

MANSFIELD TOWNSHIP  
BURLINGTON COUNTY  
REGULAR MEETING MINUTES

March 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, Deputy Clerk Ashley Jolly and Clerk Linda Semus.**

**Clerk Semus** 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.

The Flag Salute was held with a brief moment of silence.

**Mayor Mojena** gave a brief statement regarding the situation in the Ukraine. He stated that the Township’s thoughts and prayers are with the people of the Ukraine as they are under siege fighting to save their country, their home and their very lives. This is a result of an unnecessary, unjust and unprovoked war and we hope and pray that this horrible ordeal comes to end without delay.

**Attorney Prime** explained that the Township Committee met in Executive Session to discuss personnel matters and a potential revision to the hotel/motel ordinance that was originally considered by the Township Committee. In addition, the Committee discussed some legal issues relative to the warehouse ordinance.

**DEPARTMENT/BOARD REPORTS:**

**Finance Department Report** – **CFO Grouser** explained that the bond ordinance 2021-29 introduced on 11/4/2021 and adopted on 11/23/2021. This bond ordinance authorized the issuance of notes in the amount of \$237,500 for road repairs. The Township went out to bid for the note and received a very competitive bid at .58%. It will mature on September 28, 2022 in which this note will be rolled over with all the existing notes. It was purchased by Ocean Township Sewerage Authority.

**Police Department Report**- **Chief Mulhall** explained that since the last meeting there have been no additional attempted break-ins to vehicles in neighborhoods around White Pine or North Island Road. Officers have increased patrols in the area. There is multiple occurrences of vehicles being burglarized in the Hedding area. The suspect enters the vehicles but does not remove anything. There is a photo of the suspect posted on the website [www.mansfieldpd.org](http://www.mansfieldpd.org). If anyone sees

anything happening please contact the police department immediately. There were two similar incidents in Country Walk, where vehicles were accessed overnight and nothing was stolen. It is unclear whether the incidents are related. He suggests that everyone lock their cars and homes. There has been no further complaints regarding cars speeding past school buses while stopped. Patrols have been out to help with the matter. Interviews have been conducted for the vacant records clerk position. Lastly, the water main project was planned to be predominately night work however the contractor started on days and is now remaining on day work with DOT's approvals. No significant delays or issues have been noted.

**Mayor Mojena** thanked the Chief for the increase in patrols.

**Fire Prevention/OEM Report** – **Mr. Dubell** explained that there has been 3 building fires, 2 cooking fires, 1 vehicle fire, 1 rubbish fire, 5 motor vehicle accidents, 1 pedestrian motor vehicle accident, 1 gas leak, 1 carbon monoxide alarm, 3 wire calls and 9 alarm system calls for a total of 27 calls. Between the active members there has been 120 fire fighter training hours for the month of February. In regards to Fire Prevention, there was 1 life hazard use inspection with no violations issued. There was 27 local registration inspections with 15 violations issued, 16 rental inspections with 4 violations and 13 resale inspections with no violations. All of the AED's for the Fire Department have been replaced. The IT upgrades with replacement PC's have been ordered. Networking upgrades have been scheduled. The public outreach for Four Season's is being coordinated with the Sheriff's Department for the month of May. Lastly, Fire Prevention is sponsoring the "After the Fire" Presentation for the High School seniors on May 27<sup>th</sup>. It is two survivors of the January 19, 2000 Boland Hall fire. They recount their experiences with the college life and the choices made by others as well as the lifelong scars that they were from their near fatal burn injuries. In regards to OEM, tropical storm Isiah grant submittal reimbursement for a total of \$9,726.27 has been submitted in preparation for the EMAA Grant. OEM has requested the traffic warning signs to be placed out for Field Day. Currently OEM is working on refining a data collection for weather related emergencies. The local emergency planning committee meeting is scheduled for April of this year. OEM is also preparing for warm weather emergencies and the next hurricane season. He added that he wanted to recognize all of the active members of the Fire Department. As a third generation member of the department it is an absolute honor to serve beside all of the active members. The time and dedication that these men and women put in for the members of the community is astounding.

