

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY
April 1, 2021**

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

Clerk Semus read the following: 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.

“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 2021-1-8. 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 8, 2021.

Clerk Semus led everyone in the salute to the flag and a moment of silence.

FINANCE

RESOLUTION 2021-4-1

**RESOLUTION TO AMEND RESOLUTION 2021-1-24
“RESOLUTION OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF BURLINGTON, NEW JERSEY, SETTING THE
2021 TEMPORARY BUDGET”**

WHEREAS, Section 40A-4-19 provides that temporary appropriations may be made to provide for the period between the beginning of the budget year and the date of adoption of the budget; and

WHEREAS, the date of this resolution is within the first thirty days of the 2021 budget year; and

WHEREAS, the total of the following temporary appropriations does not exceed 26.25% of the total amount of the appropriations made for all purposes in the 2020 budget (exclusive of Debt Service, Capital Improvement Fund and Public Assistance).

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at a meeting held January 7, 2021 that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer after adoption.

Current Fund

<u>Department</u>	<u>Amount</u>
A&E: Salary and Wages	35,750.00
A&E: Miscellaneous	5,000.00
M&C: Salary & Wage	9,500.00
CLERK: Salary & Wage	41,250.00
CLERK: Miscellaneous	31,000.00
FIN: Salary & Wage	42,000.00
FIN: Miscellaneous	15,000.00
AUDIT: Miscellaneous	5,000.00
TAX C: Salary & Wage	18,500.00
TAX C: Miscellaneous	7,500.00
TAX A: Salary & Wage	10,000.00
TAX A: Miscellaneous	5,000.00
LEGAL: Miscellaneous	55,000.00
ENG: Miscellaneous	54,000.00
PLAN: Miscellaneous	4,000.00
LAND USE: Salary & Wage	9,750.00
LAND USE: Miscellaneous	1,500.00
OCE: PM: Salary & Wage	4,000.00

OCE: PM: Miscellaneous	100.00
ZONING OFFICER: Salary & Wage	4,075.00
ZONING OFFICER: Miscellaneous	1,000.00
LIABINS: Liability Insurance	50,000.00
WCOMP: Workers Compensation	90,000.00
EMPLOYER GROUP Health Insurance	250,000.00
POLICE: Salary & Wages	450,000.00
POLICE: Miscellaneous	25,000.00
EMGMT: Salary & Wage	1,250.00
EMGMT: Miscellaneous	1,900.00
AID TO FIRE COMPANIES: Miscellaneous	20,000.00
AID TO AMBULANCE: Miscellaneous	23,350.00
EMS: Salary & Wage	25,000.00
EMS: Miscellaneous	2,500.00
OCE: FIRE: Salary & Wage	9,500.00
OCE: FIRE: Miscellaneous	3,500.00
PROS: Other Professional	8,500.00
ROAD: Salary & Wage	75,000.00
ROAD: Miscellaneous	250,000.00
SWASTE: Miscellaneous	83,500.00
RECYCLING: Salary & Wage	2,450.00
B&G: Miscellaneous	24,250.00
VMAINT: Miscellaneous	15,000.00
COMMUNITY SERVICES: Miscellaneous	19,000.00
PHEALTH: Salary & Wage	500.00
PHEALTH: Miscellaneous	700.00
ANIMAL: Miscellaneous	950.00
RECREATION: Salary & Wage	4,200.00
RECREATION: Miscellaneous	6,000.00
PARKS: Miscellaneous	16,500.00
CPEVNT: Miscellaneous	750.00
ELEC: Miscellaneous	25,000.00
SLIGHT: Miscellaneous	38,000.00
TELE: Miscellaneous	12,000.00
WATER: Miscellaneous	15,000.00
PETRO: Gasoline	7,500.00
LANDFILL: Miscellaneous	115,000.00
FICA: Employer Liability	62,500.00
DCRP: Miscellaneous	2,000.00
COURT: Salary & Wage	60,500.00
COURT: Miscellaneous	7,500.00
INTERLOCAL: SW Springfield Court	8,175.00
INTERLOCAL: SW Southampton Court	12,500.00
INTERLOCAL: Miscellaneous	2,500.00
PUBD: Other Professional	2,500.00
CAPITAL IMPROVEMENT FUND	57,775.00
RECYCLING: Miscellaneous	10.00
TOTAL	\$ 2,246,685.00
Utility Fund	
Operating Expenses	\$ 15,000.00

Bonnie Grouser said this resolution is to amend the temporary budget because of a resolution on this agenda tonight to award Remington & Vernick to do engineering work for Mansfield Road East, Phase III and another resolution to purchase two Ford Pick-up trucks for Public Works. In addition, there were a couple of other line items, Solid Waste, Legal Services, and Landfill, to be adjusted until the adoption of the budget.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to adopt Resolution 2021-4-1. Motion carried on a Roll Call Vote, recorded as follows:

AYE: HIGGINS, OCELLO, GOLEND, TALLON, MAGEE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2021-4-2

**MUNICIPAL BUDGET OF THE TOWNSHIP OF MANSFIELD,
COUNTY OF BURLINGTON, FOR THE FISCAL YEAR 2021**
Township Of Mansfield [Code 0318], Burlington County - 2021 Budget

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Township of Mansfield, County of Burlington for the Fiscal Year 2021.

Be it resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year;

Be It Further Resolved that said Budget be published in the Burlington County Times and the Trenton Times In the issue of April 9, 2021.

The Governing Body of the Township of Mansfield does hereby approve the following as the Budget for the year 2021:

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township of Mansfield, County of Burlington, on April 1, 2021.

A Hearing on the Budget and Tax Resolution will be held at Township Municipal Building, on May 6th, 2021 at 7:00 o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)

1. Appropriations within "CAPS"	
(a) Municipal Purposes {(Item H-1, Sheet 19)(N.J.S. 40A:4-45.2)}	\$ 6,375,424.50
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes {(Item H-2, Sheet 28)(N.J.S. 40A:4-45.3 as amended)}	\$ 2,193,500.85
(b) Local School District Purposes in Municipal Budget (Item K, Sheet 29)	0.00
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)	\$ 2,193,500.85
3. Reserve for Uncollected Taxes (Item M, Sheet 29) – Based on Estimated 98.61 % Percent of Tax Collections	\$ 489,854.24
4. Total General Appropriations-	\$ 9,058,779.59
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)-	\$ 3,867,467.61
6. Difference: Amounts to be Raised by Taxes for Support of Municipal Budget (as follows)	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 5,191,311.98
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)	0.00

