

**Manchester Township Council
Meeting Minutes
December 12, 2011**

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.”

APPOINTMENT OF COUNCIL MEMBER TO FILL UNEXPIRED TERM

Sam Fusaro was chosen to fill the unexpired term of Councilman Vanderziel. Mr. Fusaro took the Oath of Office administered by the Municipal Clerk. Councilman Fusaro then took his place on the dais.

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 Elena Zsoldos, Business Administrator, Attorney Steven Secare; Diane Lapp, CFO; Chief Klimakowski and Capt. Lisa Parker

PROCLAMATIONS

A Meritorious Service Award was presented to Sean Lagravenis and Elizabeth Sottolare of Manchester First Aid for their quick response in the aid of a small child.

A proclamation was given to Greg Kyrakakis honoring the Manchester Patch on its one year anniversary.

SUBMISSION OF BILLS:

Resolution #11-348 - Authorizing payment of bills from the Current Fund in the amount of \$4,228,261.74 was offered by Mr. Trutkoff, seconded by Mr. Reiter and approved by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea. Mr. Weiner abstained on check no. 44063.

Resolution #11-349 - Authorizing payment of bills from the Water and Sewer Fund in the amount of \$117,469.86 was offered by Mr. Weiner, seconded by Mr. Fusaro and approved by the following roll call vote: Councilmen Trutkoff, Reiter, Weiner, Fusaro and Wallis; yea.

Resolution #11-350 – Authorizing payment of bills from the Water and Sewer West Fund in the amount of \$88,816.60 was offered by Mr. Trutkoff 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

#11-025 - 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. Mr. Fusaro stated that he was not authorized to vote on this item because he was not on Council for the first reading. Mr. Secare said he was correct.

Robert Taylor – 1301 Scranton Ave.: Mr. Taylor said he was here to oppose the cluster ordinance that was on the agenda. He submitted a map of the proposed area. Pinelands has done a study on endangered species that Mr. Taylor does not agree with. He has pictures to prove that there are endangered species in the area. He sent the pictures to Pinelands. If the land is cleared, there will not be anything left. Mr. Wallis asked if Pinelands responded to the documentation. Mr. Taylor said they had and the report from Trident Environmental was not accurate. There were plenty of endangered species in the area. Mr. Wallis said the Pinelands Commission has been very strict over the years. The Pinelands Commission says they are trying to protect some of the land by allowing clustering. Mr. Taylor said that everyone that lives adjacent to Harry Wright Lake was told that the land was protected. It is up to Council to decide to protect the land.

Theresa Lettman – 1401 Broadway Blvd. - Pinelands Preservation Alliance: The area in question is south of Harry Wright Blvd. She objects to this ordinance because of the endangered species that will be affected. Ms. Lettman stated that the Pinelands Commission replied to Mr. Taylor's report by stating that once the application is received, they will review his report. However, Ms. Lettman felt that there were things Council could do to protect the environment. She suggested expanding the areas to the north and west of Roosevelt City. The documentation that they have does not point to any endangered species in that area. The bonus density should not be applied to lots that are not aggregated.

Robert Zappalorti – 575 Toms River Rd, Jackson, NJ: Mr. Zappalorti is a Herpetological Consultant and did a study of the area in question. There are over 32 species of endangered snakes in the area. If rattlesnakes are in Roosevelt City, they should be protected. It is a poor planning decision to put homes where you know there are rattlesnakes. Avoiding additional homes south of Harry Wright Blvd. will protect the rattlesnake habitat.

Darren Kross 1300 Scranton Ave.: Mr. Kross opposes all building in the area in question. A beautiful section of land would be destroyed together with endangered snakes. Our children will never be able to see these snakes. We will not be able to bring this species back. Other areas should be considered.

Arthur Douglas -1720 Newark Ave.: Mr. Douglas has documentation of the snake on video. The best thing to do is to move the proposed area. He implores Council to use their best judgment and save the snakes.