**Mayor Mojena** thanked Mr. Dubell and all the members of the Fire Department.

**EMS Report** – **Mr. Senf** explained that for the month of January EMS did 191 calls for service, which is a decrease as it seems the Covid calls are way down. To update on the ambulance that was ordered in June of last year; Ford has not yet built the chassis therefore that is still on hold. A senate bill S399 was passed on February 14<sup>th</sup>. It is a bipartisan bill that increases the amount that towns and counties can support for EMS. Currently, there is a cap of \$70,000 per year with a onetime \$35,000 emergency stipend. In the new bill they upped the \$70,000 to \$125,000 per year and upped the \$35,000 to \$70,000, therefore it went from a total of \$105,000 that could be legally given to your local squad to \$195,000. That bill is currently in the assembly who will be introducing it on March 7<sup>th</sup>. While he feels the best option is to make EMS a Township Department, this could be a bit of a help if it goes through.

**Engineers Report- Engineer Johnson** explained that the warehouse and land use projects such as the PSE&G substation continue to work. The sanitary forced main that would start on Aaronson Road and go past the High School will begin work on March 7<sup>th</sup>. The Police Department has been contacted. The land use projects should ramp up once the warmer weather starts. The Vanco property on Columbus Road would like to start demo on the building very soon.

**DPW Report - Mr. Metz** explained that the new mason dump was received with the salt spreader and plow. The benches in Country Walk Park were replaced. All pot hole complaints have been maintained. Baseball Fields are beginning to be maintained and cleaned up for the season. The windows in the Clerk's office will be installed. A quote was received for repairing the floor in front of the Clerk's office and that will repair work will begin in a week or two. **Administrator Fitzpatrick** spoke about the hockey rink and the safety issues with same. After numerous discussions it is strongly suggested that the rink be dismantled before someone gets hurt. The cost to repair it to make it safe would be upwards of \$130,000 or it would be less than \$1,000 to remove it. Grass seed will be put down after the removal.

**Mayor Mojena** stated that would mitigate the safety issue which is the most important and questioned if everyone is in agreeance.

All members of the Committee agreed to remove the rink due to safety concerns.

**ORDINANCE:**

**ORDINANCE 2022- 3**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY AMENDING CHAPTER 65 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 in the Township.

**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, except where protected by the Right-to-Farm Ordinance.

**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** asked for a motion to adopt the above Ordinance.

A motion was offered by **Committeeman Sisz** and seconded by **Deputy Mayor Ocello** to adopt Ordinance 2022-3.

**Attorney Prime** stated the following:

The New Jersey Municipal Land Use Law, N.J.S. 40:55D-26 provides that, prior to the adoption of a development regulation, revision or amendment (including a zoning ordinance or any amendment, as set forth in N.J.S.40:55D-64) the ordinance has to be referred to the planning board for a report, including identification of any provisions in the proposed ordinance that are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.

The statute further provides that the governing body, when considering the adoption of the ordinance, shall review the report of the planning board and may disapprove or change any recommendation by vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation.

Based on the planning board review, the planning board determined that Section 2 of the ordinance, specifically identifying warehouses as a prohibited use in the Township would be consistent with the master plan, if it were revised to add the phrase "except where protected by the Right-To-Farm ordinance."

Therefore, I recommend that any motion to adopt the ordinance include a motion to amend the ordinance to include that language in Section 2 of the ordinance.

Moreover, the Panning Board review pointed out that the final Whereas in the preamble portion of the ordinance did not specifically reference any mechanism to review the ordinance. The final Whereas of the ordinance reads:

**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.

It was not the intent of the Township Committee to require a review of the ordinance in the future or wait until a master plan is adopted. Although future governing bodies may review this ordinance or warehouses may be considered in the future Master Plans, this Ordinance is not temporary or subject to a future Master Plan review.

Therefore, I recommend that any motion to adopt the ordinance include a motion to amend the ordinance to eliminate all of the language in the final Whereas clause, except the first clause so that the final Whereas clause would read: "Whereas, the Township Committee the Township of Mansfield finds that additional warehouse development should not be permitted."

Finally, although provisions of the ordinance may be inconsistent with the last land use element master plan reexamination, the reexamination occurred in 2016 prior to the planning board approving the warehouse projects referenced in the ordinance. The Township Committee believes that the ordinance is necessary for

the health, safety and welfare of the residents of Mansfield Township, even if it is inconsistent with the prior master plan that was silent on any suggested changes to the provisions permitting warehouses.

The motion to adopt the ordinance should include the two amendments referenced above and that this statement be included in the minutes of this meeting.

**Committeeman Sisz** who made the motion to adopt agrees to the above statement made by Attorney Prime. **Deputy Mayor Ocello** also agrees to same.

**Mayor Mojena** asked for a motion to open the meeting for public hearing.

A motion was offered by **Deputy Mayor Ocello** and seconded by **Committeeman Tallon**. Motion carried unanimously.