Ms. Grouser read the following statement: I would like to take a brief moment to thank all who were involved with the preparation of this budget. The budget is a process that begins in December and is a collaborative effort by all departments. I would be remiss if I didn't take the time to thank **Mayor Magee and Committee, Administrator Michael Fitzpatrick, Clerk Linda Semus, Tax Assessor Tom Calavecchio, Deputy Treasurer Jeannie Pompei**, and all department heads. All mentioned have played an integral role in this budget process and it is with these efforts that I have the privilege to introduce the 29-021 budget. It is comprised of the revenue side and the appropriation side. In speaking of the revenue, at the year end the fund balance was \$1,290,000. We are using \$840,000 of that fund balance to support this budget leaving a fund balance of about \$450,000. The maximum amount of revenues have been anticipated with the following notable sources: State Aid remained the same as in the past three years in the amount of \$512,000. We recognize \$300,178 from the sale of municipal property and assets. Also, we recognize \$407,000 from Margolis Phase I Pilot. Those are some notable revenues supporting our budget. As far as appropriations, salary increases for all non-union personnel have been calculated at 2.5%. The PBA collective bargaining agreement has also been calculated at the contractual 2.5%. This introduced budget supports some notable increases to the following salary and wage line items. We are hiring a special Law Enforcement Officer Class II, a full time Fire Chief, two full time public works employees and a clerical assistant to the Tax Assessor. Some other notable increases to appropriations as far as our expenses line items: streets and roads receiving the largest increase primarily to snow removal costs and the following projects: line striping for Petticoat Bridge Road, Arlington Avenue, Mansfield Road East, and Island Road; removal of dead trees along township right-of-ways, basin repairs, purchase of safety signs and equipment, training classes for public works employees, purchase of sides for the stake body recycling truck for public works, purchase of 5 commercial riding mowers, and the purchase of the line striper for fields and roadways. In addition, the tax collector, tax assessor, emergency medical services, Office of Emergency Management, and recreation received increases to their line items as well. The following capital projects and purchases were approved by Mayor and Committee. This budget funds the 5% down payment that will be required when we do a Capital Bond Ordinance. The following capital projects and purchases are: the purchase of two more Chevrolet Tahoes for Police, remounts of current Ambulance with power load system for the EMS, inspection vehicle for Fire Prevention, a vehicle for the Fire Chief, a Pumper HGAC for the Franklin Fire Department, John Deer backhoe for Public Works, two Ford F350 trucks with plows and safety lights for Public Works, dump truck with plow and salt spreader for Public Works, two International Single Axle trucks with plow and spreader for Public Works, a flair arm for John Deer Tractor, an addition to the Public Works garage for the newly purchased Public Works equipment, a fence installed for the Public Works garage, repairs to the tennis court, basketball court, and hockey rink at the Georgetown Park, repairs to 2 tennis courts at Country Walk Park, repairs to 2 basketball courts and the boarder around the playground at Mansfield Community Park. This budget has been crafted within the spending and tax levy caps that are initiated and enforced by the State. Our 2021 Budget is \$274,000 under the State Tax Levy Cap without utilizing any available Cap Bank available and this 2021 budget is \$84,000 under the State Appropriation Cap, once again without utilizing any available Cap Bank available. So, with all that said, this budget also boasts a zero increase to the Local Purpose Tax Rate. Just to give a little outline of the make-up of our budget, it is roughly a \$9,000,000 budget of which 20% is for debt service, 20% for insurance and contractual obligations, 18% for public safety, 14% for statutory expenditures, 8% for administration general government, 7.5% for public works, 6.5% for other expenses, 4.5% for utilities, and 1.5% for the capital improvement fund. That concludes her synopsis of the budget. The adoption and public hearing is scheduled for May 6.

Mayor Magee thanked Ms. Grouser.

A motion was offered by Deputy Mayor Tallon and second by Committeeman Higgins to adopt Resolution 2021-4-2. Motion carried on a Roll Call Vote, recorded as follows:

MOTION: TALLON SECOND: HIGGINS
ROLL CALL VOTE:
AYES: TALLON, HIGGINS, OCELLO, GOLEND, MAGEE
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

ENGINEER’S REPORT

Engineer Doug Johnson said he is still coordinating with the developer in regard to the trees on Aaronson Road. He does have some estimates on the CDBG 2021 grant we have applied for. The grant would have been for benches and ADA picnic tables at Mansfield Park. Preliminarily, the township may receive \$55,000. In addition he has been working with Administrator Fitzpatrick in regard to new windows at the front of the municipal building to allow for fresh air. He is working with the township to do the MS4 Contact List Inspection to submit to the state. Capital projects include Mansfield East Phases I and II working with the state to receive reimbursement, White Pine Road punch list work being completed by the contractor, and documents to be signed by the township and submitted to the state for reimbursement for work completed on Railroad Avenue. Land Use Board Projects include working with the fire official’s concern for emergency access at the Celestial Church as well as water. Work is being done at the site of warehouses on Route 206 North and Aaronson Road. Phase II of the Margolis warehouse as well as the bridge connecting the phases is being worked on.

Committeeman Ocello questioned whether gas would be available to the warehouses. PSE&G would be responsible for electric and gas.

Mayor Magee asked Mr. Johnson about necessary permits needed for the warehouse site on Route 206 and Aaronson Road. Mr. Johnson said, upon speaking with the developer, they are getting the permit agreement for the traffic signal. They are waiting for NJ American Water to finish the work as far as design and permission for the state right-of-way. His office received plans from the developer for the sanitary sewer main because it runs within the township right-of-ways as it ties into Four Seasons after which it goes to a pump station operated by New Jersey American Water.

Deputy Mayor Tallon was concerned over the developer running water up Mansfield Road East after the township fixed the road. Mr. Johnson explained that most of the location of the force main will not be on the roadway itself but in the township right-of-way. In addition, they will probably have smaller boring pits. In addition, Mr. Johnson felt they could adjust their design so they will avoid any of the new pavement. This was important to all.

A motion was offered by Committeeman Ocello and second by Committeeman Golenda to accept the Engineer’s Report. Motion carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, GOLEND, HIGGINS, TALLON, MAGEE
NAY: NONE ABSTAIN: NONE ABSENT: NONE

ORDINANCE: SECOND READING/PUBLIC HEARING

ORDINANCE 2021 – 8

AN ORDINANCE TO AMEND THE CODE OF MANSFIELD TOWNSHIP CHAPTER 65, ZONING, TO DELETE AND REPEAL ARTICLE XVIIIIC, R-6 RESIDENCE DISTRICT TO REPLACE SAME IN ITS ENTIRETY AND TO CREATE AND ADOPT A NEW ZONING DISTRICT, ARTICLE XVIIIIC, R-6, RESIDENCE DISTRICT CONSISTING OF BLOCK 42, LOTS 1 & 2.02 (“CARTY PROPERTY”)

WHEREAS, Centex Corporation (now Pulte), Mansfield Township (“Township”) and the Mansfield Township Planning Board are parties to a certain 2005 Settlement Agreement (the “2005 Settlement Agreement”); and

WHEREAS, the 2005 Settlement Agreement resolved litigation between the parties concerning the development of property in the Township identified in the Settlement Agreement and known as Block 41, Lot 2.01 (the “Reed Property”) and Block 42, Lots 1 and 2.02 (“the “Carty Property”); and

WHEREAS, the 2005 Settlement Agreement provided for dedication of the Reed Property to the Township, which has been accomplished and completed; and

WHEREAS, the 2005 Settlement Agreement further provided for the development of the Carty Property for market rate age restricted homes, with a required set-aside for affordable housing; and

WHEREAS, the Township and the Mansfield Township Planning Board (“Board”) were subsequently named as defendants in litigation filed by the developer of Block 70, Lot 6.02, consisting of approximately 118.53 acres (“Tower Gate Property”) in the Superior Court of New Jersey, Law Division, entitled Tower Gate Associates v. Township of Mansfield, et al, Docket # L-1739-18, challenging the Township’s satisfaction of its affordable housing obligation and seeking to construct an inclusionary development on the Tower Gate Property; and

WHEREAS, as part of the settlement of said litigation, the Township prepared a new Housing Element and Fair Share Plan (“HE/FSP”) to satisfy the Township’s constitutional obligation to provide for its prior Rounds and Round Three affordable housing obligation; and

