

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY
SPECIAL MEETING MINUTES
August 27, 2020**

The Special Meeting of the Mansfield Township Committee was held on the above mentioned date with the following in attendance: **Mayor DiGiuseppe, Deputy Mayor Cain, Committeeman Magee, Committeeman Ocello, Administrator Michael Fitzpatrick, Deputy Clerk Ashley Jolly and Municipal Clerk Linda Semus.** **Committeeman Higgins** was not in attendance.

Clerk Semus called the meeting to order at 6:30 PM. It was noted that this meeting is being conducted during the current National Emergency with remote participation in accordance with guidance provided by the New Jersey Division of Local Government Services, Department of Community Affairs, as set forth in the Public Notice of this meeting.

The following Opening Statement was read by **Clerk Semus**:

“Adequate Notice” has been provided for this Special Meeting and has been posted on the Official Bulletin Board of the Township of Mansfield, Noticed to the Trenton Time and the Burlington County Times on August 24, 2020, placed on the official website for the Township and filed with the Municipal Clerk of the Township of Mansfield, notice of which contained the date, time, place, audio conference call number and pin/participant code for telephonic access to said meeting and purpose of this meeting stating that formal action may be taken on any and all subjects involving Mansfield Township, as so noted in NJSA 10:4.-8(d), Amended 1981, by including Section 10:4-18 which addresses Regular Meetings of a Public Body, which is addressed under “Annual Notice”.

Clerk Semus stated that all members of the public are asked to remain on “mute” and not interrupt or comment except during the Public Comment Section of this meeting.

Clerk Semus requested everyone to please mentally acknowledge the flag salute since the meeting is being conducted remotely.

Clerk Semus advised the attendees that the following Ordinance 2020-13 is scheduled for introduction/first reading at this meeting. The Public Hearing/Final Adoption will be heard at the September 16, 2020 regular meeting at 7PM.

ORDINANCE

First Reading/Introduction

ORDINANCE NO. 2020-13

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD
AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF
MANSFIELD AND MANSFIELD REALTY NORTH URBAN RENEWAL LLC AND ITS
ASSIGNEE/SUCCESSOR MANSFIELD 206 EAST URBAN RENEWAL LLC FOR BLOCK 3, LOTS 5.01
AND 10.01 WITHIN THE ROUTE 206 NORTHERN AREA REDEVELOPMENT AREA PURSUANT TO
THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40a:20-1 et. Seq.**

WHEREAS, the Township of Mansfield (the “Township”) is a municipal entity organized and existing under the laws of the State of New Jersey and located in the County of Burlington; and

WHEREAS, by adoption of Resolution No. 2016-12-20 on December 28, 2016, the Township Committee of the Township of Mansfield designated Block 3, Lots 3.01, 3.02, 4, 5.01, 6.01, 6.02, 6.03, 6.05, 6.06, 6.07, 6.08, 6.09, 9 and 10.01, and Block 4, Lots 4.01, 4.02, 4.03, 5, 6.01, 6.02, 7, 8.01, 8.02, 8.03, 9, 10.01, 10.02, and 11, on the Township of Mansfield Tax Map, as an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Area”); and

WHEREAS, thereafter, by adoption Ordinance No. 2017-4 on March 22, 2017, the Township Committee adopted a redevelopment plan for the Redevelopment Area entitled the “Redevelopment Plan U.S. Highway Route 206 Northern Area” and dated February 2, 2017 (the “Redevelopment Plan”); and

WHEREAS, the Redevelopment Plan provides a broad overview for the planning, development, redevelopment and rehabilitation of the Redevelopment Area for the purposes of improving the conditions of same in a manner that is consistent with the Township’s Master Plan; and

WHEREAS, the Township Committee has been designated as the “Redevelopment Entity” (as said term is defined in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.) for the purpose of implementing the Redevelopment Plan; and

WHEREAS, Mansfield Realty North, LLC (“Redeveloper”) has obtained preliminary and final site plan approval from the Mansfield Planning Board on April 15, 2020, by Resolution 2020-2-6, for a 722,800 square feet warehouse (the “Project”:) on a portion of property in the Redevelopment Area, being Block 3, Lot 5.01 and 10.01 (the “Property”); and

WHEREAS, Redeveloper has further negotiated a sale of the Property to Mansfield 206 East Renewal LLC (“Assignee/Successor”), and

WHEREAS, Assignee/Successor's sole member is Mansfield 206 Development, LLC, a Delaware limited liability company. 100% of the common ownership units in Mansfield 206 Development LLC are owned by a partnership in which WPT Industrial, LP (or its wholly owned subsidiary) is an owner and the general partner. WPT Industrial, LP (or its wholly owned subsidiary) is also the development manager for the Project. The Township Committee has reviewed the Experience Statement of WPT and finds that WPT is a publicly traded real estate investment trust that acquires, develops and manages warehouse and distribution properties throughout the United States. WPT owns approximately 100 properties totaling 32.1 million square feet in 20 U.S. states. Since 2016, WPT has developed 4 million square feet, including a modernization of a 60,575 square foot building and adjacent development of a 188,343 square foot project in Bayonne, New Jersey; and

