

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY
REGULAR MEETING MINUTES
November 4, 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.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to go into Executive Session as per the following Resolution:

**RESOLUTION 2021-11-1
RESOLUTION AUTHORIZING CLOSED EXECUTIVE SESSION**

WHEREAS, Section 7 of the Open Public Meetings Act, Chapter 213, P.L. 1975 [NJSA 10:4-12(B)] permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exists;

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

1. The public shall be excluded from discussion of, action on and reviewing the Minutes of the hereinafter specified matters.
2. The general nature of the subject matter to be discussed is as follows:
Litigation and potential litigation matters
3. It is anticipated at this time that the above subject matter will be made public when the matter has been resolved and approved for release by the Township Solicitor.

The meeting was opened by **Clerk Semus** followed by the Roll Call and the Salute to the Flag. **Solicitor Prime** explained the purpose of the Executive Session was to discuss personnel matters and also potential litigation. There will be no action on any of the matters of the Executive Session.

Clerk Semus asked for Leah Zola and Kerri Moran to be recognized and then read the following proclamation.

Proclamation

WHEREAS, *Girl Scout Cadettes, Leah Zola and Kerri Moran, residents of Mansfield Township and members of Girl Scout Troop 26228 in Columbus, New Jersey, have fulfilled requirements in the areas of leadership, service, and career exploration to earn the Girl Scout Silver Award, and*

WHEREAS, *Leah and Kerri spent many hours designing and preparing an area of activities for small folks in the Mansfield Community park, and*

WHEREAS, *because of their extraordinary accomplishments, Leah and Kerri have earned the Girl Scout Silver Award, the highest award a Girl Scout Cadette can earn, and*

WHEREAS, *as recipients of the Silver Award, they have distinguished themselves as leaders, willing to go the extra mile for what they believe in, and*

NOW, THEREFORE, BE IT RESOLVED *that the Mansfield Township Committee, on behalf of the Township, the Officials, Employees, and Citizens thereof, hereby wish to express their sincere congratulations to Leah and Kerri and to convey deep pride in the example they set for the youth of our community.*

BE IT FURTHER RESOLVED *that it is the desire and intent of the Township Committee of the Township of Mansfield to publicly acknowledge Leah and Kerri's determination, good skills and enthusiasm toward Scouting and to see that such recognition is permanently made a part of the record of this Township.*

Clerk Semus congratulated Leah and Kerri on behalf of the Township. Mayor Magee said he appreciates everything the young ladies did in the park. This is something the Township will have to enjoy for a long time. On behalf of the entire Township, he congratulated the girls for their effort.

FINANCE: 2021 Best Practices

CFO Grouser said she will be speaking about the 2021 Best Practices and read the following into the record:

The Division of Local Government Services has announced the 2021 Best Practices Inventory for all municipalities, through which the State obtains vital information about the status of municipal government practices in the State of New Jersey.

The 2021 Inventory assesses each municipality's compliance with various laws and evaluates implementation of fiscal and operational best practices.

The inventory also identifies areas where municipalities may require further technical assistance.

A total of 48 questions are distributed amongst three scoring categories: Core Competencies, Best Practices and Unscored Survey Questions.

- Core Competencies questions address statutory and regulatory compliance obligations and other areas critical to sound municipal finance and operations
- Best Practices questions address fiscal and operational practices that are of significant benefit to many municipalities but not foundational in nature or even uniformly applicable to all municipalities
- Unscored Survey questions are meant to gather information and will help determine where municipalities may require additional assistance and where the Division of Local Government Services and the Department of Community Affairs may need to provide additional focus and resources.

Of the total 48 questions that were on the best practices, 27 are scored questions and 21 are unscored questions.

Of the total 27 scored questions, 19 questions are Core Competency questions and 8 questions are Best Practices questions with each Core Competency questions weighing in at 1 point each and each Best Practices question weighing in at ½ point each

Total Score to be achieved this year was 23 points

Impact of the scoring will affect if the municipality is to receive their full final state aid payment.

Each Municipality must receive a minimum score of 15 out of a possible 23 on the Inventory to receive it full Final State Aid Payment

Mansfield Township scored a 19.5 on this year's Best Practice Inventory and will therefore receive 100% of the final 5% state aid payment.

CFO Grouser said that everyone has a copy of the Best Practices in their packet and asked for questions.

Committeeman Higgins referred to the Capital Projects in the Court Compensation line item. He said that, in the past, there was never the ability to do a Capital Budget. Now that we have sufficient funds, we can start to project capital projects in the future. He recommended that this become an area of emphasis for the future.

