

**MANSFIELD TOWNSHIP  
BURLINGTON COUNTY  
REGULAR MEETING MINUTES  
October 20, 2021  
ZOOM MEETING**

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, Engineer Doug Johnson, CFO Bonnie Grouser, Administrator Michael Fitzpatrick, Deputy Clerk Ashley Jolly and Clerk Linda Semus.**

**Clerk Semus** read the following opening statement. 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.

The meeting was opened by **Clerk Semus** followed by the Roll Call and the Salute to the Flag.

### **ENGINEER’S REPORT**

**Engineer Johnson** explained that there are five emergent road repairs/improvements including Sheffield Drive at 29 Sheffield to Green Court, Greenbrook Drive from Clement Court to Dickens Court, various locations at basins on Hawk Drive, Harvest Lane and Hickory Lane, two locations on Mill Lane including the culvert that crosses near 101 Mill Lane and erosion at a roadside swale. Committeeman Ocello felt these were serious conditions and was concerned over Mill Lane although he said he observed three locations on this road.

**Committeeman Higgins** questioned whether these road conditions could be addressed through a deferred charge spread over 5 years. **Engineer Johnson** noted that one condition on Mill Lane was more of an emergency. **Committeeman Ocello** was concerned over another area which **Engineer Johnson** said he would look at it. **CFO Grouser** explained the finances inasmuch as the total to fix the two areas on Mill Lane would amount to \$370,000. With \$13,800 remaining in the Capital Improvement Fund which would be the 5% down. There would have to be an Emergency Appropriation for the difference. **Committeeman Ocello** stressed the need to repair all three locations immediately. **CFO Grouser** explained that the township could go out for a note for \$276,000.

**Deputy Tallon** referred to the culvert under the road which was an intermittent stream years ago but, due to the adjoining development, the hydrology changed and there is more run-off. Therefore, he felt a larger pipe should be used. He said he would like to look at the area where the stream runs along the road.

**Committeeman Higgins** felt, in addressing the two situations on Mill Lane, one is an emergency for road repair for the safety and wellbeing of our taxpayers. **CFO Grouser** explained that the township would have to go out for a bond anticipation note since this situation does not qualify for a five year special emergency note because it would have to directly relate to a flood or hurricane. **Committeeman Higgins** said we had recently had storm damage as a result of the last tropical storms that came through and felt Burlington County was declared as an emergency area. Could these damages relate to the flooding and qualify for the 7 year note. **Engineer Johnson** felt the roadside swale could be attributed to that since it is mainly erosion but the culvert is made partially of corrugated metal pipe which is well past its life span and wouldn’t qualify. **CFO Grouser** suggested using Capital money for the Engineering costs.

**Administrator Fitzpatrick** felt there are many serious problems as he gets phone calls every day. The problems have been shown to everyone as a whole. A determination has to be made as to what to concentrate on. **Committeeman Ocello** agreed.

**Committeeman Higgins** felt we don’t have the down payment for all areas. **CFO Grouser** agreed and said we could do a deferred charge to next year’s budget. **Solicitor Prime** added that we could do a bond ordinance for road repair. **Committeeman Higgins** felt we should complete the emergency first and follow through with a bond ordinance for the rest of the repairs. **Deputy Mayor Tallon** agreed as did **Mayor Magee**.

**Committeeman Higgins** felt action on the Mill Lane emergency be taken tonight. **Mayor Magee** agreed and added that we should determine the remaining areas to go for a bond ordinance. It was determined that the emergency is just the culvert on Mill Lane. **CFO Grouser** said this amounts to an estimation of \$155,000 plus engineer fees of \$24,000 through a bond ordinance. There would be no deferred charge into next year's budget for this emergency. **Committeeman Higgins** questioned whether there would be enough money to transfer money to engineering services from other areas of the budget. **CFO Grouser** explained this could not be done. **Mayor Magee** felt that one area in need of repair has been addressed at this meeting. We should look at the possibility of a bond for the remaining areas.

**Engineer Johnson** explained bids have been received for Mansfield Road East, Phase III. The base bid was \$170,000 and change. The alternate bid was \$216,000, the second alternate was \$253,000. The base bid goes from Island Road to about 150 before Legends Lane. For an additional \$46,000 was from 150 feet before Legends Lane to about 250 feet past Legends Lane. The remaining portion is from 250 feet past Legends Lane to Holly Drive. This is a DOT funded project. The township did receive \$185,000 toward the project which can be done this year. **Committeeman Ocello** expressed concern over the portion that we don't include as the roadway to Route 206 is rough. He questioned why we didn't complete the entire road. **Committeeman Higgins** noted that he will be silent on this discussion as he would benefit from it. **Mayor Magee** noted the considerable distance and the money it would take to finish the road. It was decided to complete just the base bid amount.

**Engineer Johnson** said notification will soon be received for the 2022 DOT Grant which we put in for Island Road. There is another grant opportunity, the local freight impact fund grant. Ten percent truck traffic is required for this grant. Although there is considerable truck traffic, most is on County and State roads. Since most of township roads is pedestrian traffic, we would not qualify for the grant.

A pre-construction meeting was held in regard to the PSE&G substation on Old York Road. Work will start later this week. This project will last until the end of next year.

A pre-construction meeting is being held for "Pheasant Run" at the intersection of Island Road and Mansfield Road East.

A motion was offered by **Committeeman Golenda** and second by **Committeeman Ocello** to move forward on the Emergency Repair. Motion carried.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Ocello** to accept the Engineer's report. Motion carried.

**Mayor Magee** noted that the current Public Works Department gets a lot of praise for what they are doing. He didn't want anyone to think this is any kind of slight of our former Public Works Department which was a skeleton crew. Jef Jones and Frank Parkerson deserve a lot of credit and did a great job.

## FINANCE

### a. Roll Back Taxes Information

**CFO Grouser** said we will be receiving \$648,000 in roll Back Taxes this year. This is on 6 properties, two being Kainer East, warehouses on Route 206. Of the total being received, \$592,000 will be received from Kainer East. The County gets 5% of that.

**Committeeman Higgins** noted that there was no tax increase this year. He then referred to pilot money which was received from Margolis Phases I and II. As additional warehouses, we will get roll back taxes as well as pilot money. We are putting services back into the township from monies received. He suggested banking the Roll Back Taxes. If the Pilots come into play, they will pay for the increases needed on the municipal side. We had, in the past few years, used up our reserve. However, if the pilot money comes into play, we should probably receive two next year, one from Margolis and one from Kainer which will help with our budget. The schools are also receiving money.

### b. Note Sale Results

**CFO Grouser** referred to Ordinance 2021-9, adopted May 15<sup>th</sup>, and gave us the authority to go out for financing. On September 29<sup>th</sup>, we had four note sale bids on the principal amount being \$2,122,820. Our interest rate is .33. The winning bid was from Municipal Excess Liability Joint Insurance Fund who has bought our notes in the past. Our specialty 5 year emergency note from 2019 for tax maps will roll over on its own. The principal amount is \$48,000 which was at a slightly higher interest rate of 1% also picked up by the same Insurance Fund. Our bond rating in 2019 was AA Stable. It remained the same this year upon a completed surveillance review of the township.

## ORDINANCE

### SECOND READING/PUBLIC HEARING/FINAL ADOPTION

**Ordinance 2021-21**

**AN ORDINANCE AMENDING ORDINANCE 2021-12, THE “MANSFIELD TOWNSHIP AFFORDABLE HOUSING ORDINANCE” TO ADOPT TWO SUBCHAPTERS INCORPORATING THE TOWNSHIP’S “MARKET TO AFFORDABLE” AND “SUPPORTIVE AND SPECIAL NEEDS HOUSING” PROGRAMS.**

**WHEREAS**, as part of Mansfield Township's affordable housing compliance, on July 21, 2021, the Township adopted Ordinance 2021-12, the “Mansfield Township Affordable Housing Ordinance”; and

**WHEREAS**, on September 8, 2021, Judge Covert, the Assignment Judge of the Burlington County Superior Court, conducted a final compliance hearing to consider Mansfield Township's compliance with its affordable housing obligation; and

**WHEREAS**, as part of the final compliance hearing conducted by Judge Covert, the Court Special Master, David J. Banisch, PP/AICP, issued a third and final Compliance Report, dated September 7, 2021; and

**WHEREAS**, as part of said report, the Special Master recommended that the Township amend the Township’s “Affordable Housing Ordinance” to include two subchapters further detailing the Township's “Market to Affordable” program and its “Supportive and Special Needs Housing” program; and

**WHEREAS**, after hearing the Special Master’s testimony and accepting the Special Master Compliance Report, the Court ordered the Township to adopt to the following amendments.