Richard Silver – 1300 Cabot Ave.: Mr. Silver said at least five families would be impacted by this ordinance. Mr. Silver mentioned the Borough of Harvey Cedars. The residents are suing the borough because they are building sand dunes and the value of their homes is in jeopardy. Property values are going to go down in Roosevelt City and they would lose their wooded yards. Mr. Silver said the people affected would probably hire lawyers and lawsuits would be initiated. Mr. Silver did not want to see the Township have to pay for this.

Greg Douglas 1301 Zeppelin Ave. Mr. Douglas moved to Whiting twelve years ago from a suburban area. He wanted to raise his children in a wooded area with wildlife. His paradise is being threatened. He is asking Council to stop development south of Harry Wright Blvd. The endangered species do not have a say. Mr. Douglas read a poem from a middle school student who sees the impact of development in the Pinelands.

Mr. Weiner felt that this was an issue of timing. He wanted to hold off on the issue and have Tom Thomas present. Mr. Secare said he told Mr. Thomas not to be present because of Pinelands regulations. Mr. Wallis said this issue was heard by the Planning Board and Tom Thomas was present. He has a resolution from the Planning Board. The issue has to be acted on. The Pinelands Commission is a tough authority on their rules and regulations. This organization was put there to protect the Pinelands and he was ready to move forward.

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

#11-026 – 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 TO PROVIDE FOR SOLAR AND SMALL WIND ENERGY FACILITIES AND STRUCTURES

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

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.

Seeing no comments from the 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.

Resolutions #11-351 through #11-368 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

#11-351 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING REMOVAL OF OPEN TAXES FOR PROPERTY OWNED BY TOWNSHIP

#11-352 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUNDS REQUESTED BY THE TAX COLLECTOR DUE TO STATE TAX APPEALS

#11-353 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK 102.12, LOT 15 FOR A TOTALLY DISABLED VETERAN

#11-354 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK 61.42, LOT 6 FOR A TOTALLY DISABLED VETERAN

#11-355 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK 52.18, LOT 34 FOR A TOTALLY DISABLED VETERAN

#11-356 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TAX COLLECTOR TO CANCEL TAXES AS TO BLOCK 61.13, LOT 92 FOR A TOTALLY DISABLED VETERAN

B. CONTRACTS\AGREEMENTS

#11-357 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE TOWNSHIP OF MANCHESTER AND MARK WHITE, PH.D. P.A.

#11-358 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE PURCHASE OF WATER AND WASTE WATER TREATMENT CHEMICALS

#11-359 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE PURCHASE OF WATER AND WASTEWATER TREATMENT CHEMICALS

#11-360 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE PURCHASE OF WATER AND WASTEWATER TREATMENT CHEMICALS

#11-361 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT WITH MODERN POWER GROUP SYSTEMS

C. APPOINTMENTS

#11-362 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ART ABLINE TO THE POSITION OF COORDINATOR OF THE OFFICE OF EMERGENCY MANAGEMENT IN THE TOWNSHIP OF MANCHESTER

#11-363 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING FRED FRITZ TO THE POSITION OF DEPUTY COORDINATOR OF THE OFFICE OF EMERGENCY MANAGEMENT IN THE TOWNSHIP OF MANCHESTER

D. PURCHASING

#11-364 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DISPOSITION OF RECOVERED PROPERTY IN THE POSSESSION OF THE TOWNSHIP AT AUCTION ON GOVDEALS.COM

E. LICENSING

#11-365 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING RENEWAL OF A PLENARY RETAIL CONSUMPTION LICENSE FOR MANCHESTER HOSPITALITY LLC

F. GRANTS

#11-366 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE APPLICATION FOR A DRUNK DRIVING ENFORCEMENT FUND GRANT FOR THE POLICE DEPARTMENT

G. LEGISLATION

#11-367 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REQUESTING THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO WAIVE PERMIT FEES FOR MUNICIPALITIES

#11-368 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING S-3062 "TELECOMMUNICATIONS-CABLE TELEVISION DEREGULATION ENSURING CONSUMER PROTECTION ACT"

REPORTS

Mr. Weiner: Mr. Weiner commented with regard to legislation that would change the school board election to November. This is gaining momentum in the legislature.