**John Gillespie, Parker McCay** – On behalf of Turnpike Crossing, he questioned if the letter that he had sent is part of the record.

**Attorney Prime** confirmed that it was.

**Joseph VanMater, 26954 Mt. Pleasant Rd** – He asked if someone could explain what the amendment to the Ordinance actually meant. Secondly, he asked if anyone was aware of any warehouse applications that may have come in recently.

**Attorney Prime** explained that there were two amendments. First amendment is where the Ordinance prohibits warehouse there is an exception for any other than the right to farm ordinance, so that does not prohibit warehousing where a farmer would use to store products or goods. The second amendment is to clarify that this Ordinance is not a conditional ordinance that requires a future review or that the Township Committee is no saying that it needs to be reviewed again; it's prohibited as of the date of the Ordinance. He believes that an application for a warehouse was submitted yesterday.

**Andrew Arrenge, 874 North Daily St. PA** – He is curious regarding what the content of Mr. Gillespie's letter entailed.

**Attorney Prime** explained that Mr. Gillespie represents a developer/owner of the NFI warehouse at the old Vanco site. He is concerned that the ordinance not derogate his clients rights as the warehouse is fully approved with a redevelopment agreement which guarantees that no zoning change will be made that affects his clients property. The Township agrees with same as it was never the intent of the ordinance to upset the legal rights of any developer who has an approval for a warehouse. If the Ordinance needs to be clarified in the future to provide that specifically, he will recommend that the Governing Body do so.

**Mr. Arrenge** questioned if that included that approved warehouse on the old vanco site as well as, the Wainwright and Lounsberry locations.

**Attorney Prime** explained that anything that is approved by the Planning Board would be exempt from the Ordinance.

**Mr. Arrenge** understands that the application that was just received would need to be held to the standard of the prior ordinances.

**Attorney Prime** could not comment on this application at this time.

**Mr. Arrenge** questioned what would need to be submitted in order for the application to fall under the prior Ordinances.

**Attorney Prime** explained that there is some case law. The NJ Land Use Law says that the zoning that is in effect on the day that the application is submitted controls the application review/approval or denial. This Ordinance was not in effect the day this application was filed, so it would not apply, if in fact the application was legitimate.

**Joseph Beretta** – He represents the owner of Block 4, Lot 10.01. He wanted to go on record that Ed Fox at the JLUB meeting found that this Ordinance was inconsistent with the Master Plan and Redevelopment Plan. Specifically, for Route 206 the Master Plan and Redevelopment Plan state that it is suitable for industrial development.

A motion to close public comment on the above ordinance was offered by Committeeman Tallon and seconded by Deputy Mayor Ocello. Motion carried unanimously.

**Mayor Mojena** clarified that there is a motion and a second to adopt Ordinance 2022-3 with the amendments. Said motion carried on a roll call vote recorded as follows:

AYE: Sisz, Ocello, Tallon, Golenda, Mojena

NAY: None      ABSENT: None

#### **ORDINANCE 2022 – 4**

### **AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY REPEALING AND DELETING MANSFIELD TOWNSHIP CODE, ARTICLE VI, “IMPROVEMENTS”, SECTION 50-40 “CONSTRUCTION PRIOR TO FINAL APPROVAL” AND ADOPTING AND REPLACING IT WITH A NEW SECTION 50-40 “CONSTRUCTION PROHIBITED PRIOR TO RECEIPT OF ALL REQUIRED OUTSIDE AGENCY APPROVALS.”**

**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:** Mansfield Township Code, Article VI “Improvements”, Section 50-40 "Construction Prior to Final Approval" is hereby deleted and repealed.

**SECTION TWO:** There is hereby adopted a new Mansfield Township Code, Article VI, “Improvements”, Section 50-40 as follows:

#### **“§50-40: Construction Prohibited Prior to Receipt of All Required Outside Agency Approvals.**

- A. Unless authorized by the Township Committee as set forth in subsection B, below, no construction of site improvements, including clearing, grading, drainage or other improvements for any application for development approved by the Township shall be permitted until all outside agency approvals for the development are obtained.
- B. A majority of the Township Committee may grant an exemption and authorize the initial construction of site improvements, including clearing, grading, drainage or other improvements (but not construction permits issued by the Construction Code Official) based on a written request by a developer, setting forth the improvements proposed to be constructed, the status of any remaining outside agency approvals and any hardship claim by the developer to justify the granting of an exemption by the Township Committee.
- C. If a majority of the Township Committee agrees to provide an exemption hereunder, no construction can take place unless and until all of the following conditions are satisfied.
  - (a) The developer submits a “hold harmless” letter in the form provided by the Township Attorney indemnifying the Township from any liability for the construction of improvements prior to the receipt of all required outside agency approvals.
  - (b) The developer post the required inspection escrows to pay for the inspection of the improvements that are authorized by the Township Engineer.