ENGINEER REPORT

Engineer Doug Johnson explained a pre-construction meeting had been held in regard to the resurface of Mansfield Road East from North Island Road to just before Legends Lane. The project is to get started the last week of November. The roof-top unit replacement on the Municipal Complex is on schedule to be advertised November 15th. The survey is completed for the culvert replacement on Mill Lane. A design is on-going which is to be followed by sending out quotes.

In regard to Land Use Projects, PSE&G sub station will be started on Old York Road. The subdivision at the corner of Island Road and Mansfield Road East is under construction. On-going construction is being held at the warehouses sites.

Administrator Fitzpatrick referred to an email from Pentex in regard to the warehouse on Jacksonville Road and their request for extended hours as they propose starting work on a guard rail on November 5 to 12. Although he responded to the e'mail requesting the exact proposed hours, he did not hear back. **Engineer Doug Johnson** said this would involve the County as it is a County road. **Solicitor Prime** noted that they had to follow the Township ordinances and the project could be shut down if they are violating hours of construction. **Engineer Johnson** reached out to the inspector to inform the contractor to make sure they are not working outside the 7-5 time.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to accept the Engineer's Report. Motion carried.

ORDINANCE: SECOND READING/PUBLIC HEARING

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.
- 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.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to open the Public Hearing. Motion carried.

Attorney Prime explained the overall plan of Homestead’s planned unit included the commercial area and was designated as a commercial area although it was never included in a zoning district. The landowners have requested an expanded number of uses added to the permitted uses in that area. This ordinance creates a zone for the Homestead Center. The responsibility of the Committee is to determine that any zoning change is consistent with the Master Plan. The Planning Board concluded that the ordinance is inconsistent because it included, as a permitted use, a veterinary office. The Board had recently denied an application for a veterinary office and questioned why this same use would be consistent with the master plan. The Committee could adopt the ordinance as is or it could be amended to delete the veterinary offices, Section K as a permitted use.

Deputy Mayor Tallon felt the Planning Board had valid concerns about the veterinary office and would agree with their concerns.

John O’ Callighan, 53 Oak Lane, New Egypt, said he attended the Planning Board meeting when the veterinary office was considered. He felt their opinion was that they wanted more time to review the application as they said they didn’t get it in time. He asked the Committee not to vote on this tonight and present another ordinance to refer to the Planning Board so they have time to review it.

Administrator Fitzpatrick felt there was sufficient time for review since the members of the Board received the packet on a Thursday before their Monday meeting.

With no more comments or questions, a motion was offered by **Committeeman Ocello** and second by **Deputy Mayor Tallon** to close the public portion. Motion carried.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Ocello** to adopt the Ordinance removing Section K in regard to the veterinary office as a permitted use. Motion carried on a Roll Call Vote, recorded as follows:

AYE: TALLON, OCELLO, HIGGINS, MAGEE
NAY: GOLENDAB 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 COORDINATOR

**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.

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

2. 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.

- D. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- E. 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.
- F. 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 **Committeeman Ocello** to open the public hearing. Motion carried.

Since there were no questions or comments, a motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to close the public hearing. Motion carried.

A motion was offered by **Committeeman Higgins** and second by **Committeeman Ocello** to adopt Ordinance 2021-23. Motion carried on a Roll Call Vote, recorded as follows:

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

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.

A motion was offered by **Committeeman Ocello** and second by **Mayor Magee** to open the public hearing. Motion carried.

With no comments or questions, a motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to close the public hearing.

A motion was offered by **Committeeman Higgins** and second by **Mayor Magee** to adopt Ordinance 2021-24. Motion carried on a Roll Call Vote, recorded as follows:

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

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.

A motion was offered by **Deputy Mayor Tallon** and second by **Mayor Magee** to open the Public Hearing. Motion carried.

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

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Golenda** to adopt Ordinance 2021-27. Motion denied on a Roll Call Vote, recorded as follows.

AYE: TALLON, GOLEND
NAY: HIGGINS, OCELLO, MAGEE

Ordinance 2021-27 failed.

ORDINANCE: FIRST READING/INTRODUCTION: Public Hearing/Final is scheduled for November 23.

ORDINANCE 2021-29

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, PROVIDING FOR EMERGENCY ROAD REPAIRS IN AND FOR THE TOWNSHIP, APPROPRIATING \$250,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$237,500 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Mansfield, in the County of Burlington, New Jersey (the "Township") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$250,000, including the sum of \$12,500 as the down payment for the improvement and purpose required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$237,500, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is emergency repairs to Township Roads, including but not limited to the repair and/or replacement of a storm water culvert pipes within Mill Lane within the Township, including all work and related materials necessary thereof or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not current expenses. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of respective amounts or obligations for the several purposes and the respective reasonable life thereof within the limitations of the Local Bond Law, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$237,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

(e) The Township reasonably expects to commence the acquisition of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 1 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Magee announced that second reading/final adoption is scheduled for November 23, 2021 at 7PM.