WHEREAS, the Township, by adoption of Resolution 2020-7-11, on July 15, 2020 has (1) designated Redeveloper as the Redeveloper of the Project; (2) authorized execution of the Redevelopment Agreement with Redeveloper for the Project; (3) authorized the execution of an Acknowledgment consent to and approving Assignee/Successor as the Redeveloper of the Project and the Assignment of the Redevelopment Agreement to Assignee/Successor, subject to receipt by the Township of a fully executed Acknowledgment whereby Assignee/Successor confirms that it has purchased the Property and has accepted responsibility for the redevelopment and construction of the Project; and

WHEREAS, in connection with the Project, Redeveloper and its Assignee/Successor has requested that the Township consider entering into a financial agreement pursuant to the LTTE Law; and

WHEREAS, in furtherance of such request, and in accordance with the LTTE Law, the Redeveloper submitted a written application, supplemented by a written application by Assignee/Successor (the "Application") to the Township for approval of a tax exemption for the improvements to be constructed as part of the Project (the "Improvements"). The Application and letter filing same is attached hereto as Exhibit A.

WHEREAS, the LTTE Law permits the Township to enter into financial agreements of the type proposed, exempting improvements of real property from tax assessment and accepting payments in lieu of taxes, where it is found that the property is qualified; and

WHEREAS, the Redeveloper and Assignee/Successor have negotiated a Financial Agreement with the Township in order to effectuate redevelopment of the Property and the Project, which provides, *inter alia*. For payments on lieu of taxes. A copy of said Financial Agreement is attached hereto and made a part hereof as Exhibit B.

WHEREAS, the Township Committee finds and determines that the Project would not have been constructed without a tax exemption for the Improvements, and

WHEREAS, the Township Committee finds and determines that granting Redeveloper or its Assignee/Successor, exemption from taxation of the Improvements pursuant to the Financial Agreement, and receipt by the Township of annual service charges in lieu of taxes, allows maximum redevelopment of the Redevelopment Area and is, therefore, in the best interests of the Township and, further, is in accordance with the provisions of the LTTE Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Township Committee now deems it to be in the best interests of the Township to approve the Application and adopt an Ordinance authorizing the Township to enter into the Financial Agreement with Redeveloper Specifically, an urban renewal entity successor to Redeveloper or its Assignee/Successor, on the terms and conditions stated in the Financial Agreement and as further set forth herein, including, *inter alia*, the granting of a tax exemption.

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

1. The Township Committee makes the determinations and findings contained herein by virtue of, pursuant to, and in conformity with the LTTE Law.
2. The development of the Project is hereby approved for the grant of a tax exemption under the LTTE Law by virtue of, pursuant to, and in conformity with the provisions of the same.
3. The Application attached hereto as Exhibit A is hereby approved.
4. The Financial Agreement attached hereto as Exhibit B, with all exhibits thereto, is hereby authorized and approved.
5. The Improvements, when constructed and deemed substantially completed, shall be exempt from real property taxation and, in lieu of real property taxes, Redeveloper or its Assignee/Successor shall make payments to the Township of an annual service charge during the term and under the provisions set forth in the Financial Agreement.
6. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the State of New Jersey Department of Community Affairs, Director of the Division of Local Government Services.

BE IT FURTHER ORDAINED that the Mayor and Clerk of the Township of Mansfield, and any other officials of the Township of Mansfield, as may be applicable, are hereby each authorize to execute and deliver the Financial Agreement, a true and correct copy of which is attached hereto as Exhibit B, as same may be revised to reflect Assignor/Successor as the assignee of Redeveloper, as provided in the Application, together with any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial agreement.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED that, in the event any clause, section, or paragraph of this Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of this Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect after final adoption and publication according to the law.

A motion was offered by **Deputy Mayor Cain** and duly second by **Committeeman Magee** to introduce Ordinance 2020-13. Motion carried on a Roll Call Vote, recorded as follows:

AYE: CAIN, MAGEE, OCELLO, DIGIUSEPPE
NAY: NONE ABSENT: HIGGINS ABSTAIN: NONE

PUBLIC COMMENT

From the public, Linda Stout questioned why this is a special meeting and why it wasn't held during a public meeting.

Attorney Prime explained that this was on the agenda for the August 19th regular meeting but there were some revisions to the ordinance which were completed. Therefore this meeting is being held for the introduction so it can still be on for second reading and public hearing during the September 16th meeting as originally scheduled.

Bob Tallon, 2454 Axe Factory Road, said he would like to see the entire agreement posted on the township website ahead of time so the public can make comments. **Clerk Semus** advised Mr. Tallon that it will be on the website by tomorrow afternoon, along with the ordinance for everyone to review.

Attorney Prime further explained the procedure for posting on the website until the ordinance is introduced by the township committee. This gives the public sufficient time to comment at the public hearing.

Barbara Hammill, White Pine Road, asked if there is any way the public can be advised of any tax breaks they will get on their property tax.