WHEREAS, said HE/FSP provided, on page 52 that, the Carty Property was already recognized as “available, suitable, developable and approvable” under applicable COAH regulations, and thus was and is an appropriate affordable housing site; and

WHEREAS, the HE/FSP further provided, on page 53, that the Carty property would be developed for affordable housing as a necessary component of the Township’s overall affordable housing obligation, and to accommodate said affordable housing, the Property would be rezoned for a density of four units per acre with a 20% set-aside for affordable housing, of which 13% would be available for very-low income housing; and

WHEREAS, on February 3, 2020, the Court Master David J. Banisch, PP/AICP, issued a “Fairness Report” reviewing the Township’s proposed HE/FSP; and

WHEREAS, on February 18, 2020, the Hon. Jeanne T. Covert, A.J.S.C., Burlington County Superior Court of New Jersey, Law Division, after the required “Fairness Hearing”, and the Court Master’s Fairness Report, entered and filed an Order (“Fairness Order”) conditionally approving the Township’s HEFSP; and

WHEREAS, the Fairness Order further required the Township to satisfy all of the conditions of the Court Order, during the Court-ordered compliance phase, including an agreement with Pulte Homes as set forth in section 2(e) below:

“During the compliance phase, the Township shall provide to the Special Master, and to the Court, a Development Agreement between Mansfield Township and Pulte Homes and/or its successor-in-interest, as well as an inclusionary Zoning Ordinance to address the Pulte Homes component of the Township’s overall HE/FSP. The percentage of the proposed affordable housing set-aside should be clarified and revised if necessary in the draft HE/FSP. The draft HE/FSP, the Development Agreement and Zoning Ordinance should specify the correct percentage of affordable units and identify applicable compliance parameters regarding income mix, bedroom mix, thirteen per cent (13%) very low income, affirmative marketing, 30 year income controls, consistent with HUAC Section 5:80 and any other relevant information and standards required to be met.”; and

WHEREAS, as required by the Fairness Order, the Township negotiated an Amendment to the 2005 Settlement Agreement (the “Amendment”); and

WHEREAS, the Amendment provided, *inter alia*, for the aforesaid rezoning of the Carty Property at a gross density of four units per acre with a 20% affordable housing set-aside, and further provides for development of the property in two phases. The first phase of the development will generate a portion of the required number of affordable units to satisfy the Township’s current affordable housing obligation in Rounds Two and Three, based on the HE/FSP and the Court Order. The Amendment permits development of market housing in the second phase based on the Township’s need to provide the required number of affordable units that the Township may be obligated to provide in the future, including Round Four, which is unknown at this time; and

WHEREAS, on January 2, 2021, the Court Master David J. Banisch, PP/AICP, provided the Court with an updated Compliance Report advising the Court of the Township’s compliance with the Fairness Order and setting forth the remaining conditions for the Township to obtain a Final Judgment of Compliance; and

WHEREAS, the Court Master’s updated Compliance Report approved the Amendment to Settlement Agreement and required the Township to adopt an inclusionary zoning ordinance implementing the terms of the Amendment, after first submitting a draft of same to the Court Master for review and approval; and

WHEREAS, on January 8, 2021, after reviewing the Township’s efforts to comply with the terms and conditions of the Fairness Order and the Special Masters updated Compliance Report, Judge Covert entered an Interim Order of Compliance and Judgment of Repose, with conditions, (the “Interim Order”) adopting the conditions set forth in the Court Master’s updated Compliance Report, including the condition requiring the adoption by the Township of the inclusionary zoning ordinance implementing the terms of the Amendment to the 2005 Settlement Agreement, as herein set forth below; and

WHEREAS, the Township Committee finds that the adoption of this Ordinance is in the best interests of the residents and citizens of Mansfield Township for the following reasons:

1. As set forth in the 2005 Settlement Agreement, the Carty property was already approved for market rate housing at a density required to generate affordable housing on the site.
2. The Carty Property has already been recognized as “available, suitable, developable and approvable” under applicable COAH regulations, and thus was and is an appropriate affordable housing site.
3. The Carty property was already designated as an affordable housing site and a part of the Township’s Housing Element and Fair Share Plan (HE/FSP) approved by Court Order.
4. The density and affordable housing set-aside in the first phase of the development of the Carty Property is directly tied to the Township’s constitutional obligation to provide for its regional share of affordable housing in the prior Rounds and Round Three, as set forth in the HE/FSP and the Court Order approving same.
5. The density and affordable housing set-aside in the first phase of the development of the Carty Property further provides a “buffer” to protect the Township against non-compliance with the HE/FSP and the Court Order approving same, based on other components of the HE/FSP.
6. The density and affordable housing set-aside in the phase 2 of the development of the Carty Property is directly tied to the Township’s constitutional obligation to provide for its regional share of affordable housing in Round Four and in the future, which at present is unknown.
7. The provisions of the Amendment protect the Township against future builders remedy litigation and the need to identify other sites for affordable housing both now and in the future.

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:

The Code of the Township of Mansfield, Chapter 65 is hereby amended to delete and repeal Chapter 65, Article XXXIVC, R-6 Resident District, to replace same in its entirety and to create and adopt a new Zoning District Chapter 65, Article XVIIIIC R-6 Resident District, as follows:

Article XVIII R-6 Residence District

86-35 Purpose

The purpose of the R-6 Residence District is to provide for inclusionary development that is intended to assist the Township of Mansfield in satisfying a portion of its fair share housing obligation.

86-36 Description of Zone Boundary

The boundary of the R-6 Residence District shall encompass the property identified as Block 42, Lots 1 and 2.02, which shall hereafter be referred to as the "Tract". The district boundary shall extend to the centerline of the mapped rights-of-way contiguous to the Tract. The municipal Zoning Map is hereby amended to reflect same.

