop dissenting opinions. According to Attorney Prime this grew from a question regarding how to put something on the agenda; now there is an Ordinance on what people can say when, how a Committee person may or may not address an issue, so this seems to be a gross overreaction and a gross abuse of utilizing an Ordinance.

**Mayor Mojena** explained that this is a very standard Ordinance. It is the rules and procedures followed by government. There is nothing over and above what surrounding Townships are doing and have done. The current standard that was put in place was a 3 minute time limit and this Ordinance extends that. The purpose of the Ordinance is to give power to the public to ensure that public comment is saved for what it is intended. Members of the governing body should not be taking time from the public. Meetings can be extended if needed as well as additional time to speak.

There were no further comments on the above matter.

The above motion by **Committeeman Sisz** was seconded by **Deputy Mayor Ocello** motioned carried on a roll call vote recorded as follows:

**AYE: Sisz, Ocello, Mojena**  
**NAY: Golenda, Tallon ABSENT: None**

**FIRST READING/INTRODUCTION:**  
**Ordinance 2022-3**

**ORDINANCE 2022– 3**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY AMENDING CHAPTER 67 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED “ZONING” TO ADOPT AND ENACT PROVISIONS PROHIBITING WAREHOUSES AND DISTRIBUTION CENTERS AS A PERMITTED USE IN MANSFIELD TOWNSHIP.**

**WHEREAS**, there are currently approvals in place for eight warehouse projects in Mansfield Township with a total building area of approximately 5,081,431 square feet; and

**WHEREAS**, four buildings in the approved warehouse projects are under construction with the remaining buildings still to be constructed; and

**WHEREAS**, the remaining approved warehouses will be constructed over a period of years; and

**WHEREAS**, a number of the approved warehouse developments in Mansfield were approved pursuant to the redevelopment process and warehouses, while others were approved in certain zoning districts as permitted in the Mansfield Township Code; and

**WHEREAS**, warehouses and similar uses are still permitted on certain zoning districts in the Township; and

**WHEREAS**, the Township Committee of the Township of Mansfield finds that additional warehouse development should be not be permitted until the approved warehouses are constructed and the impact of the construction, operation and development of the projects already approved on the residents of the Township, including the fiscal, environmental, traffic and quality of life impacts on the Township and its citizens, can be evaluated and determined.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

**SECTION ONE:** Chapter 65 “Zoning”, Article IV, “Definitions and Word Usage, Measurements” is hereby amended to add a definition of “Warehouse” as follows:

**“WAREHOUSE** – a building used for warehousing, storage, distribution or a similar establishment designed and used for the wholesale storage and distribution of goods.”

**SECTION TWO:** Chapter 65 “Zoning”, Article XIX “General Regulations”, Section 65-88 “Prohibited Uses” is hereby amended to adopt a new subsection 65-88.B(5):

(5) Warehouses.

**SECTION THREE:** Chapter 65 “Zoning”, Article XX, “C-2. Highway Commercial District”, Section 65-34 “Conditional Uses” is hereby amended to delete and repeal the following Section 65-34A (3):

3. The following logistics uses may be permitted on individual parcels or combined adjacent parcels totaling 30 acres or more with frontage on US Route 206 north of Spring Hill Brook and Folwells Run or with frontage on NJ Route 68 north of White Pine Road:

(a) Warehouse facilities, trucking facilities and distribution facilities, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

(b) Wholesale establishments, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

**SECTION FOUR:** Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-41 “Permitted Uses” is hereby amended to repeal and delete the reference to “warehousing uses” from the purpose section and to further repeal and delete the following Section 65-41.C:

C. Warehouse facilities, trucking facilities and distribution facilities.

**SECTION FIVE:** Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-42 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

**SECTION SIX:** Chapter 65 “Zoning”, Article XII “LI Light Industrial District,” Section 65-46 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-41.C and 65-41.D:

C. Wholesale business establishment.

D. Indoor storage building or warehouse.

**SECTION SEVEN:** Chapter 65 “Zoning”, Article XII “Light Industrial District”, Section 65-47 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

**SECTION EIGHT:** Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-56.E and 65-56.F:

E. Warehousing and wholesale establishments, storage yards, lumberyards for retail and wholesale and similar establishments.

F. Transportation and trucking terminals, terminal facilities for passengers and/or freight for trucks, railroads, taxi and bus lines, including maintenance and service facilities.

**SECTION NINE:** Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to re-adopt, re-enact and save from repeal “lumberyards for retail and wholesale and similar establishments” as a permitted use in the “HI Heavy Industrial Zone”.