**NOW, THEREFORE, IT BE ORDAINED**, by the Township of Mansfield, in the County of Burlington that Ordinance 2021-12, the “Mansfield Township Affordable Housing Ordinances” is hereby amended to add the two sub-chapters as set forth below:

**Section 3A: Market to Affordable Rental Rehabilitation Write-down/buy-down Program:**

**Purpose.** Mansfield Township’s Third Round Affordable Housing Plan Element and Fair Share Plan identifies a minimum of twenty-two (22) units of existing rental housing stock in Columbus village and in the area of Kinkora Road to address a portion of the Township’s 265-unit Third Round new construction affordable housing obligation. These units are to be subsidized through the Township’s affordable housing trust fund under the provisions of the NJ Council on Affordable Housing’s Market-to-affordable regulations found at N.J.A.C. 5:93-5.11, “Write-down/buy down of previously owned units” and will be subject to a 30-year deed restriction and mortgage lien on each unit as per N.J.A.C. 5:80-26.11. The program shall create 22-units of affordable rental. At least 11 units shall be low-income units, of which three (3) shall be very low-income units at rents affordable to very low-income households, subject to the requirements of N.J.A.C. 5:80-26.1 et seq. and the following:

- a. A minimum of at least \$20,000 per unit shall be used to subsidize the cost of the buy down unit.
- b. Rents shall conform to the standards in N.J.A.C. 5:93-7.4.
- c. At least half of the units in each building shall be affordable to low-income households and rents shall be affordable to households earning an average 52 percent of median income for the region. or the range of affordability will be accommodated elsewhere in the housing plan. The sales prices shall be based on the number of bedrooms in accordance with N.J.A.C. 5:93-7.4.
- d. All rental units created through this program shall be affirmatively marketed in accordance with N.J.A.C. 5:93-11.
- e. The units shall be exempt from bedroom mix requirements pursuant to N.J.A.C. 5:93-7.3.
- f. All units shall have a 30-year deed restriction and mortgage lien on each unit as per Technical Appendix E, N.J.A.C. 5:93;
- g. The program shall be administered by the Township’s Administrative Agent, who shall:
  - i. Maintain an up-to-date inventory of units that meet the requirements of a buy-down program.
  - ii. Qualify and place income eligible households in low- and moderate-income units upon initial occupancy.
  - iii. Place income eligible households in low- and moderate-income units as they become available during the 30-year term of affordability controls.
  - iv. Enforce the terms of the deed restriction and mortgage lien.
  - v. Sponsor a home ownership counseling program and post purchase session for prospective purchasers.
  - vi. Conduct annual household income surveys to ensure that occupancy remains available to affordable households in accordance with the deed restriction.

10. Encourage the disbursement of these units throughout the municipality if all 22 affordable rental cannot be completed within the Columbus village and Kinkora Road areas of the Township.

**Section 3B: State Licensed Community Residences / Supportive and Special Needs Housing Program:**

Mansfield Township’s State Licensed Community Residences / Supportive and Special Needs Housing Program is designed to respond to a portion of the Township’s Third Round affordable housing new construction obligation by creating a minimum of twelve (12) units of supportive and special needs housing (group homes) for the special needs population. The units shall conform to the following minimum standards identified at N.J.A.C. 5:93-5.8, “Alternative living arrangements.”

- a. The unit of credit for an alternative living arrangement shall be the bedroom.
- b. Alternative living arrangements that are age restricted shall be included with the 25 percent that may be age restricted pursuant to N.J.A.C. 5:93-5.14.
- c. A minimum subsidy of \$15,000 per unit (bedroom) shall be provided.
- d. Controls on affordability on a community residence / alternative living arrangement group home shall be provided and shall remain in effect for the maximum time period permitted by the State licensing agency providing on-going service costs for the State-licensed community residence.
- e. The agreement between the State-licensing agency and the service provider shall include a reversion clause providing a first right of refusal to the licensing agency for purchase of the community residence prior to any sale the community residence.

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

**A. Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

**B. Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the

balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance

C. **Effective Date:** This Ordinance shall take effect upon proper passage in accordance with the law.

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

**Attorney Prime** gave a brief explanation of the ordinance. Since the Affordable Housing Plan has been approved by the court, the last condition of the approval was that the township amend the affordable housing ordinance to further clarify the two components of the affordable housing plan that doesn't involve new housing by converting market housing to affordable housing and subsidizing it for affordable housing folks which is basically group homes. This ordinance will then be sent to the court. One of the resolutions on the consent agenda endorses action by the Planning Board. We will be protected until 2025.

With no comments or questions, a motion was offered by **Committeeman Golenda** and second by **Mayor Magee** to close the public hearing. Motion carried.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to adopt Ordinance 2021-21. Motion carried on a Roll Call Vote, recorded as follows:

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

**ORDINANCE 2021-22**

**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 ARTICLE VII "HCC - HOMESTEAD COMMERCIAL CENTER", AND TO AMEND THE MANSFIELD TOWNSHIP ZONING MAP, 65 ATTACHMENT 1 "TABLE OF ZONING AMENDMENTS" AND 65 ATTACHMENT 2 "ZONING SCHEDULE OF AREA AND BULK REGULATIONS".**

**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:** Purpose: As part of the original and amended General Development Plan approval for the Homestead residential development in Mansfield Township, a non-residential area was established and set aside to serve the commercial and shopping needs of the community and the surrounding area. A shopping center was developed on Block 42.01, Lot 1 and Block 42.30, Lot 151 known "Homestead Plaza". Although the shopping center has been developed with commercial, nonresidential uses generally following the C-1 Neighborhood Commercial Zoning District standards, the area has never been included in a zoning district with permitted, conditional and accessory uses designated for the area. The intent and purpose of this Ordinance to establish the permitted, conditional and accessory uses for the area that reflect the current commercial and shopping needs of the community and surrounding area within the HCC Homestead Commercial Zoning District established herein.

**SECTION TWO:** Chapter 65 "Zoning" is hereby amended to adopt and enact a new Article VII (previously reserved) "HCC Homestead Commercial Center" as follows:

**Article VII: HCC Homestead Commercial Center**

**§ 65-20. Permitted uses.**

It is the purpose of the HCC Homestead Commercial Center Zoning District C-1 Zone to permit development and redevelopment of community-scale commercial and office uses, and compatible mixed uses within the existing developed shopping center in Block 42.01, Lot 1 and Block 42.30, Lot 151. In the HCC Homestead Commercial Center land, buildings or premises shall be used by-right only for one or more of the following uses; provided, however, that no single business establishment or institutional use shall occupy a total floor area in excess of 10,000 square feet, except for grocery stores, which shall not occupy a total floor area in excess of 20,000 square feet.

- A. **Health care and related uses**, such as: adult daycare services; licensed childcare services and pre-schools; medical and diagnostic laboratories; outpatient care services; and vocational rehabilitation services.
- B. **Educational uses**, such as: business, technical, and trade schools; instructional academies for fine, martial, and performing arts, language, driving, etc; and tutoring and test preparation services; and training academies.
- C. **Banks and finance, insurance, and real estate uses**, such as: banks and credit unions; and finance, insurance and real estate offices.
- D. **Eating and drinking establishments**, such as: full-service restaurants, where patrons order and are served while seated and pay after eating; limited-service restaurants, where patrons order and pay before eating at the restaurant or elsewhere; buffets and cafeterias, where patrons serve themselves and eat seated at the restaurant; and caterers & catering halls.
- E. **Personal and household services**, such as: dry-cleaning and laundry services; hair, nail, skin, diet, and weight care services; pet care services; photography studios and photofinishing services; tailoring and dressmaking services; and repair services for personal and household items, such as cameras, jewelry, musical instruments, precision equipment, and timepieces; computer, electronic, and telecommunication equipment; footwear, leather goods, and luggage; furniture, furnishings, and upholstery; home appliances; medical and optical supplies; mortuary; and similar items.
- F. **Recreational uses**, such as: art galleries; libraries, museums and historical sites; private and commercial athletic, exercise, fitness, spa, sports, and wellness centers; and similar indoor facilities.
- G. **Retail sale of fresh, packaged, and prepared foods and related items**, including food markets, convenience stores and small specialty supermarkets, such as: baked goods and tortillas; beer, wine, and

liquor; hot and cold beverages, ice, and soft drinks; dairy items; meats; confections, dessert, nuts, and snacks; fish and seafood; flowers; fruit and vegetables; herbs, seasonings, and spices; tobacco and other consumable foodstuffs.

- H. **Retail sale and associated repair of personal items**, such as: clothing, accessories and shoes; jewelry, luggage, and leather goods, optical care and medical supplies; pet and pet supplies; pharmacies and health and personal care supplies; and similar items.
- I. **Retail sale and associated repair of home improvement and household items**, such as: appliances and electronic devices; building equipment, materials and supplies; furniture, home furnishings, and decorations; hardware; lawn and garden equipment, materials, and supplies; and similar items.
- J. **Retail sale and associated repair of other domestic and small business items**, such as: artworks and craftworks, including production studios and galleries; audio, gaming, and video electronic media, including rentals; automobile parts and supplies; books, newspapers, magazines, music, periodicals, and other non-electronic media; computers and telecommunication device and accessories; office supplies, stationery, cards, and gifts; hobbies, toys, and sporting goods; and similar items.
- K. **Professional, scientific, and technical services**, such as: accounting, tax preparation, bookkeeping, and payroll services; advertising, public relations, and related services; architectural, engineering, and related services; computer systems design and related services; home improvement contractor services without equipment and materials storage; legal services; management, scientific, and technical consulting services; marketing research and public opinion polling; physicians, dentists and other licensed health practitioners; specialized design services; translation and interpretation services; and veterinary services.
- L. **Administrative and support services**, such as: business support services; copying, photocopying and printing services; employment services; facilities support services; investigation and security services; mailing, packaging and labeling services; office administrative services; property maintenance, janitorial and similar services; and travel arrangement and reservation services.
- M. **Contractor Offices**, including an office of a carpenter, contractor, plumber, electrician, painter, roofer, or similar non-nuisance business, subject to the conditions of § 65-14.J.
- N. **Government buildings, facilities, and uses**, including parks, playgrounds, and municipal parking facilities.
- O. **Utility substations**, subject to the following requirements:
  - 1. No storage of materials and trucks and no repair facilities or housing of repair crews except within completely enclosed buildings shall be permitted.
  - 2. The architectural design of the exterior of any building shall be in keeping with other structures in the neighborhood.
  - 3. Screening shall be developed in accordance with the requirements of this chapter. All plants not surviving one year after planting must be replaced.
- P. **Solar energy systems**.
- Q. **Community stormwater management basins** and green infrastructure systems, per N.J.A.C. 7:8.
- R. **Decentralized/shared/cluster wastewater management systems**, per N.J.A.C. 7:9A.
- S. **Publicly-owned and privately-owned wastewater treatment works**, per N.J.A.C. 7:14A.