86-37 General Provisions

- A. Except as may be expressly provided and elsewhere in this Ordinance, the development regulations set forth in this Article shall apply to the Tract as a whole, not to individual lots which may be created therein.
- B. **Affordable Housing.** The Affordable Housing requirements are based on the number of affordable housing units required for the Township to meet its constitutional affordable housing obligation. 20% of the total number of units will be deed restricted for low and moderate-income family rental housing ("affordable units"); however, the remaining balance of the housing units will not be deed restricted for low and moderate income housing ("market units"). None of the affordable units or market rate units will be age restricted housing. The affordable units must include 13% very low-income housing units.
- C. The Tract will be developed in two (2) phases, as shown on the Settlement/Concept Plan Map produced by FWH Associates, P.A., dated 1/27, 2021, and included as Exhibit A.
 - (1) The application for, and requested approval of, the first phase of the development of the tract will be limited to a maximum of three hundred and forty (340) residential housing units, two hundred seventy two (272) market units and sixty eight (68) affordable units. The actual application that is submitted to the Mansfield Planning Board may consist of a product mix of non-age restricted dwellings including, single family and multi-family market units, as well as the required affordable units and will comply with the provisions of this ordinance. The actual approved number of units will be subject to planning board review and approval based on the application conforming to the current Township checklist and application forms and will be designed in accordance with the Residential Site Improvement Standards (RSIS).
 - (2) The application for, and requested approval of, the second phase of the development of the Tract will be determined by the number of affordable housing units required for the Township to comply with its constitutional obligation to provide a realistic opportunity for affordable housing in Round Four commencing on July 1, 2025. At such time as the Township's Round Four affordable housing obligation is determined either by way of court order, stipulation, or settlement with affordable housing advocates, including the Fair Share Housing Center, but in no event, later than July 1, 2025, the maximum number of units for phase 2 of the project will be finalized, in accordance with the following provisions. In the event that the Township's Round Four affordable housing obligation will not be determined by way of court order, stipulation, or settlement by July 1, 2025, the maximum number of units for phase 2 of the project shall be reasonably determined and finalized by the Township planner by July 1, 2025.
 - (3) The Township's Round Four affordable housing obligations shall foremost be satisfied with the construction of units from phase 2 of the Property. In other words, if the Township's Round Four obligations can be fully satisfied by the remaining density available for the Property, the Township shall not consider other sites for the development of affordable housing units. Developer shall be entitled to develop 100 total units in phase 2 (80 market units and 20 affordable units) for every 20 units of affordable housing required to be provided by the Township in Round Four. For example, (i) if the Township is required to provide 40 units of affordable housing in Round Four, Developer shall be entitled to develop 200 total units in phase 2 (160 market units and 40 affordable units); (ii) if the Township is required to provide 60 units of affordable housing in Round Four, Developer shall be entitled to develop 300 total units, (240 market units and 60 affordable units) in phase 2; (iii) if the Township is required to provide 80 units of affordable housing in Round Four, Developer shall be entitled to develop 400 total units in phase 2, (320 market units and 80 affordable units), (iv) and so on, up to an anticipated maximum total of 452 total units (362 market units and 90 affordable units) in phase 2, depending on applicable site constraints.
 - (4) Notwithstanding anything herein to the contrary, if the Township is required to provide 19 units or less (or none) of affordable housing in Round Four, developer shall be entitled to develop 80 market units in phase 2, plus the required number of affordable units, if any. Developer may construct additional units on the Property up to the maximum amount permitted herein pursuant to sub-section (3) above.
 - (5) Any future rounds to determine the Township's affordable housing obligations (*i.e.*, any rounds subsequent to Round Four) shall foremost be satisfied with any unused density up the maximum of four units per gross acre as set forth in Section 86-39.A.
- D. **Open Space.** A minimum of 25% of the Tract shall be dedicated as open space per N.J.S.A. 40:55D-43. This open space may include freshwater wetlands and required buffer areas outside the developed portions of the Tract, but shall not include stormwater management facilities and other green spaces within the developed portions of the Tract, such as community lawns and landscaped areas, parking islands, roadside buffering.
- E. The Tract shall be permitted to be subdivided into one or more lots, and one or more buildings or uses

shall be permitted on a single lot. The Tract shall be constructed in two or more phases, as set forth in sub-section C, above.

- F. The regulations set forth in this Article shall supersede all other provisions of the Township Zoning Ordinance, unless otherwise stipulated herein. The provisions of Section 65.4(F) “Conflict with Other Regulations” shall not apply to this Tract.
- G. The land use administration and procedural regulations of the Township of Mansfield Code shall remain in full force and in effect.
- H. Nothing in this Article shall contravene the statutory requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. (the “MLUL”).

86-38 Use Regulations

A. Definitions:

- (1) “Dwelling Unit” means a unit intended for residential use.
- (2) “Age-Restricted Housing” means housing that is designed to meet the needs of, and is exclusively for, an age-restricted segment of the population such that at least eighty percent (80%) of the units are occupied by one person that is 55 years or older in accordance with the “Housing for Older Persons Act of 1995 (HOPA)” 42 U.S.C. Section 3601 et seq.; or the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. §§ 3607.
- (3) “Multi-Family Building” means a building designed for three or more Dwelling Units within one building. Acceptable unit types from a multi-family building include, but are not limited to, stacked single or multi-story units and Townhouse Units on a single tax lot
- (4) “Renewable Energy Facility” means a facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy. [N.J.S.A. 40:55D-66.11]
- (5) “Townhouse” means a building that has no more than ten (10) Dwelling Units erected in a row as a single building, each being separate from the adjoining unit or units by an approved masonry, party or partition wall or walls, thus creating distinct and non-communicating Dwelling Units, such units intended for separate ownership or rental. Each Townhouse may be on its own individual lot. Townhouses may be stacked.

(6) ”Public Street” shall means a street or road constructed to municipal standards pursuant to RSIS that is dedicated to and accepted by the Township as a public street. “Private street shall mean any road or street not dedicated to and accepted by the Township as a public street.

B. Permitted Principal Uses.

- (1) Non age-restricted, single-family detached dwelling units, townhouses, and multi-family buildings.
- (2) Renewable energy facilities.
- (3) Open space.
- (4) Farming per Section 65-89.
- (5) Central sewage conveyance facilities.
- (6) Central water storage, pumping, treatment, and conveyance facilities.

C. Permitted accessory uses and structures.

- (1) Clubhouses, Community Swimming Pools (specifically excluding the requirements of Section 65-91), and Community Buildings ancillary to a principal use.
- (2) Recreational Facilities ancillary to a principal use (indoor and/or outdoor).
- (3) Patios, Decks, Sheds, Terraces, or Balconies ancillary to a principal use.
- (4) Parking Facilities and Garages, either surface (open air) or enclosed.
- (5) Management Offices ancillary to a principal use (indoor and/or outdoor)

Conditional Uses: None.

D. Prohibited Uses. All uses prohibited under Section 65-88 are also prohibited in the R-6 Residence District.

86-39 Area and Bulk Requirements

A. Tract density for Dwelling Units: Four (4) Dwelling Units per Gross Acre. A maximum of 792 homes will be constructed on the Tract, subject to applicable site constraints

B. Bulk Requirements for Single-Family Detached Dwelling Units

<u>Requirement</u>	<u>Dimension</u>
Lot	
Min. Lot Area (Square Feet)	6,000
Min. Lot Frontage at Street ROW Line (Feet)	30
Min. Lot Width at Front Yard Setback Line (Feet)	50
Min. Lot Coverage (Percentage)	60
Principal Building	

Min. Front Yard Setback (Feet)	20
Min. Rear Yard Setback, w/o Decks/Patios (Feet)	20
Min. One Side Yard Setback (Feet)	5
Min. Combined Side Yard Setback (Feet)	15
Max. Height (Stories / Feet)	2.5 / 35
Accessory Building & Deck/Patio	
Min. Side & Rear Yard Setback (Feet)	5'
Max. Height (Stories / Feet)	1 / 15

0C. Bulk Requirements for Townhouses:

<u>Requirement</u>	<u>Dimension</u>
Lot	
Min. Lot Area (Square Feet)	1,800
Min. Lot Frontage at Street ROW Line (Feet)	22'
Min. Lot Width at Front Yard Setback Line (Feet)	22'
Principal Building	
Min. Front Yard Setback, (Feet)	20
Min. Rear Yard Setback (Feet)	15
Min. Side Yard Setback (Feet)	0
Min. Building to Building Setback (Feet)	25
Min. Deck Side Yard Setback (Feet)	0
Min. Deck Rear Yard Setback (Feet)	7
Max. Height (Stories / Feet)	3 / 35
Max. Dwellings per Building	10
Accessory Building & Deck/Patio	
Min. Side Yard Setback (Feet)	0
Min. Rear Yard Setback (Feet)	7
Max. Height (Stories / Feet)	1 / 16