**SECTION TEN:** Chapter 65 “Zoning”, Attachment 2, “Zoning Schedule of Area and Bulk Regulations” is hereby amended to delete and repeal the Area and Bulk Regulations for “ODL Warehouse, trucking and distribution facilities

**Mayor Mojena** explained the public hearing for the above is scheduled for March 2, 2022.

A motion to introduce the above Ordinance was offered by **Committeeman Sisz** and seconded by **Committeeman Ocello**.

**Attorney Prime** clarified that this Ordinance would be referred to the Planning Board as required by MLUL.

**Mayor Mojena** stated that this is a very important ordinance and that it has been discussed for a long time. He is happy to see this move forward and urges the members of the Committee to vote in favor of the First Reading.

The above motion was carried unanimously on a roll call vote recorded as follows:

**AYE: Sisz, Tallon, Golenda, Ocello, Mojena**

**NAY: None ABSENT: None**

**CONSENT AGENDA:**

**Note to the Public:** Robert’s Rules for Parliamentary Procedure provide for a consent agenda listing several items for approval by the Committee via a single motion. Any item requiring expenditure is supported by a Certification of Availability of Funds. Any item requiring discussion will be removed from the Consent Agenda.

**RESOLUTION 2022-2-1**

**RESOLUTION FOR THE TRANSFER OF FUNDS IN THE CURRENT FUNDS IN THE TOWNSHIP OF MANSFIELD FOR THE BUDGET YEAR 2021**

**BE IT RESOLVED** on this 2<sup>nd</sup> day of February, 2022 by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the 2021 budget appropriations transfers be made as follows:

**CURRENT FUND: Inside the CAP to Inside the CAP**  
**CURRENT FUND: Inside the CAP to Outside the CAP**  
**OPERATING EXPENSES AND SALARIES & WAGES**

<u>Title</u>	<u>Transfer From</u>	<u>Transfer To</u>	
<b><u>CURRENT FUND</u></b>			
Finance	SW		\$8,500.00
Police	SW		\$2,750.00
Clerk	OE		\$875.00
Finance	OE		\$1,000.00
Plan	OE		\$1,775.00
Police	OE		\$250.00
Buildings & Grounds	OE		\$1,000.00
Vehicle Maintenance: Police	OE		\$1,975.00
Street Lighting	OE		\$1,500.00
Interlocal: Springfield	SW		\$375.00
Interlocal: Southampton	SW		\$2,500.00

**RESOLUTION 2022-2-2**

**RESOLUTION MEMORIALIZING EXECUTION OF STIPULATION OF SETTLEMENT OF LITIGATION AND PAYMENT OF SETTLEMENT PROCEEDS FOR BLOCK 30 LOT 12, 3195 ROUTE 206**

**WHEREAS**, on or about April 29, 2019, Mansfield Township obtained a final judgment of foreclosure for several tax sale parcels: and

**WHEREAS**, one of the parcels was Block 30, Lot 12 on the Township tax map, commonly known as 3195 Route 206 (the "Property"); and

**WHEREAS**, the Township has entered into an Agreement of Sale to sell the property to CPLB Land Associates, LLC ("Purchaser") for the purchase price of \$50,000; and

**WHEREAS**, during the due diligence period, the Purchaser discovered that the Purchaser's title to the Property could not be insured. The Township confirmed with two additional title companies that Purchaser's title to the Property could not be insured and that a corrective foreclosure was required to be filed; and

**WHEREAS**, in order to correct the foreclosure deficiency and finalize the sale as agreed, the Township Committee retained the services of a specialty tax foreclosure firm to institute the corrective tax foreclosure action, Township of Mansfield v. 3195 Route 206, Block 30, Lot 12, assessed to Charles Sanderson and Joyce E. Sanderson, his wife, and

**WHEREAS**, as recommend by the tax foreclosure counsel, on December 15, 2021, in executive session, the Township Committee authorized the execution of a Stipulation of Settlement of said litigation, a true and correct copy of which is attached hereto as Exhibit A, in order for the Township to legally convey the Property to the Purchaser, to complete its obligations pursuant to the Agreement of Sale, and to recoup the payment of the settlement proceeds on behalf of the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that the execution of the Stipulation of Settlement is hereby memorialized and the Township is authorized to pay the settlement proceeds as provided in said Stipulation.

**BE IT FURTHER RESOLVED** that the Township Attorney is authorized and directed to complete settlement and sell the Property to the Purchaser to recoup the settlement proceeds on behalf of the Township.