**§ 65-21. Accessory uses.**

Only the following accessory uses shall be permitted:

- A. Accessory uses on the same lot with and customarily incidental to any of the above permitted uses.
- B. An eating and drinking establishment or retail prepared foods sales establishment shall be permitted to operate outdoor cafes in adjacent courtyards, plazas and on sidewalks as an accessory use, provided pedestrian circulation and access to store entrances shall not be impaired and the following standards and guidelines are met:
  - 1 To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and to the entrances of the establishment shall be free of tables and other encumbrances.
  - 2 Outdoor cafes not occupying sidewalks shall be delineated by permanently placed planters, fencing and/or walls. Outdoor cafes occupying sidewalk areas shall be delineated by moveable enclosures.
  - 3 Awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.
  - 4 Outdoor cafes shall provide outdoor trash receptacles.
  - 5 Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.
  - 6 Outdoor entertainment is prohibited.
  - 7 Outdoor cafes shall be located a minimum of 50 feet from all residential lot lines.
  - 8 Operators or owners of establishments with outdoor cafes shall be responsible for trash pick-up and shall maintain a litter-free and well-kept appearance within and immediately adjacent to the outdoor cafe.
  - 9 Outdoor cafes shall not be entitled to additional signage, beyond what is permitted for the main use.
- C. Delivery services for all eating and drinking establishments.
- D. Indoor dancing and entertainment uses for full-service eating and drinking establishments;
- E. Off-street parking and loading, per § 65-96 through 99.1.
- F. Electric vehicle service stations, which may be counted as part of the use(s) minimum off-street parking requirement.
- G. Signs, per § 65-113.
- H. Roof-mounted solar energy systems.

**§ 65-22 Prohibited uses.**

In addition to those listed in Article XIX “General Regulations”, § 65-88 “Prohibited Uses”, the following uses also shall be prohibited in the HCC Homestead Commercial Center zoning district:

- A. Automotive sales/leasing, repair, washing/detailing.
- B. Gasoline service stations.

**§ 65-23. Area and bulk regulations.**

Area and bulk requirements shall be as follows:

- A. Lot size: 7,500 square feet minimum.
- B. Lot width: 50 feet minimum.
- C. Lot depth: 150 feet minimum.
- D. Lot coverage: 40 % maximum for single-family uses, with or without accessory apartment units; 70 % maximum for all other uses.
- E. Front yard: 20 feet minimum from Township streets; 0 feet from all other.
- F. Side yards: 20 feet aggregate total with an eight-foot minimum, each, provided that, when a written agreement is provided by adjoining property owners, no side yard shall be required where two or more commercial uses abut side to side, between properties of separate ownership. In case of a series of abutting structures paralleling a public right-of-way, an open and unobstructed passage of at least 30 feet in width shall be provided at grade level at intervals of not more than 300 feet.
- G. Rear yards: 25 feet minimum.
- H. Height: 2.5 stories maximum.

**§ 65-23.1 Other regulations.**

- A. All other regulations of this chapter shall be followed, as required.
- B. All improvements and uses shall be set back a minimum of 25' from the right- of-way line of all contiguous streets.
- C. The buildings, sizes, shapes, site positions and architectural design shall be considered along with the landscape and natural features.
- D. There shall not be any outside storage and sales of materials unless the following conditions and standards are met to the satisfaction of the Consolidated Land Use Board of Mansfield Township:
  - 1. The use will not injure or detract from the use of neighboring property.
  - 2. The use will not detract from the character of the neighborhood.
  - 3. The use of the property adjacent to the area included in the plan is adequately safeguarded.
  - 4. The property is suitable for the intended use.
  - 5. The use will serve the best interests of the Township.
  - 6. The use will not adversely affect public sewers and facilities, such as water, sewer, police and fire protection.
  - 7. The use will not adversely affect the drainage facilities in the adjacent neighborhood.
  - 8. The use will not adversely affect the safe flow of highway traffic and adequate roadway accesses are provided to protect roadways from undue congestion and hazards.
  - 9. There shall be no storage, display or sale of any merchandise whatsoever in the front yard setbacks unless the criteria set forth herein is met.
  - 10. All merchandise accessible to the public shall be adequately safeguarded to prevent injury to persons.

**SECTION THREE:** Chapter 65 “Zoning”, Article II, Districts”, Section 65-3 “Zoning Map and Boundaries” is hereby amended to amend the Mansfield Township Zoning Map to include the boundaries of the HCC Homestead Commercial Center zoning district as adopted in this Ordinance.

**SECTION FOUR:** Chapter 65 “Zoning”, 65 Attachment 1: “Table of Zoning Map Amendments” is hereby amended to add this Ordinance creating the HCC Homestead Commercial Center zoning district.

**SECTION FIVE:** Chapter 65 “Zoning”, 65 Attachment 2: “Zoning Schedule of Area and Bulk Requirements” is hereby amended to add the Area and Bulk Requirements for the HCC Homestead Commercial Center zoning district, as set forth in §65-23 above.

**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 the commercial area at the Homestead development was never included in a zone. It was developed under the C-1, Neighborhood Commercial. Therefore a zone is being established to enable clarification of the permitted uses.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to introduce Ordinance 2021-22. A Roll Call was taken as follows:

**AYE:** Ocello, Higgins, Golenda, Tallon, Magee  
**NAY:** None                      **ABSENT:** None                      **ABSTAIN:** None

**ORDINANCE 2021-23**

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY TO ESTABLISH AND CREATE THE POSITION OF ASSISTANT EMERGENCY MANAGEMENT COORDINTOR

Be it enacted by the Mansfield Township Committee as follows:

Section 1.

The Code of the Township of Mansfield hereby amends Chapter 2-14C, by adding OEM Assistant Emergency Management Coordinator.

**WHEREAS**, the Township of Mansfield, specifically the Office of Emergency Management is in need of an Assistant Emergency Management Coordinator; and

**WHEREAS**, the creation of this positions of Assistant Emergency Management Coordinator will allow the Mansfield Township’s Emergency Management Services Department to operate more efficiently and effectively; and

**WHEREAS**, The Mansfield Township Committee is in agreement that the positions of Assistant Emergency Management Coordinator should be created; and

**NOW THEREFORE BE IT ORDAINED AND ESTABLISHED** by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, that Chapter 2 (“Administration of Government”), of the Code of the Township of Mansfield is hereby amended as follows:

**A. SECTION 2-14 Various Department Positions**

**C. OEM Coordinator**

1. The job responsibilities of said Assistant Emergency Management Coordinator, shall be as follows:  
Assist the OEM Coordinator in managing the Office of Emergency Management which said Department is authorized to carry out emergency management operations and protect the residents of the Municipality.

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**Mayor Magee** introduced Ordinance 2021-23 which will be subject to final adoption on November 4<sup>th</sup>, 2021 at 7PM.

**Administrator Fitzpatrick** said this is a new position for an assistant to work with Mr. Borgstrom to help with daily operations as well as emergency situation.

**Committeeman Higgins** clarified that this was a budgeted item in the current budget. He then made a motion to introduce Ordinance 2021-23. The motion was second by **Committeeman Ocello** and carried on a Roll Call Vote, recorded as follows:

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

**Mayor Magee** introduced Ordinance 2021-24 for first reading, second reading to be held on November 4, 2021.

**ORDINANCE 2021-24**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING THE CODE OF THE TOWNSHIP CHAPTER 42 – “SALARIES”**

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

**SECTION 1:**

Chapter 42 of the Code of the Township of Mansfield is hereby amended to set Titles and Salary Ranges for various positions within the Township of Mansfield for the year 2021/2022:

**CONSTRUCTION:**

Construction Official	\$ 20,000.00-50,000.00
Sub-Code Official: (Bldg., Elec., Fire, Plum.)	\$ 12,000.00-80,000.00
Technical Asst. to Construction Official (salaried)	\$ 40,000.00-54,000.00

**PUBLIC WORKS:**

Administrative Assistant to Public Works Supervisor And Township Superintendent	\$ 1,000.00 - 7,500.00
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**SAFETY:**

Coordinator-Emergency Management Serv.	\$ 3,675.00 - 11,000.00
Assist. Coordinator-Emergency Management Serv.	\$ 1,000.00 - 3,675.00

*Salary Ordinance 2021-14, covering the 2021-2022 years,  
is amended to include the above position and salary range*

**EMS:**

Emergency Medical Services Administrator	\$ 70,000.00 -\$110,000.00
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**SECTION 2:**

The Township Committee reserves the right to pay a Salary to any employee at any figure within the Salary Range, not necessarily the highest figure of said Salary Range.

The adoption of this Ordinance shall operate to provide increments only to those employees who have satisfactorily performed the duties of their positions.

This Ordinance shall take effect immediately after final passage according to law.

**SECTION 3:**

The Mansfield Township Committee hereby repeals all parts of the prior Salary Ordinance inconsistent with this Ordinance and are hereby repealed to the extent of said inconsistency.

**REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

**Administrator Fitzpatrick** said discussion had been held at the prior meeting in regard to increasing the construction office based on the construction rider. This is memorializing conversation held during the prior meeting.

The ordinance also addressed the salary for the administrative assistant to public works and the coordinator for emergency management services.

A motion was offered by **Committeeman Golenda** and second by **Committeeman Ocello** to introduce Ordinance 2021-24. Motion carried on a Roll Call Vote, recorded as follows:

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

**Mayor Magee** explained the following Ordinance 2021-25 to be subject to final adoption on November 4, 2021.

**Attorney Prime** said this amends the tree removal ordinance to address the larger developments which were originally addressed by a volunteer. Since this has become a large endeavor, the Environmental Commission and Planning Board review such applications for development, their professionals will review the tree removal and landscape plan and any other tree removal issues. The Township Professional will work with individual residents.

