

**MANCHESTER TOWNSHIP  
MEETING MINUTES  
May 28, 2013**

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:

**FLAG SALUTE**

**ROLL CALL**

The following roll call was taken by the Municipal Clerk:

Councilman Charles Frattini	- present
Councilman James Vaccaro	- present
Councilman Brendan Weiner	- present
Councilman Sam Fusaro	- present
Councilman Craig Wallis	- present

The Clerk noted for the record that, also present were Business Administrator Elena Zsoldos, Township Attorney Steven Secare, Chief Financial Officer Diane Lapp, Township Auditor Andy Zabiega, Chief Brian Klimakowski and Township Planner Tom Thomas.

**PRESENTATION – Energy Aggregation – Gabel Associates**

Kenny Asser of Gabel Associates gave a brief presentation on the Energy Aggregation program. Gabel Associates was founded in 1993. They are an energy, environmental and public utility consulting firm. Gabel Associates manages energy aggregation programs with thousands of accounts. In 1999 the State passed a law changing the way that electric and gas utilities are structured and regulated. Utilities still own, operate and maintain the distribution system but no longer own the power plants. Retail customers can buy power from the utility or a third party supplier. In 1999 the restructuring law allowed municipalities to aggregate residents and businesses for bulk purchases from third party suppliers on an “opt-in” basis. In 2003 the Government Energy Aggregation law was changed to an “opt-out” model. Under the opt-out model, and with current market conditions, municipalities have the opportunity to “bulk purchase” power supply for residents at prices below the utility tariff power supply price. Plumsted Township was the first municipality to award a power supply contract that will result in a 14% savings for residents. The average yearly savings for each resident was about \$165.00 per year. Gabel associates guided Plumsted through the entire process including outreach, education, review and interaction with the Board of Public Utilities. Mr. Esser went over the whole program and how it would affect Manchester including the opt-out process for

residents. The benefits of this program would be reduced energy prices, consumer protection, transparency and customer choice.

At this time, Mr. Wallis asked Council if they had any questions. Mr. Fusaro asked if residents could opt-in at a later time. Mr. Esser said they could. Plumsted has a one year contract so the residents could opt-in at the beginning of the next contract. Mr. Fusaro asked if the contract could include a one year extension. Mr. Esser said he would have to look at the regulations to see if the contract could include an extension option. Mr. Weiner asked if there was a cost burden on the municipality. Mr. Esser said municipalities could not benefit on the residents behalf. Any fees that are incurred could be rolled into the proposal. Mr. Weiner asked if there was a budget option. Mr. Esser said there was a budget option. Mr. Esser said the proposal would be specific to Manchester and include what Council felt was beneficial to the residents.

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

**Elaine Baumeister – 30C Buckingham Dr.:** Ms. Baumeister commented that some residents of Leisure Village West have gone with a third party supplier. They have been able to make the decisions for themselves without the intervention of the government.

**Ed Lynch – 5 Bridle Way:** Mr. Lynch is using a third party supplier and he does not have a contract. Mr. Lynch questioned the necessity of a contract.

**Jean Bastafka – 42 Milton Dr.:** Ms. Bastafka was concerned with the opt-out clause. She felt that it would be too confusing to senior citizens when they receive the card in the mail. Many residents may ignore the card and may not act on it.

**Frank Durkin – 1640 New York Ave.:** Mr. Durkin asked how Gabel Associates would get reimbursed for their work. Mr. Esser explained that the company was taking a risk. If eighty percent of the Township opts out then Gabel Associates would not get paid. They only get paid for the residents who opt-in the program.

**Rita Eller – LVW:** Ms. Eller felt that it was not right for the Council to decide on the energy aggregation. She felt she should be the one to decide if she uses a third party supplier.

**Fred Lund – LVW:** Mr. Lund voiced his concerns that someone else, besides the residents, would be sharing in the Township's electrical savings.

**Carol Deluccia – 701 Parkview Blvd.:** Ms. Deluccia felt that saving money should be a personal decision. Government should not be involved in that decision.

**Joe Grobowski – LVW:** Ms. Grobowski felt that Council should just recommend an alternate energy company instead of having residents opt-out.

**Jean Bastafka – 42 Milton Dr.:** Ms. Bastafka asked for clarification on the upfront costs to the Township. Mr. Fusaro explained that any upfront costs would be imbedded within the proposal.