**RESOLUTION 2022-2-3**

**RESOLUTION ACCEPTING THE CHANGE ORDER TO CONTRACT**

**PREVIOUSLY AWARDED TO EARLE ASPHALT COMPANY FOR THE SERVICES RENDERED IN CONNECTION WITH ROADWAY IMPROVEMENTS FOR MANSFIELD ROAD EAST PHASE III**

**WHEREAS**, the Township entered into a contract with Earle Asphalt Company to provide for roadway improvements for Mansfield Road East Phase III from North Island Road to Route 206; and

**WHEREAS**, the township received correspondence, dated December 21, 2021 from Remington & Vernick Engineers attaching "State Change Order No, 1 FINAL" for the project; and

**WHEREAS**, the Township has reviewed the requested change order pursuant to said letter regarding the services and compensation to be provided; and

**WHEREAS**, the Township Committee finds it to be in the best interest of the Township to agree to the changes pursuant to the aforesaid Change Order.

**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 original Contract entered into between the Township of Mansfield and Earle Asphalt Company, pursuant to Resolution No. 2021- 10-15, is hereby amended to include the aforementioned changes, resulting in a decreased contract price of \$9,835.11 as outlined in the December 21, 2021 letter from Remington & Vernick Engineers, and with the stipulation that an amendment/credit will be forthcoming from Earle Asphalt Company which is attached hereto and made a part hereof.
2. The Township believes that said Final Change Order is to be considered a contingency and thereby a credit to be awarded to the Township.

#### **RESOLUTION 2022-2-4**

#### **RESOLUTION APPOINTING COURT ADMINISTRATOR FOR THE MANSFIELD/SPRINGFIELD/SOUTHAMPTON SHARED MUNICIPAL COURT**

**WHEREAS**, there is a need to fill the vacancy for Mansfield Township Municipal Court Administrator; and,

**WHEREAS**, after interviews conducted by the Mansfield Township Municipal Court Judge, the Mansfield Township Administrator, and a representative of the Administrative Office of the Court it was decided that **Suzanne Morales** was best qualified to fill said position;

**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 February 2, 2022 that **Suzanne Morales** be hired as the full time **Court Administrator** effective January 20, 2022 at a 35 hour work week, for a salary of \$55,000.00, with all benefits associated with said full time position.

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township Of Mansfield, County of Burlington, State of New Jersey that in addition to the established Court Administrator's salary for Mansfield Township, that the shared court service stipends for both Springfield and Southampton Townships are as follows:

Springfield Township Stipend: \$6,000.00  
Southampton Township Stipend: \$6,000.00

**BE IT FURTHER RESOLVED**, by the Township Committee of the Township Of Mansfield, County of Burlington, State of New Jersey that in addition to the established Court Administrator's salary for Mansfield Township, the Springfield Township Stipend and the Southampton Township Stipend, that the Court Administrator also receives compensation for on call time as follows:

Compensation for on call time: \$2,179.00

#### **RESOLUTION 2022-2-5**

#### **RESOLUTION RECLASSIFYING SANDRA J. ANTHONY-DEPEW AS A SENIOR POLICE RECORDS CLERK**

**WHEREAS**, the Senior Police Records Clerk will be leaving Mansfield Township's Employment effective February 1, 2022; and

**WHEREAS**, the Township Committee is desirous in filling that vacant position beginning February 7, 2022; and

**WHEREAS**, the Township has received, from Police Chief Ronald Mulhall, recommendation to re-classify the part-time Police Records Clerk, Sandra J. Anthony-DePew, as the Full-Time Senior Police Records Clerk within the Mansfield Police Department; and

**WHEREAS**, the Township's salary range for said position provides for an hourly rate of between \$10.00 and \$30.45 per hour, and the Township Committee has determined that the appropriate compensation for Ms. Anthony-DePew is twenty-one dollars and ninety-seven cents (\$21.97) per hour with all benefits associated with said full-time position.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that Sandra J. Anthony-DePew is hereby reclassified as the full-time Senior Police Records Clerk for the Township of Mansfield commencing February 7, 2022..