**ORDINANCE 2021 – 25**

**AN ORDINANCE AMENDING THE CODE OF MANSFIELD TOWNSHIP, CHAPTER 60B “TREE REMOVAL”.**

**WHEREAS**, the Township Committee of the Township of Mansfield declares and finds that the current Township Ordinances governing tree removal, including the duties of the Township Forester, are in need of revision; and.

**WHEREAS**, the Township Council for the Township of Medford deems it to be in the best interests of its residents to adopt this Ordinance.

**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:** The first sentence of Chapter 60B, Section 60B-1 “Legislative Intent”, is hereby amended to add the following sentence at the end of said Section:

“It is further the intent of this Chapter 60B “Tree Removal” to provide for the enforcement of this Chapter by the Township Forester and to provide for assistance by the Township Forester to owners of individual residential and commercial parcels in the Township in complying with the provisions of this Chapter, while requiring professional review at the developer's expense of applications for development and major tree removal by professionals designated by the Township Planning Board sitting as a Joint Land Use Board (“JLUB”) and the Township Environmental Commission.”

**SECTION TWO:** The second sentence of Section 60B-5 “Permit; site plan information” is hereby amended to delete the phrase "to be reviewed by the Township Forester" and replaced with the phrase "to be reviewed by the professionals designated by the JLUB as part of the review of the application for development".

**SECTION THREE:** The first sentence of Section 60B-5A is hereby amended to delete the first sentence and replace it as follows: “Any person wishing to obtain a permit to remove one or more trees or clear land as required under the provisions of this chapter (unless being reviewed as part of application for development to be reviewed by professionals designated by the JLUB) shall make application to the Township Forester by filing a written application and paying such fee as established herein.”

**SECTION FOUR:** Section 60B-6 “Field Check-consultation with Environmental Commission” and 60B-7 “Pre-application inspection” are hereby amended to provide that the reference to the Township Forester shall be amended to include the following phrase “...the Township Forester or the professional designated by the JLUB as part of the review of the application for development...”

**SECTION FIVE:** Section 60B-8 “Conditions for issuance of permits; basis for denial” subsections A, B (1), B(2) and C are hereby amended to provide that the reference to the Township Forester shall be amended to include the following phrase “...the Township Forester or the professional designated by the JLUB as part of the review of the application for development...”

**SECTION SIX:** Section 60B-9 “Fees” is hereby amended to repeal and delete subsections A and B, and replace them as follows:

A. The applicant, at the time of filing the application with the Township Forester, shall pay to the Forester an application fee calculated based on a schedule maintained by the Township Forester based on the quantity and quality of the tree or trees proposed to be removed.

B. If the determination by the Township Forester and Environmental Commission on the application is unfavorable and no permit is issued, the Forester shall promptly notify the applicant, in writing, with respect thereto and shall not

issue said permit. In that event, the application fee paid shall be nonrefundable and shall be retained for the purpose of defraying expenses for reviewing the application.”

**SECTION SEVEN:** Section 60B-12 Exemptions", subsection C is hereby amended to delete the phrase "... must submit to the Township Forester" and replace it with the phrase "... must submit to the Township Forester or the professional designated by the JLUB as part of the review of the application for development..."

**SECTION EIGHT:** Section 60B-14 "Stop-work orders; withholding of approval" is hereby amended to delete the phrase "the Township Forester is hereby authorized to issue stop work orders..." and replace it with the phrase "The Township Forester is hereby authorized to request the Township Engineer to issue stop work orders..."

**SECTION NINE:** Section 60B-17.1 "Duties of Township Forester" is hereby amended to delete the Section and replace it as follows:

“The Township Forester, and the professional designated by the JLUB in the case of an application for development, shall perform the duties set forth in this chapter and shall be responsible for the enforcement of the provisions of this chapter. In this regard, the Township Forester is authorized and shall perform any necessary inspections, except where inspections are conducted by the Township Engineer in the case of approved applications for development. The Township Forester shall request the Zoning Officer to issue violation notices and sign complaints in the municipal court for violations of this chapter, except where the Township enforces violations of this chapter as part of enforcement of the conditions of an approval of an application of development.”

**SECTION TEN:** Section 60B-4 "Applicability; regulations; specimen and historic trees" is re-named as "Section 60B-4 "Applicability; regulations; specimen and historic trees; removal of dead trees" and is further amended to add a new subsection C. "Removal of dead trees", as follows:

“C. Removal of dead trees. The lot owner is responsible to remove all dead trees on the lot owner’s property at the lot owner's sole cost and expense.”

**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.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to introduce Ordinance 2021-25. Motion carried on a Roll Call Vote, recorded as follows:

<b>AYE:</b>	<b>TALLON, GOLEND, HIGGINS, OCELLO, MAGEE</b>
<b>NAY:</b>	<b>NONE                      ABSENT: NONE                      ABSTAIN: NONE</b>

**Mayor Magee** explained the following ordinance to prohibit warehouses and distribution centers as permitted use in Mansfield Township. The second reading/final adoption will be held on November 4, 2021.

**ORDINANCE 2021 – 26**

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

**WHEREAS**, there are currently approvals in place for seven warehouse projects in Mansfield Township with a total building area of approximately 3,976,431 square feet; and

**WHEREAS**, three 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**, the existing warehouse developments were approved pursuant to the redevelopment process and warehouses and similar uses are still permitted in certain zoning districts in Mansfield Township; and

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

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

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

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

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

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

(5) Warehouses.

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

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

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

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

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

C. Warehouse facilities, trucking facilities and distribution facilities.

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

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

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

C. Wholesale business establishment.

D. Indoor storage building or warehouse.

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

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

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

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

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

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

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

**Attorney Prime** explained this ordinance requested by **Deputy Mayor Tallon** to repeal the sections of the ordinance permitting warehouses and distribution centers and make them a prohibited use.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to introduce Ordinance 2021-26. A Roll Call was taken as follows:

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

**The motion was denied.**

#### **ORDINANCE 2021 – 27**

**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.** No construction of site improvements 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.”

#### **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 Ordinance 2021-27 prohibiting preliminary work to be done on developments as was allowed in the prior ordinance.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Golenda** to introduce Ordinance 2021-27. A Roll Call Vote was taken as follows:

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

Mayor Magee read the following ordinance by Title. The second reading will be held on November 4, 2021.

**ORDINANCE 2021-28**

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY REPEALING ORDINANCE 2020-8 WHICH REPEALED CHAPTER 57 OF THE CODE OF MANSFIELD TOWNSHIP AND REPLACING IT WITH A NEW CHAPTER 57 ENTITLED “HOTELS” TO ESTABLISH PROVISIONS FOR LICENSING AND REGULATION OF HOTELS, LIMITING THE TIME PERIOD OF OCCUPANCY IN HOTELS IN THE TOWNSHIP, ESTABLISHING AN OCCUPANCY TAX, REQUIRING COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS REQUIRED FOR THE OPERATON OF HOTELS AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME.**

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

**WHEREAS**, Ordinance 2020-8 was adopted by the Township Committee of the Township of Medford on June 17, 2020, with the title “**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MANSFIELD AT CHAPTER 57, ENTITLED “TOURIST ACCOMMODATIONS”**”, and

**WHEREAS**, in order to clarify the intent and purpose of Ordinance 2020-8, as set forth in the title hereof, and to provide additional notice provisions as set forth in a new Section 6 below, Ordinance 2020-8 is hereby repealed in its entirety and replaced with this Ordinance 2021-\_\_\_\_.

**SECTION 1. Purpose and intent.** The Township Committee of the Township of Mansfield has determined that it is important for the safety of visitors, and in the public interest, that regulations be imposed which aim to control vice, disturbances, and narcotic offenses within hotels, motels, and other temporary housing accommodations. In support of this determination, it has been found that hotels, motels, and other temporary housing accommodations within the Township of Mansfield have resulted in over two hundred (200) medical responses and over eight hundred (800) police reports in the past few years; straining municipal resources and causing concern for the Township of Mansfield’s police department and medical professionals. Therefore, the amendments set forth herein shall serve the purpose of amending the Code of the Township of Mansfield so as to establish regulations which limit the length of stay of guests and update registration and security requirements for hotels, motels, and other temporary housing accommodations, with the express intent being to enact regulations in a manner which ensures and protects the safety, health and welfare of residents of the Township and the public at large.

**SECTION 2. Amendments.** The Code of the Township of Mansfield at Chapter 57, entitled “Tourist Accommodations,” shall hereinafter be entitled “Hotels” and is hereby amended to read as follows:

- Chapter 57       **Hotels.**
- Article I **Licenses and Regulations.**
- § 57-1       **Definitions.**
- § 57-2       **License required.**
- § 57-3       **Application for license; change in information.**
- § 57-4       **Investigation and approval of application.**
- § 57-5       **Criminal convictions barring issuance of license.**
- § 57-6       **License fee.**
- § 57-7       **Term and display of license.**
- § 57-8       **Transfer of license.**
- § 57-9       **Register required; registration of pertinent information.**
- § 57-10      **Prohibitions.**
- § 57-11      **Inspections by the Township.**
- § 57-12      **Employment of certain personnel prohibited.**
- § 57-13      **Suspension or revocation of license; hearing.**
- § 57-14      **Compliance with all laws and regulations required.**
- § 57-15      **Late Fees.**
- § 57-16      **Violations and penalties.**
- Article II **Hotel Occupancy Tax.**
- § 57-17      **Imposition of occupancy tax.**
- § 57-18      **Payment of and responsibility for occupancy tax.**
- § 57-19      **Collection of tax.**
- § 57-20      **Payment of tax to State; distribution by State to Township.**

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**Article I Licenses and Regulations.**

**§ 57-1       Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**EMPLOYEE**

Any person who is employed either full- or part-time in any capacity at a hotel.