D. Bulk Requirements for Multi-Family Buildings:

<u>Requirement</u>	<u>Dimension</u>
Min. Principal Bldg to Principal Bldg Setback (Feet)	40
Min. Accessory Bldg Side & Rear Yard Setback (Feet)	5
Max. Principal Building Height (Stories / Feet)	3.5 / 45
Max. Accessory Bldg Height (Stories / Feet)	1 / 15
Max. Lot Coverage (Percentage)	90
Max, Dwellings per Building	36

<u>Requirement</u>	<u>Dimension</u>
Max. Principal Building Height (Stories / Feet)	1 / 18'
Max. Accessory Bldg Height (Stories / Feet)	1 / 18

E. Bulk Requirements for Renewable Energy Facilities; Open Space; Farming; Central Sewage Facilities; and Central Water Storage, Pumping, Treatment, and Conveyance Facilities:

Max. Lot Coverage (Percentage)	90
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86-40 General Regulations

A. Landscaping

- (1) All areas that do not contain buildings, structures, or paving shall be landscaped with plantings and/or lawn.
- (2) All plant materials shall be in accordance with “The American Standards for Nursery Stock”.

B. Refuse and Recycling. All refuse and recycling storage shall be fully enclosed and screened within the building or, if outside, within a refuse enclosure that is a minimum of 6 feet high.

C. Signs.

(1) Roadside Signs.

- (a) Two (2) roadside entry signs (one on each side of the entry road) shall be permitted at each access point along each road.
- (b) The maximum sign area for any roadside entry sign shall be 60 square feet.
- (c) The maximum sign height for any roadside entry shall be 8 feet.

(2) Building Signs.

- (a) Multi-Family Buildings shall be limited to one monument sign per Multi-Family Building, having a maximum sign area of 60 square feet and a maximum height of 6 feet, and one wall-mounted building address sign measuring no more than 6 square feet in area per elevation fronting a street or parking area. In addition to the aforesaid monument sign, building signs for unit identification are permitted.

(3) Directory Signs.

- (a) Directory ground signs shall be permitted within the interior of the Tract, to identify or distinguish different neighborhoods or clusters of building types within the development.
- (b) Directory signs shall not exceed 16 square feet in area.
- (c) Directory signs shall not exceed 8 feet in height.

(4) Directional (Wayfinding) Signs.

- (a) Directional ground signs shall be permitted within the interior of the Tract, to facilitate wayfinding to amenity areas such as clubhouses or neighborhoods or clusters of building types within the development.
- (b) Directional signs shall not exceed 16 square feet in area.
- (c) Directional signs shall not exceed eight (8) feet in height.

(5) All signs within the Tract shall be designed in a cohesive manner.

(6) All signs on Townhouse lots shall be subject to Section 69-112.

C. Homeowners Association: A master homeowners' association (HOA) shall be established for the purposes of owning and assuming maintenance responsibilities for the common open space and common property designed within the development, including all stormwater control and maintenance required under all applicable regulations of the New Jersey Department of Environmental Protection and Township Ordinances. All HOA documents shall be submitted for review and approval by the Township Attorney and the New Jersey Department of Community Affairs.

- (a) The project boulevard and streets within the single family section of the Tract shall be public roadways owned and maintained by the Township. The HOA shall own and be responsible for the maintenance, repair and reconstruction of all private streets, roads, drives, alleys and other such paths of travel in and about said community, including the responsibility for snow removal therefrom and lighting thereof, including the townhome section of the Tract and the affordable housing apartments.

- (c) The township shall provide the residents of the community in the single family section fronting on public streets with trash and garbage pickup and disposal on at least a weekly basis. The HOA shall provide trash and garbage pickup and disposal on at least a weekly basis with the townhouse section of the Tract, including the affordable housing apartments, fronting on private streets. The Township and the HOA will enter into an agreement to comply with the provisions of the Municipal Services Act, pursuant to N.J.S.A. 40:66-1.4.

D. Mechanical Equipment. Air conditioning units, HVAC systems, exhaust pipes or stacks, electric and gas utility meters, and related mechanical equipment and elevator housing shall be screened to minimize visual impact.

86-41 Affordable Housing Requirements

A. Affordable housing will be provided as set forth in Section 86-37 above.

B. The Affordable Units shall be deed restricted in accordance with the provisions of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. (“UHAC”), which shall govern the number of bedrooms and rents for the Affordable Units.

- C. Phasing for construction of the Affordable Units shall be in accordance with the New Jersey Council on Affordable Housing (“COAH”) phasing schedule established by N.J.A.C. 5:93-5.6(d).
- D. All Affordable Units shall comply with the regulations of UHAC and/or COAH, as may be applicable, including, but not limited to those concerning (a) income qualification, (b) controls on affordability for a period of thirty (30) years, (c) deed restrictions, (d) bedroom distribution, (e) low/moderate income split, (f) affirmative marketing, and (g) handicap accessibility.
- E. All Affordable Units shall be subject to affordability controls for a period of at least thirty (30) years following the initial certificate of occupancy for the affordable unit and upon the conclusion of that thirty (30) year period the municipality’s decision as to when and whether to extinguish affordability controls shall be governed by the applicable UHAC provisions.
- F. Townhouses shall be permitted to be arranged in a stacked or interlocking fashion, whereby an Affordable Unit shall be permitted to be located vertically above or vertically below a market-rate unit.
- G. In the event that the Affordable Units are in a common ownership interest community with non-affordable units, the common expenses to be borne by all units may be based upon relative percentage of interest ownership in the common elements.

86-42 General Development Plan

A developer proposing development of property within the R-6 Residence Zoning District may apply to the Mansfield Planning Board for a General Development Plan approval as a planned development in accordance with N.J.S.A. 40:55D-45 through N.J.S.A. 40:55D-45.8. Prior to any approval of a planned development, the planning board shall make the findings required by N.J.S.A. 40:55D-45. The general development plan shall remain in full force and effect for a period not to exceed fifteen (15) years from the date upon which the developer receives final approval of the first section of the planned development and shall be terminated in accordance with N.J.S.A. 40:55D-45.8. Any general development plan approval shall require the development to be developed in two or more phases and shall specify the maximum number of units in phase 1 and phase 2 as set forth in Section 86-37 above. Unless waived by the planning board, the application for general development plan approval shall include the permitted studies and plans as set forth in N.J.S.A. 40:55D-45.2 (a) – (l).

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

Attorney Prime explained that this ordinance is part of the Township’s Affordable Housing Program wherein the Township has to provide a reasonable opportunity for low and moderate income housing. This ordinance is an endeavor to meet that constitutional obligation. It is not an approval to build homes. The ordinance implements the township’s housing element and fair share plan. The site has availability for public sewer. The first phase will permit up to 340 total homes, 272 market homes and 68 affordable. This ordinance allows the developer to proceed to submit to the Joint Land Use Board for subdivision and/or site plan approvals. It does not approve any housing on the site. The ordinance has been approved by the Land Use Board. This is a preliminary step toward a housing site for affordable housing.

Committeeman Higgins said, although this ordinance was based on our need, the need could change if another developer built affordable housing in another area of the township. This development may not have to be as large. We were forced to meet these requirements, it is a court mandate.

A motion was made by **Deputy Mayor Tallon** and second by **Committeeman Higgins** adopt Ordinance 2021-8 and to open the public hearing. Motion carried.