A motion was offered by **Committeeman Ocello** and duly second by **Committeeman Higgins** to introduce Ordinance 2021-29. Motion carried on a Roll Call Vote, recorded as follows:

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

ORDINANCE 2021-30

AN ORDINANCE AMENDING CHAPTER 60 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "TRAFFIC CONTROL" TO PROVIDE FOR A FOUR TON TRUCK LIMITATION ON WHITE PINE ROAD FROM ROUTE 206 TO THE CHESTERFIELD TOWNSHIP BOUNDARY LINE

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

SECTION ONE: Chapter 60, §60-6. Schedule A. "Trucks with GVWR or Registered Weight Over 10 Tons Excluded" is hereby amended to repeal and delete the following road from the schedule:

<u>NAME OF STREET</u>	<u>LOCATION</u>
White Pine Road	Entire Length

SECTION TWO: Chapter 60, §60-6.1 Schedule A.1: "Vehicles Over Four Tons Excluded" is hereby amended to repeal and delete the preamble to said section and to enact, adopt and replace it as follows:

"In accordance with the provisions of §60-2.1, vehicles over four tons gross weight are hereby excluded from the following described streets or parts of streets, except for the following exceptions: (i) the pickup and delivery of materials on such streets or parts of streets from residential dwellings, (ii) the pickup and drop-off of students on such streets or parts of streets by school buses, (iii) for vehicles utilized in farming operations on such streets or parts of street, and (iv) fire trucks and other emergency or police vehicles."

SECTION THREE: Chapter 60, §60-6.1 Schedule A.1: "Vehicles Over Four Tons Excluded" is hereby amended to enact, adopt and add the following road to the schedule:

<u>NAME OF STREET</u>	<u>LOCATION</u>
White Pine Road	From Route 206 to the Chesterfield Township Boundary Line

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 announced that the final adoption will be schedule for November 23, 2021.

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Ocello** to introduce Ordinance 2021-30. Motion carried on a Roll Call Vote, recorded as follows:

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

FIRST READING/ INTRODUCTION: Public Hearing: November 23, 2021

ORDINANCE 2021-31

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF MANSFIELD, CHAPTER 39B “RECYCLING AND SOLID WASTE DISPOSAL”, ARTICLE IV “CONTAINMENT OF RECYCLABLE MATERIALS, §39B-45 “RECYCLING CONTAINER STORAGE DESIGN STANDARDS, NEW RESIDENTIAL CONSTRUCTION

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

SECTION ONE: The title of §39B-45 is hereby repealed and deleted, and enacted, adopted and replaced as follows:

“§39B-45. Recycling container storage design standards, resales and new residential construction.”

SECTION TWO: §39B-45 is hereby amended to enact and adopt a new §39B-45.D. “Resales” as follows:

“§39B-45.D. Resales. All recycling containers remain the property of the Township and in the event of the sale or other conveyance of any residential property the recycling container shall remain with the residence.”

SECTION THREE: §39B-45 is hereby amended to enact and adopt a new §39B-45.E. “New Construction” as follows:

§39B-45.E. New Construction. As a condition of site plan/subdivision approval of any residential development, prior to the issuance of the first Certificate of Occupancy, the developer shall pay escrow funds in the amount of \$75.00 per residential unit for recycling containers.”

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 Ocello** and second by **Mayor Magee** to introduce Ordinance 2021-32. Motion carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, MAGEE, HIGGINS
NAY: GOLENDIA, TALLON
NOT VOTING: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE NO. 2021-32

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD AUTHORIZING AND APPROVING THE TRANSFER OF A FINANCIAL AGREEMENT FROM MANSFIELD NORTH URBAN RENEWAL LLC TO MANSFIELD 2021 URBAN RENEWAL LLC

WHEREAS, the Township of Mansfield and the Township of Mansfield Committee (collectively the “Township”) and Mansfield North Urban Renewal LLC (“Original Redeveloper”) entered into a Financial Agreement dated August 24, 2021 (the “Financial Agreement”), pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:12A-1, et seq. (the “LTTE Law”) for a payment in lieu of taxes in connection with the redevelopment of Block 4, Lots 6.01 and 7 in the Township of Mansfield (the “Property”) with an approximately 120,120 square foot warehouse with related site improvements in accordance with the Redevelopment Plan, as that term is defined in the Financial Agreement (the “Project”); and

