Manchester Township Council Meeting Minutes June 25, 2012

The meeting of the Manchester Township Council was called to order at 6:00 p.m. by Council President Craig Wallis. The following statement was read by the Municipal Clerk:

"Adequate notice of this meeting was provided in accordance with the Open Public Meetings Act, pursuant to P.L. 1975, Chapter 231. Said notice was advertised in the Asbury Park Press, Star Ledger and was posted in the lobby of the Municipal Building."

This was followed by the salute to the flag and the following roll call:

The Clerk took the roll call:

Councilman Fred Trutkoff	-	present
Councilman Warren Reiter	-	present
Councilman Brendan Weiner	-	present
Councilman Sam Fusaro	-	present
Councilman Craig Wallis	-	present

Also present were Business Administrator Elena Zsoldos, Township Attorney Steven Secare and Chief Financial Officer Diane Lapp.

ADOPTION OF MINUTES The regular minutes of April 23, 2012 and May 14, 2012 were offered upon a motion by Mr. Trutkoff, seconded by Mr. Reiter and **approved** by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

<u>**CORRESPONDENCE</u>** The Clerk read correspondence into the record from the C.F.O. regarding the sale of \$595,000 in Emergency Notes.</u>

SUBMISSION OF BILLS:

Resolution #12-175 - Authorizing payment of bills from the Current Fund in the amount of \$890,224.18 was offered by Mr. Weiner, seconded by Mr. Trutkoff and approved by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

Resolution #12-176 -Authorizing payment of bills from the Water and Sewer Fund in the amount of \$200,154.28 was offered by Mr. Fusaro, seconded by Mr. Weiner and approved by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

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Resolution #12-177 – Authorizing payment of bills from the Water and Sewer West Fund in the amount of \$398,497.97 was offered by Mr. Reiter seconded by Mr. Weiner and approved by the following roll call vote: Councilmen Trutkoff, Reiter Weiner, Fusaro and Wallis; yea.

ORDINANCES – Second Reading, Public Hearing and Final Action

#12-015 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 245 OF THE CODE OF THE TOWNSHIP OF MANCHESTER ENTITLED LAND USE AND DEVELOPMENT

Mr. Wallis asked Council if they had any comments on the above ordinance. Seeing no comments from Council, Mr. Wallis opened this portion of the meeting to the public.

Seeing no comments from the public, Mr. Wallis closed this portion of the meeting.

The above ordinance was **offered** upon a motion by Mr. Trutkoff, seconded by Mr. Reiter and **adopted** by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis: yea.

ORDINANCES: Introduction and First Reading

#12-016 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 245 OF THE CODE OF THE TOWNSHIP OF MANCHESTER ENTITLED LAND USE AND DEVELOPMENT.

Mr. Wallis asked Council if they had any comments on the above ordinance. Seeing no comments from Council, Mr. Wallis closed this portion of the meeting.

The above ordinance was **offered** upon a motion by Mr. Weiner, seconded by Mr. Reiter and **adopted** by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

#12-017 - ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING, IN ITS ENTIRETY, ORDINANCE NO. 97-010 FOUND IN CHAPTER 7 OF THE TOWNSHIP CODE AT SECTION 7-16.1 ENTITLED "PARKING PROHIBITIONS FOR VEHICLES IN EXCESS OF 10,000 POUNDS"

Mr. Wallis asked Council if they had any comments on the above ordinance. Seeing no comments from Council, Mr. Wallis closed this portion of the meeting.

The above ordinance was **offered** upon a motion by Mr. Trutkoff, seconded by Mr. Reiter and **adopted** by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

#12-018 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 424 OF THE

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CODE OF THE TOWNSHIP OF MANCHESTER ENTITLED VEHICLE PARKING AND STORAGE.

Mr. Wallis asked Council if they had any comments on the above ordinance. Seeing no comments from Council, Mr. Wallis closed this portion of the meeting.

The above ordinance was **offered** upon a motion by Mr. Reiter, seconded by Mr. Fusaro and **adopted** by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

RESOLUTIONS: CONSENT AGENDA

The items listed below are considered to be routine by the Township of Manchester and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Mr. Wallis asked if any member of Council had any comments on any item on the consent agenda.

A motion was offered by Mr. Weiner, seconded by Mr. Fusaro to remove Resolutions #12-206 and #12-218 removed from the Consent Agenda and was approved by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

Seeing no further comments from the Council, Mr. Wallis opened this portion of the meeting to the public.

Hank Glen – 29 Wycliffe Rd.: Mr. Glen made mention to the petty cash fund. He felt that \$200.00 was not a sufficient amount of money. Ms. Lapp said the amount has been fine in the past. It is only used to purchase small items such as keys. Mr. Glen also asked about tax liens. He felt it would be beneficial for the Township to take over the lots. Mr. Secare says taking over the lots is not fiscally responsible. A tax sale has to take place by law. Administration always monitors the property but with the economy it is hard to purchase property right now.