**HOTEL**

Any building, including but not limited to any related structure, accessory building and land appurtenant thereto, and any part thereof, which contains ten (10) or more dwelling units or has sleeping facilities for twenty-five (25) or more persons and is kept, used, maintained, advertised as, or held out to be, a place where sleeping or dwelling accommodations are made available. The term “hotel” also means any facility that is commonly regarded as a hotel, motor hotel, motel, tourist lodge, or established guesthouse in the community in which it is located. The term “hotel” does not include those facilities that are excluded by statute. (See N.J.S.A. 55:13A-3(j).)

**OWNER**

The person who owns, purports to own, or exercises control of any hotel.

**PERSON**

Any individual, group of individuals, corporation, association or other legal entity.

§ 57-2 **License required.**

No person shall engage in the business of conducting a hotel without first having applied for and obtained from the Township a license therefor as hereinafter provided.

§ 57-3 **Application for license; change in information.**

- A. Each applicant seeking a license under this chapter shall make a written application on a form supplied by the Township Clerk, setting forth, but not limited to:
- (1) The full name, residence and post office address of the applicant;
  - (2) The exact location of the proposed licensed property, including both the street address and the block and lot number as shown on the tax map of the Township;
  - (3) A description of the buildings, structures and accommodations located on the property, including a statement of the number of housing or lodging units and the maximum number of persons who can be accommodated at any given time;
  - (4) A description of the character of all buildings, structures and accommodations as to size, type, and construction;
  - (5) A description of vehicle parking spaces and facilities, including number of and size;
  - (6) The name and address of the owner of the property, if different than the applicant;
  - (7) The name or names of the person or persons on the licensed property upon whom process may be served;
  - (8) A detailed description of the manual register or computer system used for the registration of persons to whom accommodations are extended;
  - (9) Whether any person constituting the individual or partnership applicant, or whether the corporate applicant or any stockholder holding ten percent (10%) or more of the stock thereof, or any director or officer thereof, has ever been convicted of any crime, and if so, the details thereof, including, with respect to each conviction, the name of the person convicted, the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed; and
  - (10) In the case of corporate applicants, the names and residences of all stockholders holding ten percent (10%) or more of any stock of the corporation, the names and addresses of all officers of the corporation and the office held by each.
- B. Any change in any of the information set forth in the application during the term of the license shall be communicated by the owner in writing to the Township Clerk within seven (7) days of the change.

§ 57-4 **Investigation and approval of application.**

The Township Clerk shall forward copies any application submitted in accordance with § 57-3 to the Township Police Department, Township Administrator, Township Zoning Officer, Township Fire Inspector, and Township Construction Code Official, who shall inspect the property to determine whether or not the property complies with all applicable health, fire code, and local regulations and statutes. If the property does not comply, said officials shall attach to the application a written list of violations and return the same to the Township Clerk, who shall in turn forward said findings to the applicant. If the property does comply, said officials shall issue their approval. Thereupon, if the applicant has complied with all other licensing provisions set forth in § 57-3, the Township Clerk shall issue a license in accordance with the terms and conditions of this chapter.

§ 57-5 **Criminal convictions barring issuance of license.**

No license shall be issued under this chapter to any person who has been convicted of a crime involving moral turpitude, nor shall any such license be issued to any corporation in which any stockholder holding ten percent (10%) percent or more of any of the stock thereof, or in which any director or officer thereof, shall have been convicted of a crime involving moral turpitude.

§ 57-6 **License fee.**

- A. The annual fee for a license under this chapter shall be the sum of five dollars and zero cents (\$5.00) per dwelling unit, up to and including thirty (30) units, plus one dollar and zero cents (\$1.00) for each additional dwelling unit.
- B. License fees shall not be prorated, regardless of the date on which such license may be issued.
- C. Any fees for investigation including fingerprinting are paid directly by the applicant to the fingerprint services provided chosen by Mansfield for each given year.

§ 57-7 **Term and display of license.**

- A. All licenses issued under the provisions of this chapter shall be for a term of one (1) year commencing on January 1 and expiring on December 31 of the year of their issuance.
- B. All licenses shall be displayed at a prominent place in public view on the licensed property.

§ 57-8 **Transfer of license.**

- A. Each license shall be valid only to the applicant to whom it is issued and to such applicant to whom the license may be transferred as hereinafter provided.
- B. An application for a transfer of a license shall set forth the same matters and things as are required by § 57-3 in connection with an original application for a license.
- C. An application for a transfer shall be accompanied by the consent of the owner and a transfer fee equal to twenty percent (20%) of the annual license fee of the license sought to be transferred. Said transfer fee shall be retained by the Township whether the transfer is granted or not.
- D. The Township Clerk, with the consent of the owner and upon payment of the transfer fee, may transfer to such applicant any license issued under the terms and provisions of this chapter.

§ 57-9 **Register required; registration of pertinent information.**

- A. Each owner shall at all times cause to be maintained on the licensed property a manual or computer register. Such register shall be preserved for three (3) years upon the licensed property.

- B. No person shall occupy and no owner shall permit any person to occupy any dwelling unit on the licensed property unless first:
- (1) The person who is to occupy such dwelling unit shall display to the owner, or to the employee of the owner in charge of the register, written evidence of his/her identity and permanent residence address.
  - (2) The owner, or the employee in charge of the register, shall enter into its registration system the full name and address of the person to occupy the dwelling unit, together with the state license or registration number of the motor vehicle owned and/or operated by said person, which motor vehicle is to be parked on the licensed property.
- C. In addition to the foregoing information, the owner or employee shall enter into the registration system the number or name of the dwelling unit assigned to each registrant, the date and hour of registration, a brief description or designation of the identification displayed to the owner or employee by the registrant pursuant to Subsection B(1) of this section, the signature (if applicable) of the owner or employee taking or accepting the registration, and the date when the person occupying the dwelling unit quits and surrenders the same.
- D. Said registration system shall be kept and preserved by the owner and may be made available on request at any hour of the day or night to the Township Chief of Police or their designee, who shall be a uniformed officer, or to any member of the Township Police Department or other law enforcement agency in the event of an incident at the licensee's property.
- (1) If inspection is refused, the owner or employee must secure the record in the presence of the requesting officer in a manner directed by the Municipality to ensure that no one can tamper with the record and so that the record can be maintained securely in the presence of the officer until such time as an administrative subpoena, an administrative search warrant, or other court order has been issued or denied.
  - (2) Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the licensed property.
  - (3) No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible or hinder, obstruct, or interfere with any inspection of the record under this section.
  - (4) If, upon refusal to allow the requesting officer to inspect the record, and the officer requires the record to be secured, the officer or shall apply for the administrative subpoena, administrative search warrant, or such other court order in an expeditious fashion, but within no less than forty-eight (48) hours following said refusal.

§ 57-10

**Prohibitions.**

The following acts or activities are prohibited at a hotel.

- A. No owner or employee shall rent a dwelling unit in a hotel to any person, nor permit, suffer or allow the renting of any dwelling unit to any person for less than a period of twelve (12) hours.
- B. No owner or employee shall rent a dwelling unit in a hotel to any person, nor permit, suffer or allow the renting of any dwelling unit to any person for a period of time which exceeds thirty (30) days. Any person switching or changing units during the thirty (30) day period shall not extend the thirty (30) day period.

§ 57-11 **Inspections by the Township.**

The Township Police Department or any duly authorized representative of the Township may inspect the licensed property from time to time, at any hour of the day or night, to determine that the provisions of this chapter are being complied with.

§ 57-12 **Employment of certain personnel prohibited.**

No owner shall employ in, on or about the licensed property any person convicted of a crime involving moral turpitude within a period of five (5) years from the date of such conviction.

§ 57-13 **Suspension, revocation or termination of license; hearing.**

- A. Any license issued under this article may be suspended or revoked by the Township Committee for:
  - (1) Violation by the owner of any of the provisions of this chapter or other applicable ordinances of the Township, or any other federal, state, or local law or regulation;
  - (2) Any disorderly or immoral conduct knowingly permitted by the owner upon the licensed property;
  - (3) False statements made in an application for a license or a transfer thereof; or
  - (4) Conviction of a crime involving moral turpitude by:
    - (a) The owner, if an individual;
    - (b) Any stockholder holding ten percent (10%) or more of the stock of a corporate owner; or
    - (c) Any director or officer of a corporate owner.
- B. Prior to the suspension or revocation of a license under this section, the owner shall be served with a written complaint from the Township Clerk's office, along with a notice to appear before the Township Committee for a hearing. Such service shall be made by personal service or certified mail, return receipt requested, at least ten (10) days before the hearing date.
- C. Nothing contained herein shall prevent the Township or the officers of the Township from proceeding against an owner who is in violation of any of the provisions of this chapter by filing a complaint in a court of competent jurisdiction.
- D. Any license issued hereunder shall terminate at any time after its issuance in the event that the use of the licensed property as a hotel shall cease.

§ 57-14

**Compliance with all laws and regulations required.**

- A. All structures, buildings, dwellings, houses or parts thereof used for the purposes herein regulated shall comply with, without limitation, the Uniform Construction Code or building codes in existence at the time of the issuance of the certificate of occupancy, the Land Use Ordinances of the Township, the Municipal Land Use Law, the Uniform Fire Safety Code,

health ordinances and other applicable ordinances of the Township, and with the rules, regulations and laws of the State of New Jersey.

