

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

RESOLUTION 2020-11-6

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT FOR LICENSED OPERATIONS AND MAINTENANCE SERVICES AND MAINTENANCE FEE AGREEMENT AND ACCEPTANCE BY THE TOWNSHIP OF THE DEVELOPERS SEWER IMPROVEMENTS AS REQUIRED BY THE TRI-PARTITE SANITARY SEWER AGREEMENT FOR THE MARGOLIS WAREHOUSE DISTRIBUTION FACILITY, BLOCK 47.01, LOTS 11.01 AND 11.02

WHEREAS, VA Florence Company, LLC (“Developer”) is the developer of certain real property consisting of a 197.7-acre tract located on Florence-Columbus Road in the Township of Mansfield, New Jersey and identified as Block 47.01, Lots 11.01 and 11.02 (formerly known as Lots 3.02, 9.01, 9.02, 11 and 12) on the Tax Map of the Township of Mansfield (the “Property”); and

WHEREAS, Developer and Mansfield are parties to a Tri-Partite Sanitary Sewer Agreement dated May 8, 2018 (the “Tri-Partite Agreement”) regarding the development and ownership of the Developer’s Sewer (as defined in the Tri-Partite Agreement), including a Sewer Pump Station, Transmission Line and Connection, all designed to provide sanitary sewer service to approved office/warehouse buildings on the Property; and

WHEREAS, Section 2.04 of the Tri-Partite Agreement requires Mansfield to enter into a Maintenance Agreement for the Developer’s sewer, including the Pump Station, Transmission Line and Connection (all as defined in the Tri-Partite Agreement) at its sole cost and expense; and

WHEREAS, Mansfield has negotiated an Agreement (“Maintenance Agreement”) for Licensed Operations and Maintenance Services with State Environmental Services, Inc. (“State”) dated October 15, 2020, attached hereto as Exhibit A; and

WHEREAS, State has filed the required Licensed Operator Certificate with the New Jersey Department of Environmental Protection, attached hereto as Exhibit B; and

WHEREAS, Developer and Mansfield have agreed on the terms of a Maintenance Fee Agreement, attached hereto as Exhibit C, whereby the Developer shall be responsible for paying a monthly fee to Mansfield to reimburse Mansfield for the ordinary and routine maintenance costs associated with Mansfield’s Maintenance Agreement with State for the Pump Station, Transmission Line and Connection, in accordance with the terms and conditions of the Tri-Partite Agreement; and

WHEREAS, in accordance with Section 2 of the Tri-Partite Agreement, at its sole cost and expense, the Developer designed, constructed and completed the Developers sewer improvements; and

WHEREAS, pursuant to Section 2.04 of the Tri-Partite Agreement, the Pump Station, Transmission Line, and Connection (specifically excluding the Developers Lateral Line) are to be dedicated to Mansfield Township subject to a two-year maintenance period, and the aforesaid Maintenance Fee Agreement with the Developer; and

WHEREAS, pursuant to Section 2.07 of the Tri-Partite Agreement, on behalf of Mansfield, State has issued a report dated November 10, 2020, attached hereto as Exhibit D, confirming the completion of the construction and inspection and has recommended acceptance by Mansfield of the dedication of the Developers sewer improvements including the pump station, transmission line and connection, specifically excluding the Developer's Lateral.

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

Section 1. The Mayor, Clerk and authorized Township officials are hereby authorized to execute and deliver the Licensed Operations and Maintenance Services Maintenance Agreement with State Environmental Services, Inc. ("State") dated October 15, 2020, attached hereto as Exhibit A, and any other required supporting documents.

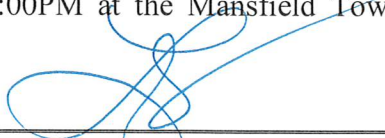
Section 2. The Mayor, Clerk and Township officials are hereby authorized to execute and deliver the Maintenance Fee Agreement, attached hereto as Exhibit C, and any other required supporting documents.

Section 3. The dedication by the Developer of the Developers Sewer Improvements on the Property, including the Pump Station, Transmission Line and Connection, specifically excluding the Developer's Lateral, is hereby accepted by the Township, subject to a two-year Maintenance Period and in accordance with the terms and conditions of the Tri-Partite Agreement.

MOTION: OCELLO SECOND: MAGEE
ROLL CALL VOTE
AYES: OCELLO, MAGEE, HIGGINS, CAIN, DIGIUSEPPE
NAYS: NONE ABSTAIN: NONE ABSENT: NONE

CERTIFICATION

I, LINDA SEMUS, RMC, CMR, Municipal Clerk of the Township of Mansfield, do hereby certify the foregoing to be a true and accurate copy of the resolution adopted by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at a meeting held on November 18, 2020 at 7:00PM at the Mansfield Township Municipal Complex.



LINDA SEMUS, RMC, CMR, Municipal Clerk