#12-206 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF ROBERT E. ULAKY OF THE FIRM OF DASTI, MURPHY, MCGUCKIN, ULAKY, CHERKOS & CONNORS AS MUNICIPAL PUBLIC DEFENDER PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

The above ordinance was offered by upon a motion by Mr. Fusaro, seconded by Mr. Trutkoff and approved by the following roll call vote: Councilmen Trutkoff, Reiter, Fusaro and Wallis: yea. Mr. Weiner abstained.

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Resolutions #12-178 through #12-205 and #12-207 through #12-217 were considered routine by the Manchester Township Council and were enacted by one motion offered by Mr. Weiner, seconded by Mr. Trutkoff and adopted by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

A. FINANCE

#12-178 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE REFUNDS REQUESTED

#12-179 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING REMOVAL OF OPEN TAXES FOR PROPERTY OWNED BY THE TOWNSHIP

#12-180 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TEMPORARY BUDGET APPROPRIATIONS FOR THE TRANSITIONAL YEAR 2012

#12-181 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TEMPORARY WATER UTILITY BUDGET EASTERN SERVICE AREA APPROPRIATIONS FOR THE TRANSITIONAL YEAR 2012

#12-182 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TEMPORARY SEWER UTILITY BUDGET EASTERN SERVICE AREA APPROPRIATIONS FOR THE TRANSITIONAL YEAR 2012

#12-183 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TEMPORARY WESTERN SERVICE AREA WATER UTILITY BUDGET APPROPRIATIONS FOR THE TRANSITIONAL YEAR 2012

#12-184 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TEMPORARY WESTERN SERVICE AREA SEWER UTILITY BUDGET APPROPRIATIONS FOR THE TRANSITIONAL YEAR 2012

#12-185 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING CANCELLATION OF CERTAIN OF THE UNEXPENDED BALANCES OF FISCAL YEAR 2012 BUDGET APPROPRIATIONS FOR CURRENT FUND

#12-186 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING CANCELLATION OF CERTAIN UNEXPENDED BALANCES OF FISCAL YEAR 2012 UTILITY BUDGET APPROPRIATIONS

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#12-187 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CHIEF FINANCIAL OFFICER TO MAKE TRANSFERS BETWEEN APPROPRIATIONS IN THE 2012 STATE FISCAL YEAR BUDGET

#12-188 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A CASH MANAGEMENT PLAN FOR THE TOWNSHIP OF MANCHESTER

#12-189 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT TAXES OR ASSESSMENTS

#12-190 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY FIXING THE RATE OF INTEREST TO BE CHARGED ON DELINQUENT WATER AND SEWER RATES, CHARGES, RENTALS, AND FEES

#12-191 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DIRECTOR OF FINANCE TO RE-ESTABLISH A PETTY CASH FUND IN THE AMOUNT OF \$200.00

#12-192 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO CONDUCT A MUNICIPAL LIEN SALE

#12-193 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO CHARGE A FEE FOR PAYMENTS RETURNED FOR INSUFFICIENT FUNDS

#12-194 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF THE AUTOMATED CLEARING HOUSE (ACH) FOR REAL ESTATE TAXES AND UTILITIES CHARGES

#12-195 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE COLLECTOR TO CANCEL TAXES LESS THAN \$1

#12-196 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF A PERMIT FEE TO EDITH BLANKENSHIP\1550 HARRISON AVE., WHITING, NEW JERSEY

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B. <u>APPOINTMENTS\CONTRACTS</u>

#12-197 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF JOSEPH J. FACCONE, R.M.A., OF SAMUEL KLEIN AND COMPANY AS TOWNSHIP AUDITOR PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-198 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF STEVEN SECARE OF THE FIRM OF SECARE, RYAN AND HENSEL AS TOWNSHIP ATTORNEY PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-199 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF CHARLES E. STARKEY OF THE FIRM OF STARKEY, KELLY, BAUER, KENNEALLY AND CUNNINGHAM AS UTILITIES ATTORNEY PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-200 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF CHRISTOPHER WALRATH OF THE FIRM OF GLUCK, WALRATH LLP AS BOND COUNSEL PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-201 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF AL YODAKIS OF T & M ASSOCIATES AS TOWNSHIP ENGINEER PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-202 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF THOMAS A. THOMAS OF THOMAS PLANNING ASSOCIATES, LLC AS TOWNSHIP PLANNER PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-203 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, CONSENTING TO THE APPOINTMENT OF VINCENT J. VIVONA, D.O. TO THE OFFICE OF TOWNSHIP PHYSICIAN OF THE TOWNSHIP OF MANCHESTER, PURSUANT TO <u>N.J.S.A</u>. 40:69A-43(b), AND AWARDING A CONTRACT FOR MEDICAL SERVICES TO VINCENT J. VIVONA, D.O.