- B. All fire escapes shall comply with the rules, regulations and ordinances of the Township and the State of New Jersey. An exit light shall be installed in the passageway or doorway leading to any such fire escapes. Doors leading to fire escapes shall be unlocked from the inside at all times and shall open outward.
- C. Each hotel shall be equipped with sufficient hand fire extinguishers, as determined by the Fire Marshal, whose discretion shall be informed and guided by the Uniform Fire Safety Code, which shall be at all times in working order and readily accessible to occupants.
- D. All licensed properties shall be provided with an adequate supply of potable drinking water, together with toilets and lavatory facilities for guests. Said toilet and lavatory facilities shall be maintained in a clean and sanitary manner and disinfected daily.
- E. All trash or other waste matter shall be kept in closed containers and provisions shall be made for removal of all trash, waste matter or garbage from the licensed property.
- F. All entrances to hotels shall be adequately lighted after dark, and all ground areas of hotels shall be adequately illuminated.

**§ 57-15 Late Fees.**

All licenses issued under this chapter are subject to a twenty-five dollar and zero cents (\$25.00) late fee if the license is not renewed by the expiration date of the then current license.

**§ 57-16 Violations and penalties.**

- A. Any person, firm, partnership, corporation or entity violating any provision of this chapter by the performance of a prohibited act or by failing, neglecting or refusing to do any act or anything required by this chapter shall, upon a trial and conviction by a court of competent jurisdiction, forfeit or pay such fines not in excess of the sum of two thousand dollars and zero cents (\$2,000.00) for each offense, or be sentenced to a jail term not exceeding ninety (90) days (if the convicted is a natural person) and/or a period of community service not exceeding ninety (90) days.
- B. Each and every day a violation of this chapter persists shall constitute a separate violation.
- C. To the extent the conduct prohibited under this chapter also violates other provisions of the Code of the Township, those violations constitute separate offenses subject to the additional fines and penalties as prescribed.

**Article II Hotel Occupancy Tax.**

**§ 57-17 Imposition of occupancy tax.**

It is hereby imposed within the Township a tax to be assessed in accordance with the provisions of N.J.S.A. 40:48F-1 et seq. on charges of rent for every occupancy within a hotel. The tax shall be at the rate of three percent (3%) on charges of rent for every occupancy. Said tax shall be in addition to any and all taxes or fees imposed under state statute or local ordinances upon the occupancy of a hotel. For the purpose of this article, the term "hotel" shall have the same meaning proscribed it in Article I of this chapter.

**§ 57-18 Payment of and responsibility for occupancy tax.**

- A. All taxes imposed by this section shall be paid by the occupant of the dwelling unit. For the purpose of this article, the term "occupant" shall be defined as a person who, for a consideration, uses, possesses or has the right to use or possess any dwelling unit in a hotel under any lease, concession, permit, right of access, license to use, or other agreement or otherwise.
- B. The owner of the hotel and/or the person or entity making the hotel dwelling unit available for occupancy shall not assume or absorb any of the tax imposed by this article.
- C. The owner of the hotel and/or the person making the dwelling unit available for occupancy shall not in any manner advertise or hold out any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the owner, that the tax will not be separately charged and stated to the occupant, or that the tax will be refunded to the occupant.

**§ 57-19 Collection of tax.**

- A. The tax imposed by this section shall be collected on behalf of the Township by the person collecting the rent from the hotel occupant. That person shall either be the owner of the hotel or other representative of the owner who arranges with the occupant for the rental of the dwelling unit.
- B. Each person required to collect the tax imposed by this section shall be personally liable for the tax imposed, collected or required to be collected hereunder. Any such person shall have the same right in respect to collecting the tax from an occupant as if the tax were a part of the rent and payable at the same time.

**§ 57-20 Payment of tax to State; distribution by State to Township.**

- A. A person required to collect the tax imposed under this article as described above shall, on or before, the twenty-eighth (28<sup>th</sup>) day of each month, forward to the Director of the Division of Taxation in the Department of the Treasury, the tax collected in the preceding month and shall make and file a return for the preceding month with the Director on any form and containing any information as the Director shall prescribe as necessary to determine liability for the tax in the preceding month during which the person was required to collect the tax. Should the Director determine to require payments of tax liability at any intervals and based upon any collection classifications other than described in this section, the person required to collect the tax shall comply with any determinations made in that regard by the Director.
- B. The Director of the Division of Taxation shall collect and administer the tax imposed under this section and shall determine and certify to the State Treasurer, on a quarterly or more frequent basis, the amount of revenues collected in each municipality. The State Treasurer, upon certification to the Director and upon the warrant of the State Comptroller, shall pay

and distribute on a quarterly or more frequent basis, as prescribed by the State Treasurer, the amount of revenues determined and certified as described above, to the Township.

**SECTION 3. Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**SECTION 4. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**SECTION 5. Effective Date.** This ordinance shall take effect upon final passage and publication as provided by law.

**SECTION 6. Notice.** In addition to the publication and notice required by law, a copy of this Ordinance shall be provided to the following owners of three existing hotels/motels in the Township at the address maintained in the Township tax assessor's office, by certified mail, return receipt requested, mailed no later than 10 days prior to the date of the second reading, public hearing and potential adoption of this Ordinance.

Patel & Sons Inc, Owner of Scottish Inn/Motel 6

T.Wang Enterprises, Inc, Pine Motel

Robert G. Maxwell Enterprises, Inc, Riverfront Motel

**Attorney Prime** explained this is the ordinance previously adopted by the Township Committee. Litigation was filed by the three motel owners in town on a procedural grounds, followed by the pandemic. Now that the pandemic has settled down, the ordinance is being re-introduced. Information from the Police Department has been provided on the issues we have had with the motels. This ordinance addresses those.

**Committeeman Golenda** questioned whether the Township has had any conversation with the business owners. **Attorney Prime** spoke with their attorney telling him the ordinance is being re-introduced. The motels will get certified mail about notice of the ordinance so they will have a right to come to the public hearing.

**Deputy Mayor Tallon** questioned notification to motel owners. **Attorney Prime** said this is not a requirement although the title has been clarified and the motel owners will receive notice about the hearing on the ordinance.

**Committeeman Higgins** was concerned over the possibility of a long term resident at the motel in case of emergency.

This ordinance was not introduced.

## CONSENT AGENDA

A motion was offered by **Committeeman Golenda** and second by **Mayor Magee** to adopt the following Consent Agenda. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GOLEND, MAGEE, HIGGINS (see below), OCELLO, MAGEE**

**NAY: NONE ABSTAIN: HIGGINS(from Resolution 2021-15) ABSENT: NONE**

### RESOLUTION 2021-10-1

#### RESOLUTION ENDORSING THE ADDITION BY THE MANSFIELD PLANNING BOARD OF THE "ERRATA SLIP – SEPTEMBER 2021" AS CORRECTIONS TO THE APPROVED AND ADOPTED HOUSING ELEMENT AND FAIR SHARE PLAN DATED JUNE 2, 2021 AS REQUIRED BY THE SEPTEMBER 15, 2021 FINAL ORDER OF COMPLIANCE AND JUDGMENT OF REPOSE ENTERED BY THE SUPERIOR COURT OF NEW JERSEY

**WHEREAS**, as part of Mansfield Township's affordable housing compliance, on July 12, 2021, the Mansfield Township Planning Board adopted Resolution 2021-7-12, Approving and Adopting the "Mansfield Township Housing Element and Fair Share Plan, dated June 2, 2021" ("HE/FSP"); and

**WHEREAS**, by adoption of Township Committee Resolution 2021-7-19, on July 21, 2021, the Township Committee endorsed the "HE/FSP" adopted by the Planning Board; and

**WHEREAS**, on September 8, 2021, Judge Jeanne T. Covert, the Assignment Judge of the Burlington County Superior Court, conducted a final Compliance Hearing to consider Mansfield Township's compliance with its constitutional affordable housing obligation; and

**WHEREAS**, as part of the final compliance hearing conducted by Judge Covert, the Court Special Master, David J. Banisch, PP/AICP, issued a third and final Compliance Report, dated September 7, 2021; and

**WHEREAS**, as part of said report, the Special Master prepared an "Errata Slip – September 2021" with suggested corrections to the Township's HE/FSP, consisting of technical revisions to certain tables and text; and

**WHEREAS**, after hearing the Special Master's testimony and accepting the Special Master Compliance Report, the Court entered the Final Order of Compliance and Judgment of Repose, dated September 15, 2021 ordering, *inter alia*, the Township to include the "Errata Slip – September 2021" as an Appendix to the HE/FSP; and

**WHEREAS**, by adoption of Planning Board Resolution 2021-9-17, on September 27, 2021, the Planning Board added the "ERRATA SLIP- SEPTEMBER 2021" to Mansfield Township's approved and adopted Housing Element and Fair Share Plan, dated June 2, 2021.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Mansfield, County of Burlington and State of New Jersey, that, given the background, rationale and provisions of Mansfield Township's approved and adopted Housing Element and Fair Share Plan, dated June 2, 2021, and the need for corrections to the HE/FSP as recommended by the Court Master, and as required by the September 15, 2021 Superior Court of New Jersey Final Order of Compliance and Judgment of Repeal, and the Township's constitutional obligation to provide for its regional share of affordable housing, the Mansfield Township Committee does hereby endorse the Planning Board's addition of the "ERRATA SLIP- SEPTEMBER 2021", a copy of which is attached hereto as Exhibit A, to Mansfield Township's approved and adopted Housing Element and Fair Share Plan, dated June 2, 2021, with said "ERRATA SLIP- SEPTEMBER 2021" to be included as an Appendix in the official adopted copy, all other copies and any codification or reproduction thereof.