- (c) The developer posts a “Safety and Stabilization” performance guarantee pursuant to New Jersey Municipal Land Use Law for the purpose of restoring property that has been disturbed to a safe and stable condition.
- (d) The developer completes a pre-construction conference with the Township Engineer.

**Mayor Mojena** asked for a motion on the above ordinance.

A motion to adopt Ordinance 2022-4 was offered by **Committeeman Tallon** and seconded by **Committeeman Golenda**.

**Attorney Prime** explained that this Ordinance currently the Mansfield Township code allows a developer to construct site improvements, not buildings or anything that a construction permit but it allows construction of initial site improvements, clearing, grading, as long as the developer has preliminary approval. This Ordinance repeals that ordinance and replaces it with an Ordinance that prohibits the developer from constructing any site improvements without Township Committee approval and establishes standards for that if the Township Committee approves.

**Mayor Mojena** asked for a motion to open the meeting for a public hearing.

A motion was offered by **Committeeman Sisz** and seconded by **Committeeman Tallon** to open the meeting to public hearing on Ordinance 2022-4.

**Committeeman Golenda** added that essence behind this is that site improvements can occur without full approval.

**Attorney Prime** explained that preliminary approval is required however you don’t need all outside agency approvals because the local approval is subject to getting all outside agency approvals. This Ordinance changes that and makes the developer have all outside agency approvals before doing any clearing, grading or initial site work unless the Township Committee give a waiver.

**Committeeman Golenda** explained that the thought process behind this is that a large development could start grading soil and removing trees without full review from the appropriate agencies. This code was originally to not inconvenience developers as they build because of inclement weather over the winter would potentially back them up and be costly.

**Committeeman Sisz** questioned if this affects the residential home owner if they are building a deck or something that a permit is required.

**Attorney Prime** clarified that this only pertains to applications for development approval by the JLUB, not residential home owners.

**Committeeman Golenda** questioned if he had bought a large plot of land in Mansfield, would he need all approvals prior to any improvements.

**Attorney Prime** explained that the Ordinance refers to no construction of site improvements including clearing, grading, drainage or other improvements for any application for development approved by the Township. If you were just building a house you wouldn’t need approval from the Land Use Board. If an individual was subdividing a piece of property for a home/homes then they wouldn’t be able to do anything in advance.

There were no comments from the public regarding Ordinance 2022-4.



A motion to close public hearing was offered by **Committeeman Sisz** and seconded by **Committeeman Golenda**. Motion carried unanimously.

**Committeeman Tallon** explained in his years of listening and learning everything about the environment, he concludes that Mansfield is disproportionately impacted environmentally by a lot things for a simple fact that Mansfield is a major provider of water for all the communities to the south. When large areas are built up, rather quickly, the water supplies are being undermined. There is a document from 2008 when an the Township allowed an extra 3 wells to be put into the Township to supply 1.7 billion gallons of water that can be taken from the Township to ship to all the communities to the south that have over developed. In that document it explains that there is a 19,300ft cone of depression that spreads out from the big water company that takes the water out of the Township. That includes 3.65 miles, there is an area where the water drops 5ft and there is some connection, there is 1,000 homes on personal wells and with all the development coming the Township will be a major supplier because of the water and Township is being paved over very heavily. This Ordinance will help and will give the overseeing state agencies a chance to look at everything and not rush the decisions. He is looking to set up a Zoom meeting with one of their allocations specialists. Water and land fill space is provided to all the surrounding communities, yet Mansfield doesn't get any special protections like the highlands or pinelands.

**Committeeman Golenda** explained that the purpose of the Ordinance is to slow things down so that all of the appropriate agencies can take a look at what is being built and what kind of impact it has. The township needs to be able to evaluate how it is impacted.

**Committeeman Tallon** reiterated that Mansfield is disproportionately impacted environmentally. No other Township is giving what Mansfield is giving without special protections.

