

**Manchester Township Council**  
**Meeting Minutes**  
**October 12, 2010**

The meeting of the Manchester Township Council was called to order at 5:00 p.m. by Council President Craig Wallis. The following statement was read by the 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 and the 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:

Councilman Fred Trutkoff	-	present
Councilman Brendan Weiner	-	present
Councilman Warren Reiter	-	present
Councilman Kenneth Vanderziel	-	present
Councilman Craig Wallis	-	present

Also present were Elena Zsoldos, Business Administrator, Steven Secare, Township Attorney, and Stephen Stanziano, Director of Public works

**Closed Session: #10-301 - 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 – Pending Litigation Surf and Stream**

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

A motion to adjourn closed session was offered upon a motion by Mr. Trutkoff, seconded by Mr. Wallis and approved by the following roll call vote: Councilmen: Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

A motion to reopen the regular meeting was offered upon a motion by Mr. Trutkoff, seconded by Mr. Weiner and approved by the following roll call vote: Councilmen: Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

**Council Workshop:**

- a. **Discussion on Enforcement of removal of utility Mark-Out flags** – Mr. Wallis looked on the internet and every State has the same issue. New Jersey has a 45 day minimum for the removal of the flags, however, there is no set guideline on who is responsible for removing the flags. Mr. Vanderziel felt it was the responsibility of the company who is doing the project. Mr. Reiter felt the project manager should remove the flags. Mr. Weiner was concerned on what was the proper way to regulate this. Mr. Trutkoff suggested letters going out to all the senior communities advising them of their responsibility to take down the flags once the project was complete. He also suggested a notice in the Manchester times. The Township should not have the responsibility to take down the flags unless it is their project. Mr. Wallis

agreed that there should be some notification to the homeowner that the flags need to come down. Mr. Wallis suggested putting a notice on the Township website that flags need to be removed after 45 days or upon project completion. Mr. Reiter suggested notifying the trustees of senior villages. It was decided that this would be handled administratively and not legislatively.

**APPROVAL OF MINUTES:** The regular meeting minutes and closed session minutes of September 27, 2010 were adopted upon a motion made by Mr. Trutkoff , seconded by Mr. Reiter and approved by the following roll call vote: Councilmen Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

### **SUBMISSION OF BILLS**

**Resolution #10-302**– Authorizing payment of bills from the Current Fund in the amount of \$4,158,872.09 was offered by Mr. Vanderziel, seconded by Mr. Trutkoff and approved by the following roll call vote: Councilmen Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

**Resolution #10-303**- Authorizing payment of bills from the Water and Sewer Fund in the amount of \$1,003,117.91 was offered by Mr. Trutkoff, seconded by Mr. Vanderziel and approved by the following roll call vote: Councilmen Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

**Resolution #10-304** – Authorizing payment of bills from the Water and Sewer West Fund in the amount of \$50,576.78 was offered by Mr. Weiner seconded by Mr. Vanderziel and approved by the following roll call vote: Councilmen Trutkoff, Weiner, Reiter, Vanderziel and Wallis; yea.

### **ORDINANCES: Second Reading, Public Hearing and Final Action**

**#10-026 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING ORDINANCE No. 10-019 ENTITLED “AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A ROADWAY ACCESS EASEMENT TO A PORTION OF BLOCK 99.66 LOT 4, BLOOMFIELD AVENUE IN THE TOWNSHIP OF MANCHESTER, PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40:67-1 ET SEQ.**

Mr. Wallis asked if any Council members had comments on the above ordinance. Seeing no Council members wishing to be heard, Mr. Wallis opened the hearing to the public.

Seeing no public comments, Mr. Wallis closed the public hearing.

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

**#10-028 - ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF PROPERTY AS LISTED ON ATTACHED SCHEDULE A IN THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AT OPEN PUBLIC SALE PURSUANT TO N.J.S.A. 40A:12-1 et. seq.**

Mr. Wallis asked if any Council members had comments on the above ordinance. Seeing no Council members wishing to be heard, Mr. Wallis opened the hearing to the public.

Seeing no public comments, Mr. Wallis closed the public hearing.

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

**ORDINANCES – Introduction and First Reading**

**#10-029 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 133 OF THE CODE OF THE TOWNSHIP OF MANCHESTER ENTITLED UNIFORM CONSTRUCTION CODES**

Mr. Wallis advised that the cost of review was not being covered. This increase would cover costs.

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

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 questioned the liquor license resolution and how long can a license remain in pocket. Mr. Secare advised that the license holder has to apply to the Director of the Division of A.B.C. for a special ruling. The owner must show proof that they have been actively working to transfer the license and open it at a location.

See no further comments from the public Mr. Wallis closed this portion of the meeting to the public.