**Elaine Baumeister – 30C Buckingham Dr.:** Ms. Baumeister said there are major concerns with getting involved with this program. One is hidden charges on your electric bill where we are not sure where the fees are going to.

**Ginny Martin – Renaissance:** Ms. Martin wanted to be placed on the record to say that she is against this program. It is not up to the government how she spends her money. She is against energy aggregation.

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

### **SUBMISSION OF BILLS:**

**Resolution #13-188** – Authorizing payment of bills from the Current Fund in the amount of \$1,297,511.18 was offered by Mr. Frattini, seconded by Mr. Fusaro and approved by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and Wallis; yea.

**Resolution #13-189** – Authorizing payment of bills from the Water and Sewer Fund in the amount of \$486,546.05 was offered by Mr. Frattini, seconded by Mr. Vaccaro and approved by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and Wallis; yea.

**Resolution #13-190** – Authorizing payment of bills from the Water and Sewer West Fund in the amount of \$401,297.71 was offered by Mr. Vaccaro, seconded by Mr. Fusaro and approved by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and Wallis; yea.

### **ORDINANCES – Second Reading, Public Hearing and Final Adoption**

#### **#13-003 – AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE SALARY RANGES OF SWORN POLICE PERSONNEL**

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. Vaccaro seconded by Mr. Weiner and **adopted** by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and Wallis; yea.

#### **#13-004 – AN ORDINANCE AUTHORIZING THE SALE OF LOT 26 IN BLOCK 1.347 IN THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-1 et seq.**

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 further comments from the public, Mr. Wallis closed this portion of the meeting.

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

**ORDINANCES – First Reading and Introduction**

**#13-005 - ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 245, LAND USE AND DEVELOPMENT REGULATIONS OF THE CODE OF THE TOWNSHIP OF MANCHESTER COUNTY OF OCEAN AND STATE OF NEW JERSEY**

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

**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 Council members had any comments on any items on the consent agenda.

Seeing no comments from Council, Mr. Wallis asked if there were any comments from the public on any item on the consent agenda.

**Ed Lynch – Bridle Way:** - Mr. Lynch thanked Council for supporting Senate Bill S-3282.

**Hank Glen – 29 Wycliffe Rd.:** Mr. Glen commented with regard to Resolution #13-195 which is the change Order for Terra-Tech Construction on the First and Second Avenue drainage project. He has concerns with the amount of the change order. The original bid was for \$150,000.00 we are now up to \$200,000.00. Mr. Secare explained you never know what you are going to find when you are digging holes and that is exactly what happened. A change order is only authorized for something that is totally unexpected. Ms. Zsoldos added that this project still has not cost the Township anything out of pocket. We are still using the grant money that was received for the project.

**Frank Durkin – New York Ave.:** Mr. Durkin asked who requested the cell tower bid in Resolution #13-200. Mr. Secare advised that AT&T requested a cell tower be placed in the area. This will bring in revenue for the Township as well as provide coverage for the Whiting area.

**Fred Lund – LVW:** Mr. Lund commented with regard to the salary ordinance that was adopted at the last meeting. Mr. Wallis stated, as he did at the last meeting, that Mr. Lund should come in and meet with Ms. Lapp who could answer all of his questions. He also commented that our membership in Sustainable Jersey is in close connection with United Nations Agenda 21. At this time, Mr. Wallis asked Mr. Lund to address his concerns during the public portion as his comments were not in relation to items on the Consent Agenda.

**Resolutions #13-191 through #13-203 were considered routine by the Manchester Township Council and were enacted by one motion offered by Mr. Frattini, seconded by Mr. Fusaro and adopted by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and**

Wallis; yea.

**A. FINANCE**

**#13-191 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE REFUNDS REQUESTED BY THE TAX COLLECTOR**

**#13-192 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, CERTIFYING AS TO RECEIPT AND REVIEW OF THE SFY 2012 AUDIT OF THE TOWNSHIP OF MANCHESTER**

**#13-193 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE FOR A CLEAN COMMUNITIES GRANT THROUGH STATE OF NEW JERSEY**

**#13-194 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING TAX COLLECTOR TO ISSUE ESTIMATED TAX BILLS**

**#13-195 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF CHANGE ORDER #2 FOR TERRA-TECH CONSTRUCTION, INC. FOR THE FIRST AND SECOND AVENUE ROADWAY AND DRAINAGE IMPROVEMENTS**