The above motion to adopt Ordinance 2022-4 was carried unanimously on a roll call vote as follows:

AYE: Tallon, Golenda, Sisz, 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 2022-3-2**

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

**BE IT RESOLVED** on this 2<sup>nd</sup> day of March, 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**  
**OPERATING EXPENSES AND SALARIES & WAGES**

<u>Title</u>		<u>Transfer</u> <u>From</u>	<u>Transfer</u> <u>To</u>
<b><u>CURRENT FUND</u></b>			
Police	SW	\$8,750.00	
OCE: Fire	SW	\$8,750.00	
General Legal	OE		\$15,500.00
Vehicle Maintenance	OE		\$2,000.00
<b>TOTALS:</b>		<b>\$17,500.00</b>	<b>\$17,500.00</b>

**RESOLUTION 2022-3-3**

**RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM FOR THE YEAR 2022 ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL**

**WHEREAS**, the Township of Mansfield wishes to apply for funding of approximately \$16,200.00 with a local match of \$94,610.00 for an approximate project total cost of \$110,810.00 for a project under the State of New Jersey Safe and Secure Communities Grant Program; and

**WHEREAS**, the Mansfield Township Committee has reviewed the accompanying application and has approved said request; and

**WHEREAS**, the project is a joint effort between the New Jersey Department of Law and Public Safety, Office of the Attorney General, and the Township of Mansfield for the purpose described in the application.

**NOW, THEREFORE, BE IT RESOLVED** by the Mansfield Township Committee that:

1. As a matter of public policy the Township of Mansfield wishes to participate to the fullest extent possible with the Department of Law and Public Safety covering the period of 10/15/2021 through 10/14/2022.
2. The Township of Mansfield is authorized to accept the Subaward and is accepting the funding of \$16,200 for the purpose described in the application.
3. The Attorney General will receive funds on behalf of the applicant, under sub-award P-22-0319.
4. The New Jersey Department of Law and Public Safety, Office of the Attorney General, shall be responsible for the receipt and review of the applications for said funds.
5. The New Jersey Department of Law and Public Safety, Office of the Attorney General, shall initiate allocations to each application as authorized.

**RESOLUTION 2022-3-4**

**RESOLUTION ADOPTING THE REVISED/AMENDED PERSONNEL POLICIES AND PROCEDURES MANUAL WITH AN EFFECTIVE DATE FOR SAID AMENDMENT OF JANUARY 1, 2022**

**WHEREAS**, it is the policy of Mansfield Township (the Township) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act), (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters), the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Township has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations; and

**NOW, THEREBY BE IT RESOLVED**, by the Township that the revised/amended Personnel Policies and Procedures Manual, on file in the Municipal Clerk's Office, was amended and adopted and was made effective as of June 16, 2021; and

**BE IT FURTHER RESOLVED** that the Township Committee wishes to amend section numbers 304-“Sick Leave” and 305 “Personal Leave;” and

**BE IT FURTHER RESOLVED**, that these personnel policies and procedures shall apply to all Township officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other case, these policies and procedures shall prevail; and

**BE IT FURTHER RESOLVED**, that this manual is intended to provide guidelines covering public service by Township employees and is not a contract. The provisions of this manual may be further amended and supplemented from time to time without notice and at the sole discretion of the Mansfield Township Committee;

**BE IT FURTHER RESOLVED**, that the maximum extent permitted by law, employment practices for the Township shall operate under the legal doctrine known as “employment at will”;

**BE IT FURTHER RESOLVED**, that the Township Committee and all managerial/supervisory personnel are responsible for these employment practices. The Township Administrator, Township Clerk, Human Resource Manager, along with the Township’s Labor Attorney, shall assist the Township Committee in the implementation of the policies and procedures.

**RESOLUTION 2022-3-5**

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY**

**WHEREAS**, the Township Committee has found that certain motor vehicles and are no longer needed for public use by the township, and

**WHEREAS**, the Township Committee believes that it would be advantageous to dispose of its surplus property, and

**WHEREAS**, N.J.S.A. 40A:12-13 and 40A:12-13.1 permit the Township to dispose of surplus property no longer needed for public use by auction and to authorize such action by Resolution of the municipality;

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

1. The following motor vehicle is hereby declared to be surplus property and no longer needed for public use:  

<b>1997</b>	<b>Toyota Camry</b>	<b>VIN: 4T1BG22K3VU082624</b>	
<b>2016</b>	<b>Toyota Corola</b>	<b>VIN: 2T1BU RHE2G C5358 48</b>	<b>Junk Title</b>
<b>1998</b>	<b>Ford F-350</b>	<b>VIN: 1FDLF 47G4V EC950 82</b>	<b>Junk Title</b>
2. The Chief Of Police and Township Clerk are directed to arrange for the public auction of the vehicle through GovDeals, a service used by various government agencies, allowing them to sell surplus and confiscated items via the internet.