WHEREAS, the Original Redeveloper advised the Township that it has entered into a Purchase and Sale Agreement to convey the Property and the Project to Mansfield 2021 Urban Renewal, LLC, an affiliate of LBA Realty LLC (the “New Redeveloper”), and to, subject to a closing at which the New Redeveloper acquires title and ownership of the Property (“Closing”), assign all of its rights and obligations in the Financial Agreement to the New Redeveloper; and

WHEREAS, LBA Realty LLC is a sophisticated national real estate investment and management company focused on the ownership and operation of industrial buildings located in major industrial markets throughout the United States. LBA owns and operates an industrial portfolio totaling over 70 million square feet throughout the United States. Specifically in New Jersey, LBA has industrial facilities located in Moonachie, Dayton, Bordentown, Teterboro, Robbinsville and South Brunswick; and

WHEREAS, the Assignment and Assumption of the Financial Agreement is permitted by and subject to the terms of Section 7.01 of the Financial Agreement, which requires the consent of the Township; and

WHEREAS, the New Redeveloper agrees, subject to a Closing and the New Redeveloper acquiring title and ownership of the Property, to perform all prospective liabilities, obligations and duties of the Redeveloper under the Financial Agreement. The New Redeveloper has specifically covenanted, agreed and warranted to and with the Township that (a) New Redeveloper, with the assistance of counsel, has reviewed the Financial Agreement and each and every sentence, paragraph and section thereof; (b) that the Financial Agreement in its entirety, is understood by, and acceptable to, New Redeveloper in all respects, and (c) New Redeveloper ratifies and confirms its unconditional acceptance of same as New Redeveloper, and agrees to be bound by same, without condition or exception.

WHEREAS, the New Redeveloper has advised the Township that, in connection with the transfer, a Certificate of No Default for the Financial Agreement is required; and

WHEREAS, the Township Committee finds and determines that it can approve the requested transfer of

the Financial Agreement to the New Redeveloper and issue a Certificate of No Default for the Financial Agreement.

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

1. Pursuant to the provisions of the Financial Agreement and the LTTE Law and conditioned upon a Closing and the New Redeveloper acquiring title and ownership of the Property, the Township hereby consents to the conveyance of the Property, and transfer and assignment of the Financial Agreement to New Redeveloper. The Township Committee finds that the New Redeveloper has provided the Township with sufficient information regarding its qualifications for development of the Project.
2. Pursuant to the terms of the Financial Agreement and conditioned upon New Redeveloper's acquiring title and ownership of the Property at Closing, the Township approves and consents to the execution by the Township of the (a) assignment of the Financial Agreement to Assignee attached hereto and made a part hereof as **Exhibit A**, and (b) Certificate of No Default for the Financial Agreement attached hereto and made a part hereof as **Exhibit B**, each in substantially the same form as that attached hereto, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
3. The authorizations, consents and agreements set forth in this Ordinance shall not become effective until Closing occurs and New Redeveloper acquires title and ownership of the Property. In the event Closing does not occur within 90 days from the date of the adoption of this Ordinance, (a) this Ordinance shall be deemed null, void and of no legal effect; and (b) the Original Redeveloper shall remain obligated and subject to all of the terms, conditions and covenants of the Financial Agreement, without limitation or exception.

BE IT FURTHER ORDAINED that the Mayor and Clerk of the Township of Mansfield, and any other officials of the Township of Mansfield, as may be applicable, are hereby each authorized to execute and deliver the documents attached hereto as exhibits upon the adoption of this Ordinance, together with any additional documents as are necessary to implement and carry out the intent of this Ordinance and the terms and conditions of the Financial Agreement.

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

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

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

A motion was offered by **Committeeman Higgins** and second by **Mayor Magee** to introduce Ordinance 2021-32. Motion carried on a Roll Call Vote, recorded as follows:

AYE: HIGGINS, MAGEE, OCELLO
NAY: GOLEND, TALLON

RESOLUTION 2021-11-2

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD DESIGNATING MANSFIELD 2021 URBAN RENEWAL LLC THE REDEVELOPER OF BLOCK 4, LOTS 6.01 AND 7 IN THE TOWNSHIP OF MANSFIELD, APPROVING THE TRANSFER OF SUCH PROPERTY AND THE ASSIGNMENT AND AMENDMENT OF THE REDEVELOPMENT AGREEMENT THEREOF, AND AUTHORIZING THE EXECUTION OF A CERTIFICATE OF NO DEFAULT FOR THE REDEVELOPMENT AGREEMENT BY THE TOWNSHIP