**B. CONTRACTS/AGREEMENTS**

**#13-196 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT WITH MUNICIPALPAY FOR CHECKS BY WEB (E-CHECK) PAYMENT PROCESSING**

**#13-197 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR TO EXECUTE REIMBURSEMENT AGREEMENTS WITH QUALIFIED PRIVATE COMMUNITIES**

**#13-198 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT TO THE HONORABLE EDWARD J. TURNBACH, J.S.C. (Ret.) TO SERVE AS A HEARING OFFICER**

**C. ESCROW**

**#13-199 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXPIRATION OF A MAINTENANCE BOND AND THE RELEASE OF AN ESCROW ACCOUNT FOR A PROJECT KNOWN AS RIDGEWAY SELF STORAGE BLOCK 72.01, LOT 14.02 (2420 Ridgeway Blvd.)**

#### **D. PURCHASING**

**#13-200 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PURCHASING AGENT TO ADVERTISE FOR AND RECEIVE BIDS FOR THE INSTALLATION OF CELLULAR ANTENNAE (1420 Roosevelt Blvd.)**

#### **E. LEGISLATURE**

**#13-201 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING ASSEMBLY BILL A3282**

**#13-202 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 20 – JUNE 2, 2013**

#### **F. MISCELLANEOUS**

**#13-203 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, DESIGNATING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS OR CHIEF ENGINEER OF UTILITIES AS ITS AGENTS TO SIGN CERTAIN DOCUMENTS ON BEHALF OF THE DIVISION OF UTILITIES**

#### **REPORTS**

**Mr. Weiner:** Mr. Weiner attended the Caregivers Business Advisory Council meeting where they discussed the needs of seniors in our community.

**Mr Fusaro:** Mr. Fusaro attended the Memorial Day services at Veteran's Park. He thanked all the employees involved in making it a success. It was a very emotional ceremony.

**Mr. Vaccaro:** On May 17, 2013 he met with Ms. Lapp and Township Auditors to finish the closeout of the SFY 2012 Budget. He spoke with the Business Administrator to discuss revenue enhancement for the 2013 CY Budget. Mr. Vaccaro also attended meetings at the Joint Mega Base where he met with the commander of the base to discuss economic issues relevant to the base. He also attended a Zoning Board of Adjustment meeting as well as the Memorial Day celebration at Veteran's Park.

**Mr. Frattini:** Mr. Frattini thanked everyone involved in making the Memorial Day Celebration a success. He also attended the meeting with Mr. Vaccaro, the Township Auditors and Ms. Lapp to discuss the closeout of the SFY 2012 Budget. The Auditors said Ms. Lapp is doing a good job and the Township is in fine economic shape.

**Ms. Zsoldos:** Ms. Zsoldos gave an update on Senior Outreach on the different ways they are trying to serve the residents. Also, Nicole Ashkar was hired as the new Zoning and Code Enforcement Official to replace Don Cain who has retired.

Mr. Secare: None

Ms. Skibo: None

Ms. Pellicano: None

Ms. Lapp: None

**Public**

**Fred Lund – LVW:** Mr. Lund addressed his concerns with the Township’s registration with Sustainable Jersey. He felt that it was too closely related to United Nations Agenda 21 which its main goal is redistribution of wealth. Mr. Lund also mentioned that he wanted to see employment contracts posted on the Township website. Mr. Wallis and Mr. Secare both advised that the Township is still in negotiations with the unions so there are no contracts. When contract negotiations are resolved we are required to send the contracts to PERC and they are posted on the PERC website. Mr. Wallis thanked Mr. Lund for raising his awareness to Agenda 21 and he is educating himself on the subject.

**Frank Durkin – New York Ave.:** Mr. Durkin commented with regard to the safety of the Township’s water system. Mr. Secare advised that the water system is safe and all testing has been done according to law. The public is not at risk.

**ADJOURNMENT**

There being no further comments or business to come before Council at this time, the meeting was adjourned at 8:00 p.m. on motion by Mr. Vaccaro, seconded by Mr. Weiner and the approved by the following roll call vote; Councilmen: Frattini, Vaccaro, Weiner, Fusaro and Wallis; yea.

\_\_\_\_\_  
Craig Wallis  
Council President

\_\_\_\_\_  
Sabina T. Skibo, R.M.C.  
Township Clerk

\_\_\_\_\_  
Date Adopted