**RESOLUTIO 2022-2-6**

**RESOLUTION APPROVING ADDITIONAL COMPENSATION FOR THE MUNICIPAL ASSESSOR, THOMAS COLAVECCHIO, FOR ADDITIONAL SERVICES REQUIRED IN CONNECTION WITH THE TOWNSHIP'S DIGITAL TAX MAP/GIS PROJECT FOR CALENDAR YEAR 2022 ONLY**

**WHEREAS**, the Township's Tax Maps are required to be updated regularly through the Township Engineer's Office; and

**WHEREAS**, the Township Engineers are in need of assistance with much necessary research to be done in order to complete the Digital Tax Map/GIS Project; and

**WHEREAS**, in order for the Township's Engineers to complete the said project, it is necessary for the current Tax Assessor, Thomas Colavecchio, to work above and beyond his normal duties and hours; and

**WHEREAS**, the Tax Assessor has requested additional compensation in the amount of \$4,000.00; and

**WHEREAS**, the Township Committee of the Township of Mansfield has agreed that the additional request for compensation, under the circumstances, is reasonable; and

**WHEREAS**, the Township Committee has verified with the Chief Financial Officer that said funds are available, which is payable to the Tax Assessor within the fiscal year 2022 only.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey agrees to the additional compensation in the amount of \$4,000.00 to be awarded and is made available through the following account:

01-201-20-150- 011

**RESOLUTION 2022-2-7**

**RESOLUTION AMENDING COMPENSATION FOR THE CHIEF AND LIEUTENANT OF THE MANSFIELD TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, the Chief and the Lieutenant of the Mansfield Township Police Department perform a variety of duties and a range of functions not required from the lower ranking officers; and

**WHEREAS**, the Chief and the Lieutenant are required to conduct these duties and services on an around the clock basis, along with the attendant administrative/supervisor role required of ranking officers; and

**WHEREAS**, the Township has determined that it is in its best interests to modify the compensation for both the Chief and Lieutenant while providing the service; and

**WHEREAS**, the Chief and Lieutenant are "Exempt" salaried employees, and thus are not eligible for overtime pay.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Chief is to be compensated at a rate of ten (10%) percent above the Lieutenant salary to compensate for all duties, and the Lieutenant is to be compensated at a rate of ten (10%) above the highest paid Sergeant's base pay, retroactive to January 1, 2022.

**RESOLUTION 2022-2-8**

**RESOLUTION APPROVING AN INCREASE IN RATE OF SALARY FOR EMS ADMINISTRATOR, GEORGE SENF, FOR THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, Mansfield Township hired George Senf as the EMS Administrator at a certain salary; and

**WHEREAS**, Mr. Senf has demonstrated exceptional work ethics and skills; and

**WHEREAS**, the Township Committee has witnessed the increase of their workload and hours being put forth by Mr. Senf; and

**WHEREAS**, Mansfield Township is desirous of increasing Mr. Senf's salary to commensurate with his work load and hours; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey at their regular meeting held on February 2, 2022, that the annual salary of EMS Administrator George Senf is hereby increased from \$70,000.00 to \$87,000.00 also with an increase in vacation benefits from 2 weeks to 3 weeks, together with all other benefits associated within said status of employment, effective January 17, 2022.

**RESOLUTION 2022-2-9**  
**RESOLUTION AUTHORIZING THE SALE OF BODY ARMOR TO THE TOWNSHIP OF NORTH HANOVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**WHEREAS**, the Township of Mansfield has declared body armor to be no longer viable property for use by the Mansfield Township Police Department and now considered surplus property; and,

**WHEREAS**, the local Public Contract Law permits the sale of surplus equipment to other municipalities without advertising; and

**WHEREAS**, the Township of Mansfield and North Hanover Township are municipal corporations of the State of New Jersey and are legally permitted to pursue this transaction in accordance with the provisions of N.J.S.A. 40A:11-36; and

**WHEREAS**, North Hanover Township has agreed to purchase the aforementioned body armor for One Thousand Five Hundred Five Dollars and Seven Cents (\$1,505.07) pursuant to the above terms and conditions.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Mansfield that the Mansfield Township Chief of Police be authorized to convey the body armor to the Township of North Hanover, County of Burlington, State of New Jersey for the sum of One Thousand Five Hundred Five Dollars and Seven Cents (\$1,505.07).