Mr. Fusaro: Mr. Fusaro thanked Council for choosing him to fill Mr. Vanderziel's vacant position. Mr. Fusaro worked with Mr. Vanderziel in the past and he was a superior Councilman. He has experience with the position and would be happy to talk to any resident who has questions.

Mr. Reiter: Mr. Reiter discussed the possibility of property taxes being changed. The idea is before the legislature. Property taxes make up about 54 percent of taxes raised in New Jersey. The New Jersey League of Mayors feels that the property taxes hinder people from moving into the State and is keeping home values down. The New Jersey League of Mayors suggests eliminating school taxes from the tax bill. This would be done by the State changing the school funding formula. This could save ten billion dollars in property taxes. However, the money has to come from somewhere. This could come from an increase in income taxes, sales tax or a tax on gasoline. More work has to be done. Governor Christie supports some of this plan. In conclusion, Mr. Reiter knows there is a change coming but does not know exactly when. Mr. Reiter wished everyone a happy holiday.

Mr. Trutkoff: Mr. Trutkoff welcomed Mr. Fusaro to the Council.

Mr. Wallis: Mr. Wallis added to Mr. Weiner's statement regarding the school election legislation. If the school budget is within the two percent cap it will not have to be voted on. Mr. Wallis welcomed Mr. Fusaro to Council and finds him to be smart and honest.

Ms. Zsoldos: Ms. Zsoldos congratulated Mr. Fusaro on his appointment to Council.

Mr. Secare: Mr. Secare welcomed Mr. Fusaro back to Council.

Ms. Skibo: Ms. Skibo welcomed Mr. Fusaro to the Council. She stated it is a great honor to serve as Clerk while he is on Council.

Ms. Pellicano: Ms. Pellicano welcomed Mr. Fusaro to Council. She also thanked the Township employees and local businesses for donating to the Township's adopted family for the holidays.

Ms. Lapp: None

Mr. Stanziano: Mr. Stanziano welcomed Mr. Fusaro to Council.

Chief Klimakowski: None

Public

Hank Glen – 29 Wycliffe Rd.: Mr. Glen welcomed Mr. Fusaro to Council. He also commented with regard to the County being in the final stages of reviewing its master plan. He wanted to know how that was going to affect residents of the Township. Mr. Wallis stated that Mr. Thomas will be called to see if this will have any effect on the residents.

Larry Lee – Country Walk: Mr. Lee commented with regard to tax appeals. Country Walk residents are hiring an attorney to handle their tax appeals. A majority of the residents have signed up. Ms. Zsoldos advised that Martin Lynch will be out to speak with Country Walk residents to address their concerns.

RESOLUTION #11-369 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN ACCORDANCE WITH SECTION 2 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, PUBLIC LAWS OF 1975

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

A motion to close the Closed Session was offered upon a motion by Mr. Fusaro, seconded by Mr. Wallis and approved by the following roll call vote: Councilman: Reiter, Weiner, Fusaro and Wallis: yea. Mr. Trutkoff left the Closed Session at 7:51 p.m.

A motion to reconvene to open session was offered upon a motion by Mr. Weiner seconded by Mr. Fusaro and adopted by the following roll call vote: Councilman: Reiter, Weiner, Fusaro and Wallis: yea. .

No Action was taken.

ADJOURNMENT

There being no further business at this time on motion by Mr. Reiter and seconded by Mr. Weiner and unanimous voice vote of Council, the meeting was hereby adjourned at 8:20 p.m.

**Sabina T. Skibo, RMC
Township Clerk**

**Craig Wallis
Council President**

Date Approved