The Township Clerk shall assure that proper public notice of the auction is made, as required by law.

**RESOLUTION 2022-3-6**

**A RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE AND ACCEPTANCE OF MAINTENANCE GUARANTEE, APPROVING FINAL ADJUSTMENT OF CONTRACT PRICE AND AUTHORIZING RELEASE OF RETAINAGE FOR THE FISCAL YEAR 2021 NJDOT TRUST FUND**

**RECONSTRUCTION OF MANSFIELD ROAD EAST (PHASE III) PROJECT**

**WHEREAS**, the Township Engineer, Remington and Vernick Engineers, has issued three letters dated February 15, 2022, confirming that Earle Asphalt Company (“Contractor”) has completed the Fiscal Year 2021 NJ DOT Trust Fund Reconstruction of Mansfield Road East (Phase III) Project (“Project”); and

**WHEREAS**, said letters recommend that the Township Committee adopt a Resolution releasing the performance guarantee for the Project, and accepting the two-year maintenance bond for same; and

**WHEREAS**, said letters further recommend that the final contract amount for the Project be adjusted to \$160,978.02;

**WHEREAS**, said letters further recommend the release of the retainage for the Project in the amount of \$7,608.05 and payment to the Contractor of said amount;

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

**Section 1.** The performance guarantee for the Project is hereby released and the two year maintenance bond for the Project is hereby accepted.

**Section 2.** The final contract amount for the Project is hereby adjusted to \$160,978.02; Contractor of said amount is hereby authorized.

**BE IT FURTHER RESOLVED** that this Resolution shall not take effect until all outstanding bills for inspection and other engineering services by the municipal engineer are paid in full. Upon certification by the Chief Financial Officer that all outstanding escrow bills for inspection and other engineering services, the Contractor shall be released from liability pursuant to its performance guarantee with respect to the Project and the original performance guarantee shall be returned to the Contractor or the surety posting same.

#### **RESOLUTION 2022-3-7**

#### **RESOLUTION AUTHORIZING AN ONLINE TAX SALE**

**WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and**

**WHEREAS,** the Director of the Division of Local Government Services has approved NJ Tax Lien Investor/RealAuction.com to conduct electronic tax sales, and

**WHEREAS,** an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS,** the municipality of MANSFIELD TOWNSHIP wishes to participate in an electronic tax sale.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division

#### **RESOLUTION 2022-3-8**

#### **RESOLUTION AUTHORIZING PARTICIPATION IN AN ELECTRONIC TAX SALE THROUGH REAL AUCTION.COM**

**WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and**

**WHEREAS,** Mansfield Township authorizes Real Auction.com to be the vendor to conduct the electronic tax sale; and

**WHEREAS,** the term of the agreement shall be for one (1) year, commencing March 2, 2022 and expiring on March 2, 2023; and

**WHEREAS,** in consideration of the services provided by Real Auction.com shall be paid \$15 per property listed on the initial Tax Sale listing; and

**WHEREAS,** Mansfield Township wishes to participate in an electronic tax sale, which is scheduled for Thursday, July 14, 2022.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**RESOLUTION 2022-3-9**

**RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO PARTICPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TOENABLE THE POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

**WHEREAS**, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program (the 1033 “Program” to make use of excess Department of Defense personal property by making that personal property available to Municipal, County and State law enforcement agencies (“LEAs”); and

**WHEREAS**, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

**WHEREAS**, participation in the 1033 Program allows Municipal and County law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

**WHEREAS**, although property is provided through the 1033 Program at no cost to Municipal and County law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

**WHEREAS**, NJSA 40A:5-30.2 requires that the governing body of the Municipality or County approve by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the Mansfield Township Police Department is hereby authorized to enroll in the 1033 Program for a one-year period from January 1, 2022 through December 31, 2022.

**BE IT FURTHER RESOLVED** that the Mansfield Township Police Department is hereby authorized to acquire items of non-controlled property designated ‘DEMIL A,’ which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the Mansfield Township Police Department, if it shall become available within the period of time for which this Resolution authorizes, based on the needs of the Mansfield Township Police Department without restriction; and

**BE IT FURTHER RESOLVED** that the Mansfield Township Police Department is hereby authorized to acquire the following ‘DEMIL B THROUGH FQ’ property, if it shall become available within the period of time for which this Resolution authorizes; and

**BE IT FURTHER RESOLVED** that the property available through the Program ‘DEMIL A through Q’ is attached hereto; and

**BE IT FURETH RESOLVED** that the Mansfield Township Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

**BE IT FURTHER RESOLVED** that the Mansfield Township Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

**BE IT FURTEHR RESOLVED** that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire (1) ‘DEMIL A’ PROPERTY THAT MAY BE MADE AVAILABLE THROUGH THE 1033 Program and (2) ‘DEMIL B through Q’ property both of which that may be made available through the 1033 Program during the time period for which this Resolution authorizes, with program participation and all property request authorization terminating on December 31, 2022.