Attorney Prime said there is no tax break as this is not related to the residents at all. The Financial Agreements for new projects is to increase revenue to the township but this does not provide a tax break to the residents. Ms. Hammill asked if there will be more lights on the road to accommodate the trucks from the development. Attorney Prime said the project was approved by the Planning Board although the township approved the redevelopment plan prior to the Planning Board action. The traffic was addressed by the Planning Board at the time the project was approved.

Andrew Arengé, asked for explanation of the process of granting approval to applications appearing before the township

Attorney Prime explained that, so far, there has been two warehouses to go through the process although there may be more in the future. The Township Committee designates certain areas of the township in need of re-development. This is done with the Land Use Board review and advice prior to the Township Committee adopting the designating an area in need of redevelopment. After this process, the Township adopts the designated area for the redevelopment. If this is done, the Township then prepares a redevelopment plan for that area which could be years after the area is designated. The redevelopment plan provides the zoning, bulk requirements, and other requirements for that area. The developer then has a right to apply to the Planning Board for approval of the specific project. Upon approval, the project moves forward with construction. This has occurred with the warehouses being constructed so far.

Barbara Hammill asked if the residents have any information years ahead of time about any warehouses in the Mansfield/Columbus area. She felt they should have an idea of the future plans ahead of time. Attorney Prime explained that, once an area is determined to be in need of redevelopment or rehabilitation, this is done after a public hearing before the Planning Board and the Township Committee.

Dan Golenda, Georgetown Road, said he would like to encourage the Committee to make available the benefits of adding warehouses to the township. He said he felt that a lot of people are not aware of why it is advantageous to stress our roads, our environment, and take away the heart of the community which is open space and agriculture for warehouses.

Joe VanMater felt the public should be aware of the advantages of the warehouses. He felt the purpose of this meeting was to approve the existence of the pilot project. He questioned whether the township residents are comfortable with giving the pilot project approval without knowing the benefits. He felt the residents don't understand how the construction of the warehouses will affect them with the pilot program. He felt the community members think we are getting out of the deal without knowing clearly the benefit.

Christine Dyson, East Main Street, questioned the reasoning behind the specific area designated for redevelopment.

Attorney Prime said this has already been decided by the Township Committee several years ago and, at that time, they designated this area in need of redevelopment.

Carolyn Welsh, 17 Sylvan View Drive, said she has two huge warehouses almost completely built down the road from her home. Now, more are being built. She questioned the amount of traffic as well affecting people from all walks of life. She asked if there will be an increase in our police officers, fire, EMT. If so, will the warehouses pay for this increase or will it be the residents.

Attorney Prime said the benefit of a warehouse development is that it does not generate a lot of need from municipal services. Ms. Welsh added that she is concerned over the number of additional people who will be come into this area working at the warehouses. She asked the benefit. Attorney Prime declined to answer and referred to the Committee. Ms. Welsh felt he answered her question by not answering it. She felt there won't be an increase of any public safety.

Andrew Arengé asked Attorney Prime the specific ordinance relating to this.

Attorney Prime said he didn't know the exact ordinance at this point.

Hearing no more comments. Clerk Semus then closed the public portion of the meeting.

Attorney Prime said there was a question he and the Administrator had when working on the GovDeals auction for the sale of the old police and fire department in town. They questioned whether the recycling yard was included in the sale. **Administrator Fitzpatrick**, said, based on a survey several years ago, this not included with the buildings for sale. The recycling yard is part of the township property consisting of the large parking lot, the recycling yard, and the baseball field. The sale is just for the old police station and fire house. Potential bidders have questioned the future use of the recycling yard.

Deputy Mayor Cain felt the future included moving the recycling center out of that location. Then that piece of property could be put up for sale.

Administrator Fitzpatrick felt the discussion had included the possibility of moving the recycling center to the site of the present municipal building. However, it was questioned whether there was enough room to move it over to the new facility. A possible land swap with New Jersey American Water, owner of the adjacent property to the north and west. Since there is wetlands on both sites, use of this area makes our current location boxed in.

Deputy Mayor Cain questioned if leaving the recycling yard where it is could decrease the interest or the amount paid on the two buildings up for space.

Administrator Fitzpatrick felt this is speculative. A recycling yard behind a building that could be refurbished could be a questionable decision.

Deputy Mayor Cain felt this should be figured out relatively quickly. Is there another suitable space to move this and put the current space up for sale as well?

Attorney Prime felt the location of the recycling yard could impact the sale price. This will be determined at the auction. **Deputy Mayor Cain** felt that, if we get no bids, we need to address the future of the recycling center.

MAYOR/COMMITTEE COMMENTS

Deputy Mayor Cain thanked the public who participated in the meeting. He felt we are seeing a lot of people with a lot of questions. Eventually they will be answered.

Mayor DiGiuseppe thanked **Attorney Prime** for his participation in the meeting with his explanations.

Attorney Prime was able to research Mr. Arengé's question in regard to when the redevelopment plan was approved. The Redevelopment Plan for that area of the township was approved by Ordinance 2017-4.

MOTION TO ADJOURN

A motion was offered by **Committeeman Magee** and second by **Committeeman Cain** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC. CMR
Municipal Clerk