John O’Callaghan, 53 Oak Lane, New Egypt, questioned items such as land use related to swimming pool and re-usable energy. He asked why this was included and not just affordable related things. **Attorney Prime** responded said these are permitted accessory units. Mr. O’Callaghan questioned the necessity for the Board to allow accessory units if they are listed in the ordinance. He further stated that the township provided a format and the provisions were negotiated. Mr. O’Callaghan further asked if there is opportunity in the way the ordinance is written that, if we don’t have to develop, we don’t have to. **Attorney Prime** said that this ordinance specifically provides that Phase II will be based on the number of affordable units we have to provide. This ordinance meets our second and third round obligations.

Mike Judge, 20 Sunset Lane spoke of changes that took place in Lumberton as it was built up. When he moved to Columbus, he found an area much like the South Jersey he

remembered. He is concerned with the danger of losing the rural character of the area as you don't hear of Farmland Preservation any more. He was concerned over the number of new cars which will be on Petticoat Bridge Road where there are potholes with a possible proposed development. He was also worried about children venturing into Homestead and future sports fields with lights. With global warming in minds of many, no one is speaking of returning to farmland or planting trees. Once housing comes, farm fields are never returned. He questioned where his opinion about housing developments with recreation can be voiced. Mr. Judge was told there will be a plan before the Land Use Board at which time there will be public hearings with notifications going to property owners within 200 feet.

Bob Cole, 21 Sunset Lane, questioned the responsibility for sewer lines to this area. **Mr. Prime** said it would be the developer. Mr. Cole asked if roadwork would be at the developer's expense. **Attorney Prime** spoke of off track improvements required of the developer to address roads and streets not in the development. He further asked if the new developer would be responsible for fencing or separation to the neighboring properties, specifically where he lives in Homestead. **Attorney Prime** explained the Land Use Board's buffer requirement and this would be part of their approvals.

Deputy Mayor Tallon was understanding that the Homestead Plant was to provide sewerage to this proposed development. Mr. Cole said he was under the impression that the Homestead facility was at capacity and any developer would find it cost prohibitive for the number homes to be developed.

Administrator Fitzpatrick said the developer will tap into the excess at Homestead. **Committeeman Higgins** gave a brief history of prior developer for that same area which has led to Homestead reserving capacity for this development. This addition brings Homestead to capacity.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Ocello** to close the public hearing. Motion carried.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to adopt Ordinance 2021-8. Motion carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, HIGGINS, GOLEND, MAGEE
NAY: TALLON ABSENT: NONE ABSTAIN: NONE

Before his vote, **Deputy Mayor Tallon** thanked **Attorney Prime** for the hard work he did in negotiating for the contents of the Ordinance. He felt he couldn't vote in good conscience, not on the basis that affordable housing isn't a noble thing to do for our residence, but because the way it is being pushed on us.

CONSENT AGENDA

Resolutions 2021-4-3 through 2-21-4-9

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to approve the consent agenda. A Roll Call Vote was taken as follows:

AYE: TALLON, GOLEND, HIGGINS, OCELLO, MAGEE
NAY: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2021-4-3

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT WITH REMINGTON AND VERNICK ENGINEERS, FOR THE ENGINEERING/DESIGN, BID DOCUMENTS/SPECIFICATIONS, BIDDING/ADVERTISEMENT SUPPORT, CONTACT ADMINISTRATION AND CONSTRUCTION OBSERVATION SERVICES FOR IMPROVEMENTS TO MANSFIELD ROAD EAST PHASE III

WHEREAS, Remington and Vernick Engineers have assisted the Township in obtaining a \$185,000 grant from the fiscal year 2021 NJDOT Trust Fund for the resurfacing of Mansfield Road East (Phase III); and

WHEREAS, Remington and Vernick has submitted a proposal on March 18, 2021 (attached hereto and made a part hereof as Exhibit A) in an amount not to exceed \$29,110.00 to provide the engineering services required for the engineering/design, bid documents/specifications, bidding/advertisement support, contact administration and

construction observation services for improvements to Mansfield Road East-Phase III. A portion of the amount for engineering services is subject to payment from the grant amount if authorized by NJDOT.

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 April 1, 2021, at the Municipal Complex at 7:00 PM that:

1. The Township Committee hereby authorizes the execution of a contract to Remington Vernick Engineers for the Engineering/Design/Bid Documents/Specifications/Bidding/Advertisement Support, Contact Administration and Construction Observation Services For Improvements to Mansfield Road East –Phase III for a sum not to exceed \$29,110.00, as set forth in detail in Exhibit A.
2. This award is made available through the following account:

01 201 20 165 127
3. The Mayor and Township Clerk are hereby authorized to execute a contract and any related documents in a form substantially the same as that included in the specifications.

**RESOLUTION 2021-4-4
RESOLUTION TO RECLASSIFY THE DESIGNATION OF RETA VARGA FROM AN
HOURLY POSITION TO A SALARIED POSITION**

WHEREAS, the Township Committee has deemed it necessary to re-classify the designation of employee, Reta Varga, from a hourly position to a salaried position; and

WHEREAS, Ms. Varga’s rate of pay and all township benefits associated with her full time employment will remain the same.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that Reta Varga is hereby reclassified as the a salaried employment with her rate of pay and benefits remaining the same effective April 5, 2021.

**RESOLUTION 2021-4-5
RESOLUTION TO AMEND RESOLUTION 2021-3-14 “APPOINT THE NEWLY FORMED
ENVIRONMENTAL COMMISSION”**

WHEREAS, the Township Committee, under Ordinance 2021-5, re-established the Mansfield Township Environmental Commission pursuant to NJSA 40:56A-1 et seq.; and

WHEREAS, the Commission shall be comprised of seven (7) members with two (2) alternate members, who shall all be residents of Mansfield Township, and who shall serve without compensation; and

WHEREAS, said appointments are made by the Mayor of the Township of Mansfield; and

WHEREAS, resumes were received by the Mayor from interested residents requesting to be members of the newly formed Environmental Commission and those with said interest were added to complete the seats necessary to comply with the statute governing the members of such Commission.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Burlington, and State of New Jersey that Resolutions 2021-3-14 which was adopted by the Mansfield Township Committee is hereby amended as follows:

1. The membership roster of the Mansfield Township Environmental Commission for the year 2021 be and is hereby amended by deleting Sara (Serra) Gungor as a member due to her non-residency status within Mansfield Township.
2. The membership roster of the Mansfield Township Environmental Commission for the year 2021 be and is hereby further amended by adding LaVerne Cholewa, with a term expiration of 12/31/21.