**RESOLUTION 2022-3-10**  
**RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT AMENDMENT AND SUPPLEMENTAL AGREEMENT WITH TRIAD ASSOCIATES FOR ADDITIONAL AFFORDABLE HOUSING CONSULTANT SERVICES.**

**WHEREAS**, Triad Associates has been Mansfield Township's affordable housing administrative agent and consultant for a number of years and was reappointed by Resolution 2022-1-8 for calendar year 2022; and

**WHEREAS**, the Township's affordable Housing Element and Fair Share Plan ("HE/FSP") was approved by Court Order dated September 15, 2021; and

**WHEREAS**, in addition to the construction of affordable housing units, the Township is obligated in the HE/FSP to provide funding from the Township's Affordable Housing Trust Fund for an affordability homeowners assistance program, an affordability assistance down payment program, a housing rehabilitation program, a "market to affordable" sale and rental program and identify and support additional group homes; and

**WHEREAS**, said programs are described in Exhibit A, attached to this Resolution; and

**WHEREAS**, now that the Township's affordable housing plan has court approval, the Township needs to implement these programs; and

**WHEREAS**, the Township is required to provide annual reports to the Court and Fair Share Housing Center confirming the status of these programs and the Township's compliance with same, and

**WHEREAS**, the Township Committee finds that Triad has the time, expertise and manpower to effectively administer, implement, manage and supervise the various affordable housing programs to which the Township is obligated based on the Mount Laurel affordable housing New Jersey Supreme Court decisions and the Court Order approving Mansfield's HE/FSP.

**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. Contract Amendment #1 with Triad Associates, attached hereto as Exhibit B, is hereby approved.
2. The Supplemental Agreement for Administration of the Township's Affordable Housing Programs with Triad Associates, attached hereto as Exhibit C, is hereby approved.
3. The Mayor and Clerk and any other required Township officials are hereby authorized to execute and deliver said Agreements.

**RESOLUTION 2022-3-11**  
**RESOLUTION AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH APPLE SPA FOR UNPAID FIRE VIOLATIONS**

**WHEREAS**, Li,Yan operated a business known as "Apple Therapy" on Route 206 in the Township (the "Apple Spa Property"); and

**WHEREAS**, Li,Yan was cited by the Township Fire Marshal for fire code violations at the Apple Spa Property; and

**WHEREAS**, Li,Yan having failed to correct and abate said violations, the Township Bureau of Fire Prevention issued two Notice of Violations and Order to Correct Fire Code Violations at the Apple Spa Property, imposing civil penalties in accordance with N.J.A.C. 5:70-2.12.; and

**WHEREAS**, the first said notice, dated February 3, 2021 imposed a civil penalty the amount of \$6,000 and the second said notice dated February12, 2021 imposed a further civil penalty in the amount of \$6,000; and

**WHEREAS**, the Township having further collected fines for zoning violations at the Apple Spa Property; and

**WHEREAS**, the Township having pursued collection of the \$12,000 in civil penalties for the fire violations, and Li,Yan having vacated the Apple Spa Property, the parties have reached an amicable settlement, whereby Li,Yan will pay the sum of Five Thousand Dollars (\$5,000) in installment payments of One Thousand Dollars (\$1,000) each and the Township will waive collection of the balance, provided that said payments are made promptly and completely in accordance with this Agreement; and

**WHEREAS**, the first installment of One Thousand Dollars (\$1,000) having been paid and received by the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey that the proposed Settlement Agreement and Mutual Release attached hereto and made a part hereof is approved, and the Mayor and Clerk and any other required Township officials are hereby authorized to execute and deliver said Agreement.

A motion to adopt the above resolutions on the consent agenda was offered by **Committeeman Sisz** and seconded by **Committeeman Tallon**. Motion carried unanimously on a roll call vote recorded as follows:

AYE: Sisz, Tallon, Golenda, Ocello, Mojena

NAY: None ABSENT: None

#### **BILL LIST: Regular**

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

AYE: Ocello, Golenda, Tallon, Sisz, Mojena

NAY: None ABSENT: None

#### **MINUTES:**

**January 27, 2022, February 2, 2022 and February 16, 2022**

A motion to approve the above minutes was offered by **Committeeman Sisz** and seconded by **Committeeman Tallon**. It is noted that **Committeeman Golenda** abstained from the January 27, 2022 minutes. Motion carried unanimously to approve all of the above mentioned minutes.