**Resolutions #10-305 through #10-316** 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, Weiner, Reiter, Vanderziel and Wallis: yea

**A. FINANCE**

**#10-305 - RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE PURSUANT TO CHAPTER 99 OF THE PUBLIC LAWS OF 1997**

**B. LICENSING**

**#10-306 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, TRANSFERRING A CLASS C PLENARY RETAIL CONSUMPTION LICENSE FROM BROOKWOOD BAY BEVERAGE COMPANY TO MANCHESTER HOSPITALITY, LLC.**

**C. CONTRACTS**

**#10-307 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR PROFESSIONAL SERVICES TO INTEGRA REALTY RESOURCES, PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40A:11-5**

**D. PURCHASING**

**#10-308 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DISPOSITION OF POLICE EQUIPMENT IN THE POSSESSION OF THE TOWNSHIP AT AUCTION ON GOVDEALS.COM**

**#10-309 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DISPOSITION OF A FIRE TRUCK PUMPER IN THE POSSESSION OF THE TOWNSHIP AT AUCTION ON GOVDEALS.COM**

**E. BOND\ESCROW**

**#10-310 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING A PERFORMANCE GUARANTEE AND WAIVING THE MAINTENANCE BOND IN CONNECTION WITH A PROJECT KNOWN AS CAMDEN AVE. EXTENSION BLOCK 99.86, LOT 12**

**#10-311 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING ESCROWS TO OMNIPOINT COMMUNICATIONS\T-MOBILE FOR PROJECTS KNOWN AS BLOCK 30 LOT 1.01 AND BLOCK 3 LOT 23.07**

**#10-312 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, ELEASNG A PERFORMANCE GUARANTEE, PENDING THE POSTING OF A TWO YEAR MAINTENANCE BOND AND RELEASING ESCROW FEES FOR A PROJECT KNOWN AS HITING ASSEMBLY OF GOD, BLOCK 86, LOT 1**

**#10-313- RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING A PERFORMANCE GUARANTEE PENDING THE POSTING OF A MAINTENANCE BOND IN CONNECTION WITH A PROJECT KNOWN AS QUICK CHEK\ DAVECO INDUSTRIAL\BLOCK 30 LOT 636**

**#10-314 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASNG A PERFORMANCE GUARANTEE FOR BLOCK 98 LOTS 1.01 AND 1.02 PENDING THE POSTING OF A PERFORMANCE BOND FOR BLOCK 1.01 AND A REFORESTATION BOND FOR BLOCK 98 LOT 1.02 BY RED BARRON REALTY OF WHITING, LLC.**

## **F. RECREATION**

**#10-315 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING CERTAIN FEES FOR RECREATION THEATER TRIPS**

## **G. MISCELLANEOUS**

**#10-316 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF ROBERT P. WARD, ESQ. AS A HEARING OFFICE FOR A POLICE DISCIPLINARY MATTER**

### **REPORTS**

**Mr. Reiter:** Mr. Reiter attended the Legislative Committee meeting run by the NJ League of Mayors. There are four committees and they discussed various bills that are currently before the Legislature.

**Mr. Vanderziel:** Mr. Vanderziel received a book from Mr. Krusyman regarding Iwo Jima. It will be given to Public Works to include in the display case in the lobby.

**Mr. Weiner:** Mr. Weiner attended a meeting on October 6, 2010 at the Office of Ocean County Senior Services. Grants will be submitted on behalf of Senior Outreach for a total of \$110,000. The grants will be used to fund various activities for Senior Outreach including transportation. He also attended the Sixth Anniversary of the Health Ease program. Health Ease provides senior citizens with physical activity and health services. They will be opening a location on Hooper Ave.

**Mr. Trutkoff:** Mr. Trutkoff attended the League Legislative meeting with Mr. Reiter where they discussed various bills coming before the legislature.

**Mr. Wallis:** Mr. Wallis and Officer Conklin conducted a tour of the municipal building for the Eagle Scouts. They visited the Police Department and Mr. Wallis gave them an overview of local government.

**Ms. Zsoldos:** Ms. Zsoldos announced deadlines for the new affordable housing units that are available in Whiting.

**Mr. Secare:** None

**Ms. Skibo:** None

**Ms. Pellicano:** None

### **Public Comment:**

**Marge Camposano – 1781 Camden Ave.:** Ms. Camposano commented with regard to pollution levels at Harry Wright Lake. She asked if there really was an effective way to keep pollution levels down. Mr. Stanziano said every effort has been tried to control the Canadian geese and the only way to control them is to hunt them. The government does not allow it. Ms. Zsoldos will monitor the situation next year. Mr. Weiner said State may open game on the geese in a last ditch effort to control contamination.

**Midge Schuck – PLP:** Ms. Schuck commented with regard to Mr. Secare being late to the meeting. Mr. Wallis said he was doing Township business and didn't agree with Ms. Schuck's comments. Ms. Schuck further commented with regard to pollution at the lakes and she wanted to be put on the record that it was an adversarial issue.

**Tricia Czech – PLP:** Ms. Czech commented with regard to Mayor Fressola's recent letter in the Manchester times. She was concerned that her taxes may go up when they are high already. She felt that Council should look harder at the budget and cut more unnecessary items.

**Jeff Baer – 12<sup>th</sup> Ave.:** Mr. Jones asked if a no passing zone could be instituted on a portion of Commonwealth Blvd. Mr. Stanziano said the issue must be addressed with the County. Mr. Wallis said grants are drying up and it's not as easy to get work done.

**ADJOURNMENT**

There being no further business at this time on motion by Mr. Trutkoff and seconded by Mr. Vanderziel and unanimous voice vote of Council, the meeting was hereby adjourned at 6:55p.m.

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

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**Craig Wallis**  
**Council President**

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**Date Approved**