The balance of the Members, as previously approved, will remain as follows:

Todd Kokotajlo, Chairman	Term expiration: 12/31/23
Dorothy Wirth, Vice Chair	Term expiration: 12/31/23
Frederick D. Cain	Term expiration: 12/31/22
Donald Knezick	Term expiration: 12/31/22
John Kelly	Term expiration: 12/31/21
Frank Pinto	Term Expiration: 12/31/21 (JLUB Member)
Steven Knezick (alt 1)	Term expiration: 12/31/21
H. Dennis VanMater (alt 2)	Term expiration: 12/31/21

**RESOLUTION 2021-04-6
RESOLUTION FOR THE REDEMPTION OF TAX LIEN**

WHEREAS, at the Mansfield Township Tax Sale held on December 8, 2020, a lien was sold to FIG Cust FIGNJ19 LLC & Sec Pty on Block 23.06, Lot 2, also known as 4 Barbary Lane for 2019 delinquent taxes; and,

WHEREAS, United Title Agency has affected redemption of Certificate #20-00003 on behalf of Gloria Arnold.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, authorizes that a check be issued to FIG Cust FIGNJ19 LLC & Sec Pty, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
FIG Cust FIGNJ19 LLC & Sec Pty	20-00003	\$48,147.23

**RESOLUTION 2021-4-7
RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS FROM REVISED
ASSESSMENT**

WHEREAS, Property Taxes for Preliminary Taxes, 1st Qtr. 2021 were overpaid on the property listed below; and

WHEREAS, the Tax Assessor revised the assessment for the property listed below from \$288,000 to zero (0); and

WHEREAS, an overpayment was due to a payment by CPLB Land Associates, 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 April 1, 2021 hereby authorizes the refunding of the following to CPLB Land Associates, LLC by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
30	9.02	CPLB Land Associates, LLC	\$2400.48

**RESOLUTION 2021-4-8
RESOLUTION FOR THE REFUND OF TAX DUE TO VETERAN EXEMPTION**

WHEREAS, the homeowner listed was declared to be a Disabled Veteran effective March 3, 2021; and,

WHEREAS, the homeowner, therefore is totally exempt from paying property taxes according to N.J.S.A. 54:4-3.30; and,

WHEREAS, the homeowner paid the Taxes for 1st quarter 2021.

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 April 1, 00.482021 hereby authorizes the Tax Collector to refund taxes paid to the following

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
10.08	6	Dhru Kumar	\$706.44

RESOLUTION 2021-4-9

RESOLUTION AWARDING CONTRACT TO BEYER FORD FOR THE ACQUISITION OF TWO 2021 FORD F-250 SRW XL 4WD REGULAR CAB PICK UP TRUCKS WITH PLOW AND SAFETY LIGHTS

WHEREAS, the Township of Mansfield is desirous to acquire two (2) 2021 Ford F-250 SRW XL 4WD Regular Cab Pick Up Trucks with Plow and Safety Lights to be used by the Mansfield Township Public Works Department; and

WHEREAS, the State of New Jersey Division of Purchase and Property, Cooperative Purchase Program, has authorized vendors that can provide these services, materials, supplies or equipment under a "state contract" for eligible items pursuant to N.J.S.A. 40A: 11-12; and

WHEREAS, said purchase is authorized through State Contract Number A88727; and

WHEREAS, the Chief Financial Officer, Bonnie Grouser, has determined that there are sufficient funds for said acquisition; and

WHEREAS, this award is made available through the following account Streets and Roads: Other Expenses Line Item: 01-201-26-290-299; and

WHEREAS, upon passage of anticipated Capital Bond Ordinance, this account will be reimbursed through Capital Funding. If said Capital Bond Ordinance is not Adopted by the Township Committee, this purchase will remain in the Streets and Roads: Other Expenses Line Item; and

WHEREAS, the vehicles are to be titled to the Township of Mansfield.

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

1. The Township Committee hereby awards a Contract to Beyer Ford, 170 Ridgedale Avenue, Morristown NJ 07960 in accordance with the Mansfield Township's Public Works Department's specifications and their proposal in the amount of \$76,023.00.
2. The Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, does hereby authorize the Mayor and Township Clerk to execute on behalf of the Township any and all documentation necessary for said purchase.
3. The vehicles are to be titled to the Township of Mansfield.
4. This award is made available through the following account: 01-201-26-290-299 with the stipulation that upon passage of anticipated Capital Bond Ordinance, this account will be reimbursed with Capital Funding.

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

BILL LIST

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** with the exception of the invoice to Prime Point, #11499 as was **Mayor Magee**. Motion carried on a Roll Call, recorded as follows:

AYE: OCELLO, HIGGINS (see below)GOLEND, TALLON, MAGEE(see below)
NAY: NONE
ABSENT: NONE **NOT VOTING:** N ONE
ABSTAIN: HIGGINS (conflict of interest)and MAGEE(familiar relationship
(from Bill Number 11499)

MINUTES: March 1, 2021; March 4, 2021, March 8, 2021; March 17, 2021

A motion was offered by **Committeeman Golenda** and second by **Michael Magee** to approve the minutes as listed above. Motion carried.

DISCUSSION

Attorney Prime said he needs guidance from the Township Committee in regard to an ordinance governing the conduct of the Township Committee meetings. An ordinance was adopted on first reading but it was withdrawn due to comments from the public. In lieu of that, the Township Committee adopted Resolution 2020-10-1 in October of 2020. This Resolution is still in effect. It allows for a limit of a one time 3 minutes comment from the public. If there is a public hearing for an ordinance, the public is allowed to comment on that item. In addition, there was a scheduled time period for the Township Committee meetings not to exceed 2 and a half hours unless relaxed by the Mayor or the Chair. This resolution is still in effect. The resolution was limited to the Covid Emergency during the time of remote meetings. **Attorney Prime** felt we should have these procedures in place in the event we need them. He spoke of a state statute that prohibits interfering with the conduct of a public meeting. It is a disorderly person offense only enforced if there is an ordinance in effect. He was looking for input from the Committee.

Committeeman Golenda expressed concern over the person responsible for monitoring the three minutes. **Attorney Prime** said it would either be the Clerk or himself. The public would have their right to the designated time even if they were interrupted by a member of the Committee. **Committeeman Golenda** understood the need to cap things but he didn't like the idea to suppress public involvement. He was also concerned with registering to speak which was only a part of the original ordinance and not this resolution. **Mayor Magee** felt we haven't eliminated public opinions in the past. However, an announcement can be made about a half hour before the meeting that the meeting will end and the people not offered the opportunity to speak will be afforded that opportunity at the following meeting. He felt there should be some type of regulation so meetings don't go so very late.

Deputy Mayor Tallon suggested a 5 minute limit if it is really crowded. He said we might not need a time limit if we are willing to go to another meeting.

Mayor Magee recommended 5 minutes limit and a two minute limit if you are speaking for the second time.

Committeeman Higgins said his preference would be to allow everyone to speak first before allowing a person to speak the second time.

Attorney Prime stressed the idea of this would be to have some type of orderly means to conduct a meeting and provides the public to prepare their thoughts ahead of time. The Committee can be flexible with the rules.

Mayor Magee suggested the Committee Members review the resolution after which it will be addressed.

Clerk Semus questioned the resolution being used at the Planning Board Level. This should be considered by them by way of adopting Rules of Order.

Administrator Fitzpatrick informed the Committee that he, **Committeeman Higgins, Ms. Grouser** and the Mayor had conversation with Bordentown and Chesterfield in reference to bringing their courts into our court system where we are already covering

Springfield and Southampton. In order to put this together, there would have to be more employees, new space with the thought of using our second floor space to accommodate about 4 new employees paid through the negotiations. This will not cost us any money. Accommodating them on the second floor will require renovations which will take more time than they would like. Through conversation with Judge McInerney and Court Administrator Lori David Hall today, they discussed where new employees could be placed on our first floor. It was thought by the Judge to utilize the rear room where the township committee holds executive session along with his office. Desks can be placed in there for individuals working with Chesterfield and Bordentown Courts until the second floor can be renovated.