WHEREAS, the Township of Mansfield and the Township of Mansfield Committee (collectively the "Township") and Mansfield North Urban Renewal LLC ("Assignor") entered into a Redevelopment Agreement (the "Redevelopment Agreement") dated August 18, 2021, whereby Assignor agreed to construct on Block 4, Lots 6.01 and 7 in the Township of Mansfield (the "Property") an approximately 120,120 square foot warehouse with related site improvements in accordance with the Redevelopment Plan, as that term is defined in the Redevelopment Agreement (the "Project"); and

WHEREAS, Assignor had advised the Township that it has entered into a Purchase and Sale Agreement to convey the Property and the Project to Mansfield 2021 Urban Renewal, LLC, an affiliate of LBA Realty LLC ("Assignee"), and to, subject to Assignee's acquiring title and ownership of the Property, assign all of its rights and obligations in the Redevelopment Agreement to Assignee; and

WHEREAS, LBA Realty LLC is a sophisticated national real estate investment and management company focused on the ownership and operation of industrial buildings located in major industrial markets throughout the United States. LBA owns and operates an industrial portfolio totaling over 70 million square feet throughout the United States. Specifically in New Jersey, LBA has industrial facilities located in Moonachie, Dayton, Bordentown, Teterboro, Robbinsville and South Brunswick; and

WHEREAS, the Assignment and Assumption of the Redevelopment Agreement is permitted by and subject to the terms of Part II, Section 8.c of the Redevelopment Agreement, which requires the consent of the Township; and

WHEREAS, the Assignee agrees, subject to a closing at which Assignee acquires title and ownership of the Property ("Closing"), to perform all prospective liabilities, obligations and duties of the Redeveloper under the Redevelopment Agreement, as amended by the Amendment to the Redevelopment Agreement, the execution of which is authorized herein. Assignee has specifically covenanted, agreed and warranted to and with the Township that (a) Assignee, with the assistance of counsel, has reviewed the Redevelopment Agreement and each and every sentence, paragraph and section thereof; (b) that the Redevelopment Agreement in its entirety, is understood by, and acceptable to, Assignee in all respects, and (c) Assignee hereby ratifies and confirms its unconditional acceptance of same and agrees to be bound by same, without condition or exception; and

WHEREAS, in connection with Assignor's transfer to Assignee, the Assignee must be designated as Redeveloper of the Property; and

WHEREAS, Assignee has advised the Township that, in connection with the transfer, it requires: (a) an amendment to the Redevelopment Agreement to revise Exhibit D “Ownership Disclosure”, Exhibit E “Project Milestones/Timeline” and Part II Section 13.a “Notices”; and (b) a Certificate of No Default for the Redevelopment Agreement; and

WHEREAS, the Township Committee finds and determines that it can approve the requested transfer of the Property and the Project to Assignee, designate Assignee as Redeveloper of the Property, execute an amendment to the Redevelopment Agreement and issue a Certificate of No Default for the Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Mansfield as follows:

1. Pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) and conditioned upon a Closing and Assignee’s acquiring title and ownership of the Property, the Township hereby designates Assignee as Redeveloper of the Property, subject to all of the terms and conditions of the Redevelopment Agreement, as amended. The Township Committee finds that Assignee has provided the Township with sufficient information regarding its qualifications for development of the Project; and

2. Pursuant to the provisions of the LRHL and conditioned upon a Closing and Assignee’s acquiring title and ownership of the Property, the Township hereby consents to the conveyance of the Property to Assignee.

3. Pursuant to the terms of the Redevelopment Agreement and conditioned upon Assignee’s acquiring title and ownership of the Property, the Township approves and consents to the execution by the Township of the, (a) assignment of the Redevelopment Agreement to Assignee attached hereto and made a part hereof as **Exhibit A**, (b) amendment of the Redevelopment Agreement attached hereto and made a part hereof as **Exhibit B**, and (c) Certificate of No Default for the Redevelopment Agreement attached hereto and made a part hereof as **Exhibit C**, each in substantially the same form as that attached hereto, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

4. The authorizations, consents and agreements set forth in this Resolution shall not become effective until Closing occurs and Assignee acquires title and ownership of the Property. In the event Closing does not occur within 90 days from the date of the adoption of the Ordinance approving the transfer of the Financial Agreement for the Project, (a) this Resolution shall be deemed null, void and of no legal effect; and (b) the original Redeveloper shall remain obligated and subject to all of the terms, conditions and covenants of the Redevelopment Agreement, without limitation or exception, and (c) all documents executed by the Township shall be returned to the Township.

5. The Mayor and Clerk are authorized to execute and deliver the documents attached hereto as exhibits upon the adoption of this Resolution, together with any additional documents as are necessary to implement and carry out the intent of this Resolution and the terms and conditions of the Redevelopment Agreement.

6. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

7. This resolution shall take effect immediately and in accordance with law.

Attorney Prime explained that the Redevelopment Agreement and Pilot Agreement for Kainer west warehouse provide that the township has to consent to any assignment of those agreements to a new developer. Mr. Kainer is not the developer. The Resolution and Ordinance authorize the new owner to be the redeveloper and to be the recipient of the Pilot Agreement.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to approve Resolution 2021-11-2. Motion carried on a Roll Call Vote, recorded as follows:

AYE: OCELLO, HIGGINS, MAGEE
NAY: GOLEND, TALLON NOT VOTING: NONE ABSENT: NONE

CONSENT AGENDA

A motion was offered by **Deputy Mayor Tallon** and second by **Committeeman Ocello** to approve the following consent agenda including Resolutions 2021-1-3 to 2021-11-11. Motion was carried on a Roll Call Vote, recorded as follows:

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

RESOLUTION 2021-11-3

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

BE IT RESOLVED on this 4th day of November, 2021 by the Township Committee for the Township of Mansfield, County of Burlington, that from the surplus balance in the 2021 budget appropriations transfers be made as follows:

CURRENT FUND: Inside the CAP to Inside the CAP / Outside the CAP
OPERATING EXPENSES AND SALARIES & WAGES

<u>Title</u>		<u>Transfer</u>	<u>Transfer</u>
		<u>From</u>	<u>To</u>
<u>CURRENT FUND</u>			
Administration	OE	2,500.00	
Municipal Clerk	OE	7,500.00	
Revenue Administration	SW	5,000.00	
Tax Assessor	SW	7,000.00	
GROUP: Employee Health	OE	50,000.00	
Police	SW	20,000.00	
Other Code Fire	SW	47,375.00	
Recycling	SW	8,175.00	

Municipal Court	OE	5,000.00	
Municipal Clerk	SW		8,000.00
Financial Administration	SW		12,500.00
Legal Services	OE		40,000.00
Engineering Services	OE		10,000.00
Plan: Legal Services	OE		500.00
Land Use	SW		2,500.00
Emergency Management	SW		250.00
Prosecutor	OE		5,500.00
Streets & Roads	SW		65,000.00
Community Services Act	OE		4,500.00
Municipal Court	SW		2,500.00
BOND INTEREST:Debt Service	OE		400.00
BCBC LOANS: Debt Service	OE		900.00
TOTALS:		\$152,550.00	\$152,500.00

**RESOLUTION 2021-11-4
RESOLUTION APPOINTING ACTING CONSTRUCTION CODE OFFICIALS,
HARRY W. CASE AND MICHAEL WRIGHT**

WHEREAS, the Construction Official, Jeffrey K. Jones from time to time is absent due to vacation, sick, personal time; and

WHEREAS, Harry W. Case and Michael Wright have the skills and training to temporarily fulfill the duties and responsibilities and exercised the powers of the Construction Official during Mr. Jones' absence; and

WHEREAS, the Township Committee wishes to assure that Mr. Case and Mr. Wright's authority to act in the absence of Mr. Jones is clearly established; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township Mansfield, County of Burlington, and State of New Jersey that Harry W. Case and Michael Wright are authorized to act in the place and stead of the Construction Code Official for the Township of Mansfield during said officials absence due to vacation, sick, or personal time at an hourly rate of \$45.00 with no benefits or holidays; and

BE IT FURTHER RESOLVED that this Resolution shall take effect upon its adoption by the Township Committee.

**RESOLUTION 2021-11-5
RESOLUTION AUTHORIZING THE EXECUTION OF RELEASE AND DISCHARGE OF
DECLARATION OF COVENANTS AND RESTRICTIONS FOR COLUMBUS VILLAGE
REDEVELOPMENT PROJECT BLOCK 28, LOTS 5.01 AND 6**

WHEREAS, pursuant to a Redevelopment Agreement with the Township of Mansfield dated April 17, 2019, and in accordance with the 2017 Columbus Village Redevelopment Plan, Uptown Properties, LLC, ("Redeveloper") redeveloped three properties in the Township of Mansfield, County of Burlington and State of New Jersey, on West Main Street in Columbus Village, said property also known as Block 28, Lots 5.01 and 6 on the tax map of Mansfield Township; and

WHEREAS, as required by the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9, the Redeveloper recorded a Declaration of Covenants and Restrictions Township ("Declaration") dated April 25, 2019, and recorded in the Office of the Clerk of Burlington County on August 24, 2019, Book OR13404, Page 2088; and

WHEREAS, Section 4 of the Declaration requires the Township to provide the Redeveloper with a discharge and release of the Declaration at such time as the Redeveloper completes its obligations set forth in the Declaration and completes the project as contemplated by the Redevelopment Agreement and Redevelopment Plan; and