**RESOLUTION 2021-2-10**  
**RESOLUTION AMENDING RESOLUTION 2021-12-13 ENTITLED: "AN AWARD OF AN EMERGENCY CONTRACT PURSUANT TO N.J.S.A. 40A:11-6 FOR THE REPAIR OF THE HEATING UNIT AT THE CIVIC CLUB INDOOR USE FACILITY"**

**WHEREAS**, an emergency has arisen with respect to the Heating Unit at the Civic Club Indoor Use Facility; and

**WHEREAS**, the Township Superintendent has determined it was an emergency affecting the public health, safety and welfare and needed to be repaired; and

**WHEREAS**, an emergency contract pursuant to N.J.S.A.40A:11-6 may be awarded without advertisement for bids or bidding in that an emergency affecting the health and public safety requires the immediate performance of the services; and

**WHEREAS**, Liberty Mechanical Services had submitted a proposal for the purchase and installation of two (2) Gordon Ray BH Series 140 MBH Heaters in the amount of \$27,650; and

**WHEREAS**, it has been further determined for optimal efficiency, that the existing heating unit be removed and replaced with the exact same unit; and

**WHEREAS**, Liberty Mechanical Services has since submitted a proposal for the removal and disposal of existing Reznor air unit and the purchase and installation of one (1) Reznor direct match RPB-225 with new temperature control in the amount of \$33,400; and

**WHEREAS**, funds have been authorized for this repair by adopted Capital Ordinance 2021-9;

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

1. An emergency exists with respect to the immediate need to repair the heating unit at the Civic Club Indoor Use Facility, which emergency required the immediate procurement of services in order to protect public health, safety and welfare.
2. The Township Committee hereby rejects the original proposal made by Liberty Mechanical Services, in the amount of \$27,650 based on the new specifications.
3. The Township Committee hereby awards a contract to Liberty Mechanical Services, 1 South Drive, Cookstown, New Jersey, 08511 in accordance with their proposal in the amount of \$33,400.
4. The Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, does hereby authorized the Mayor and Committee to execute any and all documentation necessary for said services. Said contract is being awarded retroactively to December 10, 2021.
5. Funds for this repair have been authorized against Capital Ordinance 2021-9, as approved by the Township Committee at the Regular Meeting that was held on May 19, 2021, in the total amount of \$1,980,600.00.

**BE IT FURTHER RESOLVED** that this Resolution shall be effective immediately upon adoption hereof.

**RESOLUTION 2022-2-11**  
**RESOLUTION TO AMEND RESOLUTION 2022-1-6, "APPOINTMENT OF MUNICIPAL POSITIONS/BOARDS/EMPLOYEES"**

**BE IT HEREBY RESOLVED** that the following individual was recommended to the Township Committee as a member of the Recreation Committee for the year 2022 filling their vacant position; and

**WHEREAS**, Resolution 2022-1-6, which was adopted by the Mansfield Township Committee at their Reorganization Meeting of January 3, 2022, be and is hereby amended as follows:

**RECREATION COMMITTEE:**  
Veronica Sullivan

**RESOLUTION 2022-2-12**  
**RESOLUTION FOR THE 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 Veterans.

**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 taxes for 2022:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
10.05	29	Mark Andrews	\$3888.95 (Effective 01/20/22)
42.31	16	Mark Irvin	\$4418.61 (Effective 01/18/22)

**RESOLUTION 2022-2-13**  
**RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS FROM REVISED ASSESSMENT**

**WHEREAS**, Property Taxes for Preliminary Taxes (1<sup>st</sup> & 2<sup>nd</sup> Qtrs.) 2022 were overpaid on the property listed below; and

**WHEREAS**, the Tax Assessor revised the assessment value to zero (0); and

**WHEREAS**, an overpayment was due to a payment by New Horizons Holding, LLC. and a refund is due.

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on February 2, 2022 hereby authorizes the refunding of the following to New Horizons Holding, LLC, Inc. by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
25	6	New Horizons Holding, LLC	\$4044.08

A motion to approve the consent agenda resolutions above was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Tallon**. Motion carried unanimously by roll call vote recorded as follows:

AYE: Ocello, Tallon, Golenda, Sisz, Mojena  
NAY: None      ABSENT: None

**BILL LIST: Regular**

A motion to approve the regular bill list was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Sisz**. Motion carried unanimously on a roll call vote recorded as follows:

AYE: Ocello, Sisz, Golenda, Tallon, Mojena  
NAY: None      ABSENT: None

**MINUTES: January 19, 2022**

A motion was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Sisz** to approve the above mentioned minutes. Motion carried unanimously on a roll call vote recorded as follows:

AYE: Ocello, Sisz, Golenda, Tallon, Mojena  
NAY: None      ABSENT: None

## **DISCUSSION / ACTION:**

- A. Eagle Scout Project – Pizza Box Recycling Bin – **Committeeman Tallon** explained that this has been discussed by the Environmental Commission as well as, the Watershed Association. Location is still being looked at however, permission has been given by the new owners of the Old Township Building, to put the bin anywhere on his property. Steve Knezick would use the boxes as a compost and turning them into good soils.
- B. Franklin Fire Company – New Member Jonathan Everett – **Administrator Fitzpatrick** explained that this new member will be joining the Fire Company and going through their proper protocol.
- C. Field Use Permit – Jersey Outlaws – Various Dates throughout the Year – All Required Documents Received. **Administrator Fitzpatrick** confirmed said documents were received by recreation.
- D. Future Plans for 2<sup>nd</sup> Floor Municipal Complex – **Administrator Fitzpatrick** he explained that there has always been discussions on what to do with the 2<sup>nd</sup> floor. Nothing has come to fruition partly because it is in really bad condition. There is a plan to replace the HVAC system on top of the roof which should be happening in the spring after which mold remediation will be completed for certain areas. He met with the Public Works Foreman in utilizing the PW employees to demolish the upstairs. Basically bringing everything down to studs to start with a clean canvas. There are about 63 offices upstairs with architectural drawings tables which would be demolished to create one large open room.  
**Mayor Mojena** sees a lot of opportunity upstairs and he thinks it's a great idea to have the PW employees clear some space and at least prepare it for options in the future.

## **PUBLIC COMMENT:**

**Colleen Herbert, 2 Millennium Drive** – Her hand was up during the Ordinance for the 2<sup>nd</sup> reading with regards to public comment. She heard last meeting Mayor Mojena and the members of the Committee commit to extending the time if anyone needed to talk. This has happened in the past such as the meetings at the High School which were continued specifically for public comment. With regards to the Mayor leading, from her experience on the Planning Board all the comments and questions are usually directed to the Chair and Board members ask the Chair if they may comment, as just common courtesy. With regard to the space upstairs, she is glad that it may be utilized. If at any point there is space for a committee meeting area, because many of the Committees would like the opportunity to have a space other than the court room.

**Mayor Mojena** added that there is plenty of space upstairs to utilize and once the roof and HVAC is resolved, the Township can utilize it however they see fit.

**Victor Ramos, 133 Georgetown Road** – He thanked the Committee for their service. He has agreed to restore the mural upstairs however if it is going to be taken down he will not begin said restoration.

**Administrator Fitzpatrick** clarified that room will not be touched or demoed.

**Administrator Fitzpatrick** also added that upstairs cannot be used as a revenue generator. In addition the parking is a concern.

**Attorney Prime** stated that public property can be leased with the uses specified. He has never heard of however, anyone leasing private uses in a Municipal Building.

**Administrator Fitzpatrick** asked for clarity on the upstairs and if PW can proceed as discussed previously.

**Attorney Prime** questioned if anyone had any objections.

Township Committee all agreed to move forward with the demo upstairs as discussed.

**Kristianne Goodenough, 28126 Gaunts Bridge Road** – She questioned the status of the black mold was upstairs as far as remediation.

**Administrator Fitzpatrick** stated that a company had come in and surveyed the upstairs and the reports were received. The first step is to get the HVAC unit installed and second is to secure the roof to be sure it does not leak; both steps would need to be completed prior to mold remediation.

**Mrs. Goodenough** stated that she is concerned for the safety of the PW employees going upstairs and removing drywall where there may be black mold. She questioned if they were certified to complete this work and whether there would be hazard pay.

**Administrator Fitzpatrick** explained that the upstairs is extremely large area and the PW employees will not be near the black mold areas. This is something that PW department has asked permission to do.

**Todd Kokotajlo, 12 Summerhill Court** – In reference to the Pizza Box Recycling Bin project, as a member of the Environmental Commission, he extended a thank you to Sam Cramner for coming to the EC and Watershed for a win-win situation. This project will help him become an Eagle Scout and help the

Township and EC with something that has been discussed to help the environment and reduce unwanted waste going into the landfills. He questioned if the Committee was okay with Sam Cramner placing these where Committeeman Tallon talked about. His project needs to be completed by the end of February.

**Mayor Mojena** stated that it seemed the Committee was all in agreement.

**Mr. Kokotajlo** questioned if it would be possible to allow for more than one recycling bin if there is a need.

**Administrator Fitzpatrick** questioned exactly where the bin would be sitting.

**Committeeman Tallon** explained that it would be located at the old Township Building in the parking area.

**Administrator Fitzpatrick** clarified that would actually be Township property.

**Committeeman Tallon** questioned if the bins could go where the clothing bins are currently or they could go against the old township building.