#### **NEW BUSINESS:**

##### **Mayor's Comments/Updates:**

**Mayor Mojena** asked Clerk Semus to give an update on the equipment to begin hybrid meetings.

**Clerk Semus** explained that all of the equipment has been ordered and she is hopeful to have everything in by the beginning of April. It's possible to be up and running by mid-April or at the latest, the end of April. She was able to save some extra dollars in doing additional research. IT will be in next week to get all of the firewalls and Wi-Fi updated so there are no glitches.

**Administrator Fitzpatrick** added that the website redesign/update is being given due diligence. Meetings are taking place with possible website designers. There is also a meeting scheduled with Nixel however, there is something called the County Civil System that will be looked into further. The one thing that will need to happen however, is community buy in. At the moment residents aren't being reach with important information. Moving into a new website and civil system (emails for emergency purposes), there needs to be more ideas to get more buy in from the public so it reaches more residents.

**Mayor Mojena** explained that he is hopeful that all of the equipment will be in and can be installed to have a hybrid meeting for the first meeting in April. Lastly, he wanted to add that there are some letters going out from the agency that handles the affordable housing program. These letters will go out to qualified homeowners with regards to Mansfield Township affordability assistance program and Mansfield Township housing rehabilitation program. Said letters explain the availability for residents that qualify to apply for loans so they may make repairs in their homes as well as, help towards paying mortgage. He is hoping that people in need will find this very valuable.

**Attorney Prime** explained that these dollars are not coming from general tax payer money. The money is allocated from the affordable housing trust fund that are generated from contributions from developers. He wanted to clarify that no tax payer dollars are being used.

#### **PUBLIC COMMENT:**

**Colleen Herbert, 2 Millennium Drive** – She thanked the Mayor for commenting on the great job that the Police are doing in response to the situations currently going on in the neighborhoods. She personally wanted to thank the Police as they have been very active. Additionally, she wanted to add that she is grateful for the reports as it is important to know that the Fire Department responds to more than just fires. She gave a shout out to the Ladies Auxiliary as they do a great job supporting the fire company.

**Joseph VanMater, 26954 Mt. Pleasant Rd** – He wanted to clarify about the warehouse development; it seems there was a warehouse application that was submitted he wanted to know if that would be entertained by the Township since it came in under the deadline of the Ordinance. Secondly, back in January he had requested the Township Committee to consider adopting something regarding the Township Professionals ability to make campaign contributions to the local campaigns.

**Attorney Prime** explained that the Township will need to evaluate the application. It did come in before the Ordinance was effective and as indicated, Land Use Law says the Ordinance that is in effect when the application is filed controls it and it cannot be changed. He needs to look at the application to see if it was legitimate/complete. He suspects that the Township will need to hear it.

**Committeeman Golenda** mentioned in regards to the question of political contributions, it's important that the Committee discusses this matter since the Township has rehired several professionals who have done a poor job but they happened to contribute greatly to several individuals campaigns. He feels this is something that needs to be looked at.

**Carl Schwartz, 40 Fitzgerald Lane** – He brought up Committeeman Tallons comment that the Township has been disproportionately impacted environmentally. He questioned what the plan would be to address this issue.

**Committeeman Tallon** explained that he is looking to meet with the DEP individuals in charge of water allocation. There is a report dated 2017 – 2022 that the DEP put out that he's been reading and it has a lot maps and data. In reading the data it seems the Township is in a break even spot where more water could be lost if the Township needs to keep providing more and more water resources to outside communities that have over developed their own. He is looking for clarification to ensure he is interpreting the data correctly. Currently the chairman of the EC is attending another Committeeperson may attend as well as, members of the Planning Board.

**Mr. Schwartz** stated he'd like to be included in the meeting.

**Committeeman Tallon** is concerned under the new affordable housing law in round three the state will be required to supply over a million dwellings many of which will be in South Jersey and Mansfield would be providing some of that water. He needs to know what the projections are going to be. He would like to understand how the Township is impacted as a large provider while all of the current warehousing developments are going on. There is data that shows that there are some impacts from the overdevelopment that can be affecting the homeowners on their own personal wells.

There were no further comments from the public.

#### **AJOURNMENT:**

A motion to adjourn the meeting was offered by **Committeeman Tallon** and seconded **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