WHEREAS, in Section 11.a (1) of the Redevelopment Agreement with the Township, the Redeveloper agreed to commence redevelopment improvements on the site and to construct or cause to be developed those buildings and uses as specified in the Redevelopment Plan; and

WHEREAS, the Redeveloper has performed and completed the redevelopment of the three properties on the site as follows:

24564 East Main (Former Construction office): sold and occupied

- New Roof
- New Siding
- New electric
- Updated Kitchen and Bath
- Trim and Paint
- Garage Door

24556 East Main (former Fire Company Office): tenant occupied.

- New Windows
- Exterior Paint
- Updated Kitchen
- Refinished Floors
- Trim & paint

24548 East Main (Former Municipal Building): Ready for tenant for office space.

- Power wash exterior
- Clean and repair gutters
- Clean up & maintain Landscaping
- Paint offices

Replaced carpet as needed.

WHEREAS, in Section 8 of the Redevelopment Agreement with the Township, the Redeveloper further agreed to comply with all building codes in accomplishing the redevelopment; and

WHEREAS, the Redeveloper has obtained current inspection reports confirming that the buildings subject to the Redevelopment Agreement, being 24564, 24556 and 24548 East Main Street, are in compliance with current applicable codes; and

WHEREAS, no further redevelopment approvals appear to be required or necessary for the properties in accordance with Section 3 of the Redevelopment Agreement with the Township; and

WHEREAS, any delays in the completion of the redevelopment of the site was the result of the Covid-19 pandemic and the impact of same on potential uses identified by the Township in the Redevelopment Plan, and not due to any failure or default by the Redeveloper in compliance with the Redevelopment Agreement.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-1 et. seq., the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby authorizes the discharge and release of the Declaration of Covenants and Restrictions for the Columbus Village redevelopment project on Block 28, Lots 5.01 and 6 on the Township of Mansfield Tax Map; and

BE IT FURTHER RESOLVED that the appropriate officials of the Township of Mansfield, including the Mayor and Clerk, are hereby authorized to execute and deliver the Discharge and Release of the Declaration of Covenants and Restrictions dated April 25, 2019, and recorded in the Office of the Clerk of Burlington County on August 24, 2019, Book OR13404, Page 2088, a true and correct copy of which is attached hereto as Exhibit "A".

RESOLUTION 2021-11-6

RESOLUTION FOR REFUND OF VETERAN DISALLOW DEDCUTION MADE IN ERROR

WHEREAS, Veteran Disallow Deduction original made on 01/26/21 was based on father, Michael Pulcinella's passing; and

WHEREAS, property homeowner and veteran Michael Pulcinella is the son; and

WHEREAS, adjustment correction results in an overpayment on 3rd Qtr and Michael Pulcinella is due a refund.

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 November 4, 2021 hereby authorizes the refunding of the following to Michael Pulcinella by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
42.21	23	Michael Pulcinella	\$125.00

RESOLUTION 2021-11-7

RESOLUTION FOR THE REFUND TO CORELOGIC FOR TAX DUE TO VETERAN EXEMPTION

WHEREAS, the homeowners listed were declared to be a Disabled Veteran effective 08/19/21 and 09/22/21; and,

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

WHEREAS, Corelogic paid the Taxes for 3rd quarter 2021.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey at their regular meeting held on November 4, 2021 hereby authorizes the Tax Collector to refund taxes paid to Corelogic on the behalf of the following

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
6.01	6.02	Christopher Powell	\$1,190.54
10.05	9	Dwana Lynette Moore	<u>\$ 238.27</u>

RESOLUTION 2021-11-8

RESOLUTION FOR THE CANCELLATION OF TAXES DUE TO VETERAN EXEMPTION

WHEREAS, N.J.S.A.54:4-3.30A allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has a total or 100% permanent disability as defined by this statute; and,

WHEREAS, the properties listed below is owned by a 100% Disabled Veteran.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, hereby memorializes the cancellation of the following taxes for 2021:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
6.01	6.02	Christopher Powell	\$3,675.69 (Effective 08/19/21)
10.05	9	Dwana Lynette Moore	\$2,612.98 (Effective 09/22/21)

RESOLUTION 2021-11-9

RESOLUTION FOR THE REFUND OF TAX OVERPAYMENTS

WHEREAS, Property Taxes were overpaid on the properties listed below; and

WHEREAS, this overpayment was due to a payment by Corelogic Tax Service., and they are requesting a refund;

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 November 4, 2021 hereby authorizes the refunding of the following to Corelogic Tax Service by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
6.01	8.04	Villani, John & Jennifer	\$2,906.49
8.03	11	Bible Way Apostolic	\$4,630.54
10.05	9	Moore, Melvin & Dwana Lynette	\$2,374.71
10.06	15	Mariano, Joao	\$2,020.92