**Administrator Fitzpatrick** stated it seemed like the Committee was for it, he just wanted to clarify the placement.

**Mayor Mojena** questioned the footprint of the bins.

**Mr. Kokotajlo** stated he thinks they are 4ft wide by maybe 5-6ft tall. Similar to the clothing drop bins.

**Mayor Mojena** stated there seems to be consensus to allow for the bin placement and it seems like a central place to place them. He asked to coordinate the matter through the Administrator.

**Sam Cramner**, he is the Boy Scout in charge of the pizza box project. He thanked the Committee for approving same. It will be a 6 foot by 4 foot bin and will have easy access for farmer to collect them. He questioned if he could have two of them.

**Mayor Mojena** asked Mr. Cramner to coordinate with the Administrator as far as location and so on to have direction and ample time to put together.

**Tony Quinto, 27 Waverly Drive** – He thought it seemed like the Committee was listening to the public and incorporating that into what was passed this evening regarding Ordinance 2022-2. He is in full support of the structure proposed and also finds it interesting that the structure was deviated from this evening. This is demonstrating that structure is important but the Committee seems willing to go outside of those guardrails and listen to individuals comments. He does not see that this is a dictatorship or that constitutional rights are being violated although everyone is entitled to their opinions. He feels it is important to have structure. He appreciates the Committees time and effort.

**Danielle Waldie, 27 Millennium Drive** – She asked for clarification on Ordinance 2022-3. She asked if there would be another meeting and more discussion.

**Mayor Mojena** explained that it is an Ordinance that has a 1<sup>st</sup> and 2<sup>nd</sup> Reading. There is a public hearing during the 2<sup>nd</sup> reading giving individuals the right to speak on same.

**Mr. Waldie** asked if the law was being changed to change the zone of their property from a C-2 to something else.

**Attorney Prime** clarified that right now warehouses are permitted in certain zones in the Township. There are also certain uses that are prohibited uses in all areas of the Township. This Ordinance makes warehouses and distribution facilities a prohibited use in the Township.

**Mrs. Waldie** questioned when the Ordinance would be put into effect.

**Attorney Prime** explained that it will need to be referred to the Planning Board and then forwarded back to the Township Committee for a final vote which is currently scheduled for March 2<sup>nd</sup>.

**Mrs. Waldie** questioned the reasoning if the property is in a commercial zone; especially an area on Route 206 where there are very few houses.

**Attorney Prime** explained if you read the Ordinance it states that the Township Committee finds that there are 7 warehouses currently approved in Mansfield totaling over 5 million square feet and the Township

Committee wants to wait to determine the impact on the Township of those warehouses after they are built. There is no time limit on the Ordinance.

**Mrs. Waldie** added that their development was horrendous during the snow storm. The street was not clear and needs to be addressed.

**Administrator Fitzpatrick** stated that was the second complaint he has heard about the snowstorm both of which were handled by an outside contractor. He will contact said contractor regarding this complaint.

**Tom Knezick, 25346 Mount Pleasant Road** – He explained how a lot of states are banning the use of invasive plants. New Jersey has not done that yet, but is it possible for the Township to put that in place.

**Attorney Prime** explained that to the extent that the Township Ordinance specifies the types of landscaping permitted in subdivisions and site plans, yes the Township could omit invasive species.

**Committeeman Tallon** asked if the Environmental Commission could look at that and give a suggestion to the Committee it is something because although it's not the intent, the non-invasive species are a lot less expensive and they don't provide the food for the creatures that live here and that's why it's more sensitive to the local environment. He would like the EC to take a look.

**Mayor Mojena** explained that it would be a good time to discuss with the office of DEP Government Assistance with to get guidance from them. He would be concerned with getting in front of state legislation however he does think it's important. First he would like to connect with the DEP for guidance.

**Mr. Knezick** suggested touching base with the Township Forester as he is currently involved with the legislation.

**John O'Callaghan, 53 Oak Lane, New Egypt** – He questioned what the status of the EC was as there was no meeting in January. He would like an update on the status of the Master Plan. Additionally, he questioned what the Township was doing in working with Florence in regards to the warehouse that was approved by the Mansfield JLUB for the portion in Mansfield Township. Lastly, he asked for consideration of referring the stormwater ordinance to the JLUB and EC for review and comment.

**Mayor Mojena** explained that the first EC meeting is scheduled for the month of January for reorganization. The Master Plan will be discussed shortly. In regards to the stormwater ordinance the Township is in contact with the DEP. It was one of the topics of discussion and the Township will continue to follow their advice and what is already in place and what Mansfield is doing to follow state guidelines on that.