Committeeman Higgins felt the Committee be informed of this suggestion. When reviewing the numbers today, it came out favorable for Mansfield, Bordentown, and Chesterfield. They said they would like to move forward but, prior to any changes, there would be a presentation to the Committee Members.

Administrator Fitzpatrick wanted to make sure the Committee is ok with utilization of our old executive room if it does go through. In addition, there would be a two day court, Wednesday and Thursday. **Deputy Mayor Tallon** was in favor of this proposal. **Committeeman Higgins** felt the utilization of the second floor of the building is favorable. Any renovation would be paid for by Bordentown and Chesterfield. **Administrator Fitzpatrick** noted that most of the court procedures are virtual and it appears this will continue.

PUBLIC COMMENT

Dalpat Patel, 525 Route 68, referred to the 9 million dollar budget which Ms. Grouser responded saying it is consistent with prior years. Mr. Patel referred to 20% for insurance which is about \$1,800,000. Ms. Grouser said that figure is for insurance and contractual obligations. Mr. Patel questioned the \$274,000 to the state. Ms. Grouser explained the state levy cap. He questioned our surplus. Mrs. Grouser explained, after using some for this budget, there will be \$450,000 in surplus.

Committeeman Higgins explained the hiring of 3 new employees and the added expenses.

Colleen Herbert, 2 Millennium Drive, commented on the proposed ordinance relating to public comment. She had no problem with the 5 minute limit but it depends how the public is told. She referred to the Master Plan and the zoning and the comment made at the Land Use Meeting that the Township should review the zoning and ordinances since people are not in favor of warehouses. We have to deal with what we have but she felt the township committee should review things and plan our progress. She explained how Chesterfield had a meeting represented by many. This type of meeting was informative to the public. She felt the people need information. We need to grow together as a community.

John O'Callaghan asked if there is any progress on bumping up the storm water ordinance to be more than just the basic. **Attorney Prime** said he is waiting to get thoughts from the Environmental Commission meeting to be held April 12. **Deputy Mayor Tallon** hopes to address this soon and hopefully have ideas by May. **Attorney Prime** said we are not going to change the ordinance but implement other provisions in the zoning ordinance and the check list.

Mr. O'Callaghan spoke of time limits and comments. He hopes the Township Committee seriously consider how the put regulatory controls in but they should not stifle residents. He thanked **Mayor Magee** and **Administrator Fitzpatrick** for their action in addressing the trees between Mansfield Road East and West.

Kristiann Goodenough, 28126 Gaunt's Bridge Road, felt the Master Plan should be re-evaluated particularly in the area of preservation of Open Space, especially farm land. Although we want to meet the low income requirement, she felt that, at the same time, if plots are able to go up for development, we will have increasing difficulty doing so. When the County Agriculture Board determines the value of farmland, they don't consider the

value that the warehouse developer can offer for a farmer to sell their property to them. She encouraged the Committee to work with **Attorney Prime** to figure out how the farmers can receive the value of the land that they truly deserve so we can preserve the land we currently have.

Carl Schwartz wanted the Committee to make sure that, when the sewer line is run on Mansfield Road East, the developer picks up any cost for possible needed repair. He also felt any damaged to the road as a result of the Northern Burlington County project should be the responsibility of the school. He also questioned if all public comment will be limited to a time frame at meetings, including public hearing for ordinances as well. **Attorney Prime** said it would be for all public comment. Mr. Schwartz asked if the newly formed Environment Commission is fully staffed and active. **Deputy Mayor Tallon** responded the commission will be active after April 12th, the first meeting. Mr. Schwartz also asked if the addition of townships to the court will result in a net increase in revenues to this township. **Administrator Fitzpatrick** said this is a positive for us.

Joseph VanMater, 26954 Mt. Pleasant Road, wanted the Committee to strongly consider limiting public comment as the Committee should encourage participation. People should not be discouraged from being cut off.

Andrew Areng, 874 N. Dailey Street, Philadelphia, said he grew up in Hedding. He encouraged in person meeting once the pandemic is over but to continue virtually also. He questioned at what time of the development does the Committee communicating with a developer in regard to the PILOT. **Attorney Prime** responded saying when the developer initiates the discussions. He further said that generally, the redevelopment agreements obligate the township to consider a PILOT. **Attorney Prime** explained the process. Mr. Areng referred to the developer of warehouse on Mansfield Road West who stated, at the JLU Board meeting last night, that they will go through with the project whether they have a PILOT or not.

Kathryn Tallon, 53 Oak Lane, New Egypt, NJ felt the Committee is doing a great job since there is so much more public engagement now days. She thanked Linda and Ashley for always running everything so smoothly. She agreed with the prior comments and said she would discourage PILOTS as she wanted more money to go to the schools. She was happy for the Environmental Commission.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to close the public hearing. Motion carried.

MAYOR AND COMMITTEE UPDATES/COMMENTS

Committeeman Ocello felt that questions are being answered when the public is involved. He wished all a Happy Easter.

Committeeman Higgins referred to conversation about farmland preservation. He felt we have about 3400 acres in farmland preservation. We are unable to do as in the past when money was available as we have probably spent about \$1,500,000 or more to provide for the preservation. He has no problem with more preservation if farmers are willing but money is an issue. He wished all a nice holiday.

Committeeman Golenda felt a review of the Master Plan is necessary. Avoiding the re-zoning of land inappropriately should be a priority. He felt the professionals selected to represent the township should be aware of the interest of the residents and not cater to market forces.

Deputy Mayor Tallon read the following: “The need for more than just a Master Plan re-examination is needed at this time. Since 2001, many things impacting our community have changed. Future impact recently approved are Tower Gate and Pulte Developments. The potential for health and quality of life impacts due to the approval of proposed residential and commercial developments, the traffic patterns and local regional impacts to roads, addition burdens and influences on our environmental resources, areas of flooding identified by residents, changes in weather patterns, global warming, further degrading of the township Columbus Town Center, open space and recreational needs,

A2785 giving the township the right to address where we will have climate problems, especially along the Delaware River, impacts to regional ground water and water supplies due to development. That one is near and dear to his heart because we are supplying so many other communities with our water leading to our deficit. Inappropriate areas and state planning designations that were to be changed before that weren't that allow some things to happen that he felt were not good for us. The state recommends updating the Master Plan every 10 years. There was a re-examination 2016. However, with everything happening in the past recent years, he is asking the Committee to vote to start re-doing the Master Plan.”

Mayor Magee questioned the procedure. **Attorney Prime** suggested discussing this as a future meeting. **Mayor Magee** suggested having **Attorney Prime** review the first step in the re-examination. **Mayor Magee** wanted to make sure we follow the proper procedure. It was a consensus of the Committee to have **Attorney Prime** begin the process for review of the Master Plan.

Deputy Mayor Tallon referred to the letter sent to the County from Janice DiGiuseppe regarding the truck traffic through the town of Columbus. They said they would help us to a study. Residents are complaining of cracked basements and cracked walls. **Deputy Mayor Tallon** suggested a study with the County's help to see how much vibration there is to possibly warrant a reduction in the speed to 20mph.

Mayor Magee thanked everyone for attending the meeting. He thanked all who were instrumental in planning and working on the meeting. He wished all a great Easter and Happy Holiday.

MOTION TO ADJOURN

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to adjourn. Motion carried.

PREPARED BY:

RESPECTFULLY SUBMITTED BY:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC, CMR
Municipal Clerk