**RESOLUTION 2021-10-2**

**RESOLUTION RELEASING ESCROW MONIES FOR THE MUDDY PUP, LLC**

**WHEREAS**, Dana Panacek, owner of The Muddy Pup, LLC posted escrow for the review of their Joint Land Use Board application for a Use Variance for the purpose of operating a dog grooming business in the Homestead Plaza II; and

**WHEREAS**, Ms. Panacek is requesting a release of remaining escrow monies for the Muddy Pup, LLC.; and

**WHEREAS**, Ms. Panacek had received invoices from the Joint Land Use Board Professionals which have been satisfied; and

**WHEREAS**, the Joint Land Use Board Professionals have indicated that there are no outstanding invoices and there will be no future invoices in regard to this Use Variance application; and

**WHEREAS**, Ms. Panacek has requested release of the remaining escrow money in the amount of \$1,986.25

**NOW, THEREFORE, BE IT RESOLVED** that the outstanding escrow amount of \$1,986.25 is hereby refunded to The Muddy Pup, LLC c/o Ms. Dana Panacek.

**RESOLUTION 2021-10-3**

**RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING HERBERT DUBELL, JR., AS A FULL-TIME PUBLIC WORKS' EMPLOYEE FOR THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, STATE OF NEW JERSEY**

**WHEREAS**, there is a vacancy for a regular full-time Public Works employee position for the Township of Mansfield; and

**WHEREAS**, applications were received and interviews conducted for said position by the Public Works Foreman and Herbert Dubell, Jr., best met the requirements needed to perform the duties of said position.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield at their Regular Meeting held on October 20, 2021 hereby appointments Herbert Dubell, Jr., as a full-time Public Works employee, with an hourly wage of \$22.00 per hour and a 40 hour work week, effective October 4, 2021, with all benefits associated with said regular full-time position.

**RESOLUTION 2021-10-4**

**RESOLUTION APPROVING ADDITIONAL WORKING HOURS FOR THE PUBLIC WORKS DEPARTMENT WITHIN THE TOWNSHIP OF MANSFIELD**

**WHEREAS**, the Public Works' Supervisor has requested additional work hours per week for the entire Public Works' Department in order to better serve the residents of the Township; and

**WHEREAS**, the Township Committee has reviewed said request and agrees that additional hours are warranted; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey does hereby approve an additional five (5) hours per work week for the Public Works' employees; and

**BE IT FURTHER RESOLVED** the new working hours for the Public Works' Department will be forty (40) hours per week effective as of September 20, 2021.

**RESOLUTION 2021-10-5**

**RESOLUTION APPROVING INCREASE IN WAGES TO CERTAIN MANSFIELD TOWNSHIP EMPLOYEES**

**WHEREAS**, certain department heads within the Township of Mansfield has requested that their employees be compensated for their hard work and dedication to the Township of Mansfield; and

**WHEREAS**, the Township Committee, after further review, agree that further compensation is deserving and are desirous of increasing the following Township employees' wages accordingly:

**Public Works Laborer, Kenneth S. Freiderick - \$20.00 to \$22.00 per hour, effective 10-4-21**

**Construction Office Technical Assistant, Reta Varga- \$5,000.00, effective 9-13-21**

**Construction Office Technical Assistant, Shana Gosik-\$5,000.00, effective 9-13-21**

**Construction Official, Jeffrey K. Jones- \$10,000.00, effective 9-13-21**

**Building Sub-Code Official: Jeffrey K. Jones- \$10,000.00, effective 9-13-21**

**Office of Emergency Management Coordinator, Douglas Borgstrom-\$3,276.51 to \$10,000.00, effective 1-1-2021**

**Office of Emergency Management Assistant Coordinator, Thomas Minard- \$2,500.00, effective 1-1-2021**

**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 October 20, 2021 at 7:00 PM that the annual salaries of the aforementioned employees are hereby increased as indicated.

**RESOLUTION 2021-10-6**

**RESOLUTION FOR THE REFUND OF PROPERTY TAXES DUE TO PROPERTY BEING SOLD**

**WHEREAS**, Property Taxes were erroneously paid by prior owner Elizabeth Wright on September 13, 2021 on the property listed below; and

**WHEREAS**, the property was sold to Gail Mowrey on September 8, 2021, so a refund is due back to Elizabeth Wright.

**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 October 20, 2021 hereby authorizes the refunding to Elizabeth Wright by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Prior Property Owner</u>	<u>Amount</u>
42.02	55	Elizabeth Wright	\$2,985.00

**RESOLUTION 2021-10-7**

**RESOLUTION FOR THE REFUND OF TAX OVERBILLED DUE TO ASSESSMENT CHANGE**

**WHEREAS**, Property Taxes for 2021 were overbilled on the properties listed below; and

**WHEREAS**, the Tax Assessor revised the assessment; and

**WHEREAS**, an overpayment is due to a payment on the properties listed below, 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 October 20, 2021 hereby authorizes the refunding of the following properties listed below by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
11	1.04	Leon & Estelle Herman	\$155.33
31	7.02 QFarm	Matthew & Barbara Militch	\$ 87.85
40	5	Jeffrey Burd (on half of Kristan Patten)	\$206.29

**RESOLUTION 2021-10-8**

**RESOLUTION FOR THE REDEMPTION OF TAX LIEN**

**WHEREAS**, at the Mansfield Township Tax Sale held on July 15, 2021, a lien was sold to Fidelity Asset Management LLC on Block 70, Lot 7, also known as 2321 Old York Road, Bordentown for 2020 delinquent taxes; and,

**WHEREAS**, homeowner, Marcel Kupec has affected redemption of Certificate #21-00004.

**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 Fidelity Asset Management LLC, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
Fidelity Asset Management LLC	21-00004	27,159.08

**RESOLUTION 2021-10-9**

**RESOLUTION TO CANCEL TAXES ON TOWNSHIP PROPERTY**

**WHEREAS**, property known as 2691 Route 130, Block 69, Lot 1, is now owned by the Township of Bordentown: and,

**WHEREAS**, property taxes are now exempt.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their regular meeting held on October 20, 2021 hereby authorizes the cancellation of taxes of the following by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Address`</u>	<u>Amount</u>
69	1	2691 Route 130	\$1,254.19

**RESOLUTION 2021-10-10**

**RESOLUTION TO CANCEL TAXES ON A CHURCH PARSONAGE**

**WHEREAS**, property known as 11 Landview Lane, Block 8.03, Lot 11, owned by Bible-Way Apostolic Missions, Inc.: and,

**WHEREAS**, effective 10/01/21 property is now a Parsonage for a Church and taxes are now exempt.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their regular meeting held on October 20, 2021 hereby authorizes the cancellation of taxes of the following by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
8.03	11	11 Landview Lane	\$13,908.15

**RESOLUTION 2021-10-11**

**RESOLUTION FOR THE REDEMPTION OF TAX LIEN**

**WHEREAS**, at the Mansfield Township Tax Sale held on July 15, 2021, a lien was sold to Tax Lien Fund LP on Block 23.01, Lot 144, also known as 10 Harrington Drive for 2020 delinquent taxes; and,

**WHEREAS**, Foundation Title LLC has affected redemption of Certificate #21-00001 on behalf of Alfred & Frances Vardalis.

**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 Tax Lien Fund LP, for the redemption of this lien.

<u>Lien Holder</u>	<u>Lien #</u>	<u>Amount</u>
Tax Lien Fund LP	21-00001	\$45,570.23

**RESOLUTION 2021-10-12**

**RESOLUTION TO CANCEL TAXES ON CEMETERY PROPERTY**

**WHEREAS**, property known as Route 206, Block 30, Lot 15, owned by Mansfield Cemetery Company:  
and,

**WHEREAS**, property taxes are now exempt.

**NOW, THEREFORE, BE IT RESOLVED**, the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, at their regular meeting held on October 20, 2021 hereby authorizes the cancellation of taxes of the following by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Amount</u>
30	15	Route 206	\$6.77

**RESOLUTION 2021-10-13**

**RESOLUTION AUTHORIZING THE REFUND OF HVAC SYSTEM PERMIT FOR BLOCK 23.04, LOT 41 (9 Vandevere Lane)**

**WHEREAS**, construction permit #21-442 was issued to Hutchinson Plumbing, Heating and Cooling on August 26, 2021 for the purpose of installing a replacement HVAC system for the property located at Block 23.04, Lot 41, also known as 9 Vandevere Lane; and

**WHEREAS**, fees in the amount of \$184.00 were received for said permit; and

**WHEREAS**, the homeowners of 9 Vandevere Lane cancelled their installation thereby, Hutchinson Plumbing, Heating and Cooling, are now requesting a refund for same; and

**WHEREAS**, the Construction Official, by way of correspondence dated September 21, 2021, has recommended a refund to the applicant in the amount of \$160.00, as certain fees that total \$24.00 are deemed non-refundable by Ordinance 2009-12; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Mansfield, that a refund in the amount of \$160.00 to Hutchinson Plumbing, Heating and Cooling is hereby approved and authorized.