**Administrator Fitzpatrick** stated that conversations were had with the DEP and the question was asked regarding using the DEP ordinance and how they felt about the Township tweaking it. The DEP responded absolutely not, that they spent many years writing said ordinance and they did not want it tweaked The DEP prefers that the Township stays with the recommended stormwater ordinance.

**Deputy Clerk Jolly** clarified that the next EC meeting is scheduled for February 7<sup>th</sup>.

**Mr. O'Callaghan** questioned the warehouse in Florence and how the Township was coordinating with them.

**Mayor Mojena** explained that the Township is open to engaging with surrounding Townships and he will have an update for all shortly.

**Linda Pullen-Stout, 186B Georgetown Road** – She thought the mural belonged to the Historical Society. She questioned if Laverne had been notified about said mural being restored by Mr. Ramos.

**Administrator Fitzpatrick** stated that he had talked to Laverne this morning, but he's not sure if she's aware that Mr. Ramos is restoring the mural.

**Dalpat Patel** - He has a concerned with the time limit as sometime individuals need more time to speak. It does not seem necessary to pass the Ordinance on same. He questioned extending the building and the reasoning.

**Mayor Mojena** explained that he is prepared to go as long as is needed for the public to be heard.

**Kristianne Goodenough, 28126 Gaunts Bridge Road** – She shared that in regards to Ms. Pullen-Stouts concern, Laverne had posted to Facebook a few days ago that she was looking for help with the mural.

**Linda Pullen-Stout** – Thanked Mrs. Goodenough for the clarification.

**MAYOR AND COMMITTEE UPDATES/COMMENTS:**

**Committeeman Tallon** – He wanted to update regarding the hotel/motel issue. He has been in contact with Mr. Patel however it has been difficult setting a date that works for all. He will hopefully have a meeting date set within the next week or two.

**Committeeman Ocello** – He complemented Public Works. The only complaints received regarding the snow storm were due to the contractor. He feels the PW department did a fantastic job plowing.

**Mayor Mojena** agreed with the great job PW is doing.

**Mayor Mojena** – He wanted to update the Committee that he has met with the Mayor of Bordentown Steve Benowitz, as a courtesy. Communication with neighboring towns is very important as well as, mutual aid and shared services. He would like to do the same with the other Mayors of the neighboring municipalities. In regards to the Master Plan, Committeeman Tallon and he will be meeting with representatives from the Office of Planning Advocacy, on February 10<sup>th</sup>. They will be providing guidance and information on revising the Master Plan; most importantly for funding of same. In addition, the Attorney Prime had sent information regarding Sustainable Jersey which is a non-profit 501 C3 Organization and encourages voluntary municipal participation in certification programs dealing with key environmental sustainability challenges and possibly for support and funding with the Master Plan.

**Attorney Prime** explained that he was not sure if the EC had looked at the Jersey Sustainability Program. Some of his other municipalities had done it. It is a worthwhile program. The EC could interface with the Committee and the Township would gain points based on certain things such as green teams. He wanted the Committee to be aware of it. There are millions of dollars of grants available for sidewalks, bicycle paths, Master Plan Re-examinations. He suggests that the Committee gets feedback from the EC and then a resolution would need to be passed to allow the application to be made and continue with the program.

**Committeeman Tallon** will discuss this with the Environmental Commission and will report back to the Committee. He is aware of the program and the various steps / point system.

**Mayor Mojena** had a meet and greet with newly elected officials with the Director of the Office of Local Government Assistance with the DEP. They provide a lot of information and guidance. There is also a group that provides guidance regarding funding of various project which the Township would refer to the EC. There is a substantial amount of funding out there and it is incumbent on the Township to go after it.

**Committeeman Tallon** mentioned that a few years ago the EC did reach out and had 6,000 trees planted under the no net loss when the turnpike widened.

**Mayor Mojena** explained that the Burlington County Solid Waste Advisory Council has the Mayor of Florence and Mansfield as part of their board. He attended the meeting and will continue to participate on same. There will be an update to its District Solid Waste Management Plan and an amendment which the Township Committee will vote on a recommendation to the County to pass based on current solid waste and recycling data.

**MOTION FOR ADJOURNMENT:**

A motion to adjourn the meeting was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Golenda**. Motion carried unanimously.

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Ashley Jolly, RMC, CMR**  
**Deputy Clerk**

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**Linda Semus, RMC, CMR**  
**Municipal Clerk**