12	3.02	Haviland, Adam & Kelly	\$1,964.57
42.02	54	Avant, Vernon & White, Samantha	\$1,247.20
42.02	98	Schreuders, Laura	\$ 250.00
42.08	65	Myatt, Wayne	\$ 250.00
42.08	86	Morre, Rupert & Daphne	\$1,062.18
42.19	6	McCormick, Linda	<u>\$1,144.02</u>
		Tot	\$17,850.63

RESOLUTION 2021-11-10

RESOLUTION FOR REFUND OF WIDOW OF VETERAN DEDCUTION

WHEREAS, application for Widow of Veteran Deduction was approved on October 14, 2021 and credit applied of \$250.00 applied on 4th Qtr. 2021 on October 15, 2021; and

WHEREAS, property homeowner already paid her 4th Qtr. property tax on October 11, 2021; and

WHEREAS, an overpayment is now on 4th Qtr. and Edith Boyd is due a refund.

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 November 4, 2021 hereby authorizes the refunding of the following to Edith Boyd by the Tax Collector.

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
23.01	66.01	Edith Boyd	\$250.00

RESOLUTION 2021-11-11

RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION IN THE 2021 BUDGET

WHEREAS, an emergency has arisen with respect to the Emergency Replacement of the Storm Culvert Pipe within Mill Lane and, no adequate provision was made in the 2021 budget for the aforesaid purpose, and N.J.S.A.40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$350,000.00 and three (3) percent of the total operating appropriations in the budget for 2021 is \$185,200.58; and

WHEREAS, the forgoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2021; and

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S.A.40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for Streets & Roads: O/E in the amount of \$250,000.00.
2. That said emergency appropriation shall be provided for in full in the 2022 budget, within CAPS, pursuant to N.J.S.A. 40A:4-53.3c(1).
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services.
4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

BILL LIST: Regular and Escrow

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

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

NAY: NONE ABSENT: NONE

ABSTAIN: HIGGINS & MAGEE (on check number 12293)

MINUTES: October 20, 2021

A motion was offered by **Committeeman Ocello** and second by **Mayor Magee** to approve the minutes of October 20, 2021. Motion carried.

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

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to accept the reports as listed. Motion carried.

DISCUSSION:

Recreation: Field Use Permit – Outlaws, Brian Siz contact

Clerk Semus reported that the Recreation Committee has approved this permit. All documents have been filed. A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to approve the permit. Motion carried.

PUBLIC COMMENT

Kristianne Goodenough, 28125 Gaunt’s Bridge Road, asked if there is an update on the Bridge Construction on Island Road as to when it may be completed, especially with the road improvements pending on Mansfield Road East. **Administrator Fitzpatrick** said an update has not been received.

John O’Callaghan, 54 Oak Lane, New Egypt, NJ said there had been reports of tree cutting at the Tower Gate Property. He felt they didn’t have permits or any site plan approval to do this. He

suggested a “Stop Work Order” be issued and they follow the township ordinances. **Administrator Fitzpatrick** said the township forester was there and it was found they are making an area to get through to do their borings so they can submit an application. The forester had a conversation with the representatives of Tower Gate.

A motion was offered by **Committeeman Ocello** and second by **Committeeman Higgins** to close the public portion of the meeting. Motion carried.

MAYOR AND COMMITTEE UPDATES/COMMENTS

Committeeman Golenda had no comment.

Deputy Mayor Tallon asked if another forester had been hired to do the larger projects. He was told someone is in place as a forester but the ordinance needs to be updated to conform with the state forestry management regulations.

Deputy Mayor Tallon asked to resubmit the ordinance in regard to warehouses that was not approved as he wanted to update the Master Plan before any warehouses are discussed. He wanted to re-introduce the same ordinance that was recently turned down. **Committeeman Higgins** felt it was more appropriate to wait until January 1st when the new committee members are in office. **Deputy Mayor Tallon** made a motion to re-introduce the original ordinance. There was no second to the motion, therefore it failed.

Committeeman Ocello wished all a nice holiday.

Committeeman Higgins complimented all the people who ran for election this year and was happy to see the signs removed so quickly.

Mayor Magee announced the meeting scheduled for November 17th has to be canceled due to the League of Municipalities Convention. It will be rescheduled for November 23rd. In addition, the December 2nd scheduled meeting is cancelled. There will be one meeting in December which will be held on the 15th.

MOTION TO ADJOURN

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

Prepared by:

Respectfully submitted by:

Barbara A. Crammer
Deputy Clerk

Linda Semus, RMC, CMR
Municipal Clerk