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#12-204 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, CONSENTING TO THE APPOINTMENT OF A MUNICIPAL COURT JUDGE OF THE TOWNSHIP OF MANCHESTER PURSUANT TO AND IN ACCORDANCE WITH <u>N.J.S.A.</u> 2B:12-4(b)

#12-205 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF VALTER H. MUST OF THE FIRM OF ROTHSTEIN, MANDELL, STROHM AND MUST AS MUNICIPAL PROSECUTOR PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

#12-207 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING A CONFLICT PUBLIC DEFENDER

#12-208 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, CONSENTING TO THE REAPPOINTMENT OF A DEPUTY TAX ASSESSOR OF THE TOWNSHIP OF MANCHESTER, PURSUANT TO AND IN ACCORDANCE WITH <u>N.J.S.A.</u> 40A:9-148

#12-209 - RESOLUTION OF THE TOWNHSIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A USER AGREEMENT WITH VERIZON WIRELESS

#12-210 - RESOLUTION OF THE TOWNHSIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT WITH MITCHELL HUMPHREY SOFTWARE FOR THE MAINTENANCE OF SOFTWARE PROGRAMS FOR THE BUREAU OF INSPECTIONS

#12-211 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXTENSION OF AN AGREEMENT WITH ALTERNATIVE MICROGRAPHICS, INC.

C. PURCHASING

#12-212 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DISPOSITION OF RECOVERED PROPERTY IN THE POSSESSION OF THE MANCHESTER TOWNSHIP POLICE DEPARTMENT AT AUCTION ON GOVDEALS.COM

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D. **BONDS\ESCROW**

#12-213 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXPIRATION OF A MAINTENANCE BOND FOR A PROJECT KNOWN AS AMSTERDAM AVENUE EXTENSION BLOCKS 1.324, 1.328 & 1.329, LOTS VARIOUS

#12-214 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXPIRATION OF A MAINTENANCE BOND FOR A PROJECT KNOWN AS WHITING COMMONS SHOPPING CENTER \BLOCK 109 LOT 1.03

E. <u>LICENSING</u>

#12-215 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE FOR AMRS LIQUOR HOLDINGS, LLC T\A TIPPERARY PUB

#12-216 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING A CAMPGROUND LICENSE FOR SURF & STREAM CAMPGROUND

F. <u>MISCELLANEOUS</u>

#12-217 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, FIXING THE ANNUAL MEETING DATES OF THE TOWNSHIP COUNCIL

#12-218 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF STEVEN A. ZABARSKY OF THE FIRM OF CITTA, HOLZAPFEL & ZABARSKY AS MUNICIPAL PROSECUTOR PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 19:44A-20.4 ET SEQ.

Resolution #12-218 died due to lack of motion.

REPORTS

Mr. Weiner: None

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Mr. Fusaro: Mr. Fusaro attended a meeting of the Manchester Coordinating Council. They discussed the issues of the Clayton rail crossing. They also discussed transportation opportunities for people who cannot drive in Whiting. The Manchester Coordinating Council said that Academy Bus Company told them they would have serviced Whiting but they were turned down. Mr. Fusaro asked the Clerk for further information to look at the validity of that claim. He also attended a meeting regarding a memorial to Cpl. Ott. Mr. Wallis said he would have the Ott family's approval before anything would be done.

Mr. Reiter: Mr. Reiter attended the middle school graduation and had the privilege of presenting the Community Service Award to Lucas Lauer. He was President of the Impact Club and a deserving student of the award due to his exemplary community service. Even though Mr. Reiter was not able to attend, he gave a brief summary of Assembly/Senate bills that were addressed at the League Legislative meeting.

Mr. Trutkoff: None

Mr. Wallis: Mr. Wallis attended the concert at Harry Wright Lake over the weekend and on another date did a police ride along. Mr. Wallis was impressed with the new license plate reader. It is a useful tool that helps the Police in determining if a car is registered. Mr. Wallis read the Manchester First Aid productivity report for the month of May 2012.

Mr. Secare: None

Ms. Lapp: None

Ms. Skibo: None

PUBLIC

<u>Thomas Gilligan</u> – Mockingbird Lane: Mr. Gilligan is a member of the Manchester Coordinating Council. He commented with regard to Academy Bus. He felt it was a good idea. Mr. Wallis said he would have Ms. Zsoldos look into it. Ms. Skibo offered that most of the stops were on County roads. The County did their review and they turned it down. Mr. Gilligan also suggested asking Comcast for a public access channel to use as a means of communication to the residents.

<u>Hank Glen</u> – 29 Wycliffe Rd.: Mr. Glen was concerned with the condition of Pine Lake. He said it was deteriorating. Mr. Weiner said a study of the lake was done years ago. Chloroform levels were high. Sediment and washout has filled the lake. The lake must be drained for better flow. Mr. Glen also felt that a representative from Manchester is needed at County Freeholder meetings. Mr. Glen was of the opinion that having a County run park within Manchester would benefit residents. Right now the County does not facilitate one within the Township.

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Fred Lund – LVW: Mr. Lund reviewed the Township website and did not find any bargaining unit contracts on the sight. Mr. Wallis said they are not on the site because they are posted on the PERC website according to law. Mr. Lund reiterated his position and felt all contracts should be posted on the Township website.

ADJOURNMENT

There being no further business at this time on motion by Mr. Weiner and seconded by Mr. Reiter and unanimous voice vote of Council, the meeting was hereby adjourned at 6:52 p.m.

Sabina T. Skibo, RMC Township Clerk Craig Wallis Council President

Date Approved

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