**RESOLUTION 2021-10-14**

**RESOLUTION ESTABLISHING THE COST FOR ADDITIONAL RECYCLING CARTS AS PER THE CODE OF THE TOWNSHIP OF MANSFIELD, ENTITLED "RECYCLING AND SOLID WASTE DISPOSAL" CHAPTER 39B, ARTICLE 1, SECTION 39B-5 AND SECTION 39B-8**

**WHEREAS**, at the recommendation of the Public Works Foreman, the Township Committee of the Township of Mansfield wishes to establish fees for additional recycling carts requested by residents; and

**WHEREAS**, Ordinance 2014-15 established that the Township will not be responsible for any additional cost for recycling carts for any residents who failed to exercise their options for an additional cart by June 30, 2014 through the Burlington County Recycling Program; and

**WHEREAS**, The Township would now like to establish set fees for additional recycling carts subject to availability of requested size;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township Of Mansfield, County of Burlington, State of New Jersey, that the following fees shall be established for any additional recycling cart requested by township residents:

- 95 Gallon - \$55.00**
- 64 Gallon - \$50.00**
- 48 Gallon - \$45.00**

**RESOLUTION 2021-10-15**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR ROADWAY IMPROVEMENTS FOR MANSFIELD ROAD EAST (PHASE III)**

**WHEREAS**, there exists a need for Roadway Improvements for Mansfield Road East; and

**WHEREAS**, funds are available for this purpose through a 2021 NJDOT Municipal Aid Grant; and

**WHEREAS**, the Township of Mansfield has solicited bids for the provisions of the services required; and

**WHEREAS**, the Municipal Engineer, Remington and Vernick Engineers, has reviewed the bid proposal in connection with a certain bid package for the purpose of Roadway Improvements for Mansfield Road East; and

**WHEREAS**, the Municipal Engineer has recommended, by way of correspondence dated September 22, 2021, that the award of contract for Roadway Improvements for Mansfield Road East be made to Earle Asphalt Company, P.O. Box 556, Farmingdale, New Jersey 07727; and

**WHEREAS**, the Chief Financial Officer has certified that the award is made in accordance with applicable state statute and governing regulations involving said award.

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

Section 1. Upon approval of the contract by the Municipal Solicitor, the Mayor and Municipal Clerk are hereby authorized and directed to execute the approved contract with Earle Asphalt Company, P.O. Box 556, Farmingdale, NJ 07727 to provide for Roadway Improvements to Mansfield Road East, according to the attached Bid Proposal Form.

Section 2. After the solicitation of bids, Earle Asphalt Company was the contractor submitting the lowest responsible bid for the contract for the services sought.

Section 3. The maximum amount of the contract for the services referenced in the bid specifications is one hundred seventy thousand eight hundred thirteen dollars and thirteen cents (170,813.13) which is comprised of the Base Bid improvements only. Said funds are available in the respective appropriations, grants, contributions, or escrow accounts maintained by the Township of Mansfield.

Section 4. Notice of said action shall be published in the Burlington County Times as required by law.

**BILL LIST:** Regular and Escrow

A motion was offered by **Committeeman Golenda** and second by **Committeeman Ocello** to approve the bill list as submitted. Motion carried on a Roll Call Vote, recorded as follows:

**AYE: GOLEND, OCELLO, HIGGINS**(see below), **TALLON, MAGEE**(see below)

**NAY: NONE ABSENT: NONE**

**ABSTAIN: HIGGINS & MAGEE** (from Check #12224, Prime Point)

**MINUTES: September 15, 2021**

A motion was offered by **Committeeman Golenda** and second by **Mayor Magee** to approve the minutes of the September 15, 2021 meeting. Motion carried.

**REPORTS: Clerk, Court, Construction, Zoning, Tax, Finance, EMS, Recreation, Police**

A motion was offered by **Committeeman Golenda** and second by **Mayor Magee** to accept the foregoing reports. Motion carried.

**DISCUSSION**

**a. Gross Vehicle Weight – White Pine Road**

**Administrator Fitzpatrick** referred to Section 60-6 of our Code, White Pine Road has a 4 ton weight from Route 206 to Route 68. After crossing Route 68, it goes to 10 ton. As the road goes into Chesterfield, it goes back to 4 ton weight. In conversations with Chesterfield as well as our Police Department, it was suggested to have the entire road 4 ton weight limit. Discussion centered on the weight of the school bus which won't be affected. It was decided to change the code to have a 4 ton weight on the entire road. This will be considered at the next meeting.

**b. Recycling Carts for Escrow Fees – Developers**

**Deputy Clerk Jolly** explained that it was brought to our attention that the Township could add wording to our recycling ordinance that will require developers of residential development to provide escrow funds for the purpose of purchasing recycling carts for each new dwelling. This could be added as a condition of site plan approval and prior to the issuance of site plan approval and prior to issuance of the first certificate of occupancy.

This was agreeable to everyone and will be considered as an ordinance amendment at the next meeting.

**c. Farmland Preservation**

**Clerk Semus** referred to a farmland preservation letter from Mr. Wilson. She did note that the Diocese of Trenton property should be removed as there is development. She questioned whether this list was satisfactory and whether we are promoting the land to farmland preservation. **Attorney Prime** explained that the list was targeted by the county for possible acquisition. If any are objected for farmland preservation by the Committee, the County should be informed. **Committeeman Higgins** said that, in the past, we didn't have the money for the required contribution. With the warehouses coming in, we may have available funds to participate. The cost of the preservation depends on the location. **Mayor Magee** noted that, in the past, we supported farmland preservation but told the county we didn't have the money to contribute our share. It was noted that we still owe them \$60,000. **Clerk Semus** will respond to their letter advising the county that Mansfield Township approves of the property targeted for farmland preservation.

**d. Master Plan Letter – Environmental Commission**

**Deputy Mayor Tallon** said he sent a letter to the Environmental Commission in regard to some bullet points in regard to climate impacts so that when we do review our Master Plan in the future, we update our Environmental Resource Inventory and include the conservation element on climate.

**e. Developer Correspondence**

**Mayor Magee** referred to a letter about a potential warehouse behind Agway. **Attorney Prime** explained the developer wants to meet with the Township and the letter has to be answered. **Mayor Magee** didn't want to meet with the developers and recommended they go through the proper process. He did not want to meet with them ahead. **Administrator Fitzpatrick** said that he felt it was not a permitted use in the zone and the potential developer would like a zoning change. A motion was offered by **Mayor Magee** and second by **Committeeman Golenda** to send a letter indicating no zoning change is being considered. Motion carried.

**PUBLIC COMMENT**

**Megan Wolfe, 18 Stratton Avenue**, asked why Ordinance 2021-26 was denied by the Mayor, **Committeeman Ocello** and **Committeeman Higgins**. She asked them to justify why they denied the ordinance. **Mayor Magee** said he didn't agree with the ordinance. **Committeeman Higgins** referred to an election where new people will be in power next year who should decide what to do. **Committeeman Ocello** agreed with **Committeeman Higgins** and did add that he was in favor of no more warehouses. **Deputy Mayor Tallon** felt the Master Plan should be addressed first.

**Dalpat Patel, 525 Route 68**, asked if there is any possibility, because of the many repairs costing a lot of money to the Township on Mansfield Road East and because it is used by four townships because of the school, the county take over the road. **Administrator Fitzpatrick** said the county was approached in 2014 to take over Mansfield Road East but they weren't interested in taking over the road. Mr. Patel also questioned whether other townships could be asked. He was told this was an issue addressed before.

**Colleen Herbert, 2 Millennium Drive**, referred to White Pine Road and whether school buses were allowed on the road. She was told they were allowed on the road. She felt the road is dangerous. **Deputy Mayor Tallon** shared his experience as a bus driver when they were told not to drive on the road unless they had students to pick up. They were not to cut through that road. Ms. Herbert then spoke on behalf of the residents using the parks because the tennis and basketball courts were improved and they appreciated this.

**Administrator Fitzpatrick** said Jeff Grouser has taken it upon himself to beautify the clock on West Main Street by donating his time with nice plants.

**Joseph Barretta, Real Estate Broker, Metro Net Realty**, represents the property on Route 206 next to Agway. He stated that, under the redevelopment plan, warehouses are permitted in the Highway Commercial Zone if it is 20 acres. However, this lot is 18 acres. If they were to merge the lot with Agway, they would have 20 acres. He pointed out that they are respecting the 300 foot riparian buffer where Crystal Creek is a C-1 stream. He said they are not seeking a PILOT. He felt it is a responsible development. They are proposing a very small building which is surrounded by warehouses. He didn't understand the logic of not even looking at it. He felt it is a responsible development which fits with the Master Plan and the Redevelopment Plan.

**Deputy Mayor Tallon** commented that we didn't make a confirmed no. It was that the Committee doesn't want to meet. They have not been blocked from submitted an application. He noted that there are a lot of complaints about trucks cracking foundations in homes. There are a lot of issues to go over in our Master Plan.

**Mayor Magee** felt more discussion on this should not be held.

**Leah DeFilippo, 2225A Old York Road** thanked the Committee for allowing Special Events hold the Farmer's Market this year as they felt it was a success. They plan to continue and reminded everyone of the last one on October 28<sup>th</sup>.

**Committeeman Golenda** felt it was a great job done by Special Events and invited everyone to come out to the last one of this season.

**Mayor Magee** agreed with **Committeeman Golenda**.

With no more comments from the public, a motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Higgins** to close this portion of the meeting. Motion carried.

#### COMMITTEE COMMENT

**Committeeman Higgins** thanked everyone for their participation at this meeting.

**Committeeman Ocello** also thanked people for participation and felt the township is going in the right direction.

**Deputy Mayor Tallon** thanked all for listening in and asking questions. He asked **Solicitor Prime** if he could re-introduce the ordinance which was defeated at this meeting. He was told yes.

**Committeeman Golenda** felt we just saw a good example as to why we should remove warehouses from our zoning temporarily until we reassess things. The impact of the warehouses to be built should be studied. He felt we have enough warehouse, take a step back, and protect the people instead of the developers.

**Mayor Magee** thanked all for attending the meeting. He appreciates the comments of everyone. He apologized for being quick in some cases but wants to keep the meeting moving.

#### MOTION TO ADJOURN

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

**PREPARED BY:**

**RESPECTFULLY SUBMITTED BY:**

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**Barbara A. Crammer**  
Deputy Clerk

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**Linda Semus, RMC CMR**  
Municipal Clerk

