

**MANCHESTER TOWNSHIP  
MEETING MINUTES  
May 23, 2016**

The meeting of the Manchester Township Council was called to order at 6:00 p.m. by Council President James Vaccaro. The following statement was read by the Deputy 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 Brendan Weiner	- present
Councilman Sam Fusaro	- present
Councilman Craig Wallis	- present
Councilman James Vaccaro	- present

The Deputy Clerk noted for the record that also present were Attorney Robin Labue, Business Administrator Donna Markulic and Mayor Ken Palmer.

**PROCLAMATION:** The Deputy Clerk read a proclamation into the record proclaiming May 15-21, 2016 National EMS Week. Mayor Palmer presented the proclamation to members of the Manchester First Aid Squad.

**ORDINANCES – First Reading and Introduction**

**#16-023 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 1.123, LOT 14 FROM LINDA GUARRACINO IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

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

**ORDINANCES – Second Reading, Public Hearing and Final Action**

**#16-022 - AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY IMPLEMENTING THE “MANCHESTER HERITAGE TOWN CENTER REDEVELOPMENT PLAN” IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET. SEQ.**

The Deputy Clerk announced that recommendations from the Planning Board have not been received yet and this ordinance should be tabled until June 13, 2016.

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

At this time, Mayor Palmer explained that the Planning Board has not reviewed the ordinance because they were served with litigation. They decided to table the ordinance until June 6, 2016. The Council cannot move forward without recommendations from the Planning Board. The Planning Board meeting is a public meeting and the residents can voice their opinion there.

**WORKSHOP – Drone Ordinance**

Ms. Labue explained that Ms. Koutsouris has listened to the feedback to the proposed ordinance and has done some investigation. She has spoken to the American Model Aircraft Association (AMA). They have a model code which she is going to incorporate into the Township ordinance. This will be a significant change and the ordinance will be reintroduced at the meeting of June 13, 2016.

Mr. Weiner explained that he had his first experience with a drone. It flew 150 feet over his house. He went to great lengths to plant trees and put up a fence to ensure his privacy. He felt that drones were an invasion of privacy and felt they were different from model airplanes because they used cameras.

Mr. Wallis felt that a safe place to fly the drones should be found so as not to potentially injure residents.

Mr. Vaccaro asked that the specific penalties could be spelled out in the ordinance. Ms. Labue said penalties could be specified in the ordinance.

At this time, Mr. Vaccaro opened this portion of the meeting to the public.

**Ray Russell – 1716 Ninth Ave.:** Mr. Russell said he is member of the AMA and a model aircraft flier. He said we should stop calling them drones. They are small unmanned aircraft systems. Drones have wings and bodies. He has been flying for over four years. He wanted to reiterate that the drone problem is not being caused by the people that follow the rules. As a member of the AMA, he is not allowed to fly over concerts or venues. It is the peeping toms that are the problem. There are laws on the books for this. This does not have to be re-written. He asked Council to take into consideration the people that are the problem and not the ones that follow the rules.

A motion was made to defeat Ordinance #16-020 by Councilman Fusaro, seconded by Mr. Wallis and **defeated** by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; yea.

**This current ordinance was defeated and will be reintroduced.**

### **SUBMISSION OF BILLS**

**#16-206** - Authorizing payment of bills from the Current Fund in the amount of \$768,084.11 was offered by Mr. Frattini, seconded by Mr. Fusaro and approved by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; yea. Mr. Weiner abstained on check no. 53819 due to a perception of conflict.

**#16-207** - Authorizing payment of bills from the Eastern Service Area in the amount of \$520,863.34 was offered by Mr. Weiner, seconded by Mr. Frattini and approved by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; yea.

**#16-208** - Authorizing payment of bills from the Western Service Area in the amount of \$398,754.76 was offered by Mr. Fusaro, seconded by Mr. Frattini and approved by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; 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. Vaccaro asked if any member of Council had any comments on any item on the consent agenda.

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

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

**Resolutions #16-209 through #16-218 were considered routine by the Manchester Township Council and were enacted by one motion offered by Mr. Fusaro, seconded by Mr. Wallis and adopted by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; yea.**

#### **A. FINANCE**

**#16-209 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, REFUNDING A RE-SALE CERTIFICATE OF OCCUPANCY TO ALAN SEELAND OF AES CONSULTING IN CONJUNCTION WITH 2C MAPLE ST., WHITING, N.J.**

**#16-210 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING REMOVAL OF OPEN TAXES FOR PROPERTY THAT WAS OVERBILLED DUE TO AN EXEMPTION**

**#16-211 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE REFUNDS REQUESTED BY THE TAX COLLECTOR**

#### **B. CONTRACTS/AGREEMENTS**

**#16-212 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO AND AUTHORIZING THE APPOINTMENT OF TODD J. GELFAND, ESQ. AS SPECIAL LABOR COUNSEL PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A.19:44A-20.5**

**#16-213 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING SENSUS TO FILE A SPECTRUM LEASE WITH THE FCC ON MANCHESTER TOWNSHIP'S BEHALF**

**C. RECREATION**

**#16-214 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CONTRACT WITH FRA TECHNOLOGIES FOR THE SUPPORT, MAINTENANCE AND UPDATE OF THE MRS RECREATION SOFTWARE**

**D. PURCHASING**

**#16-215 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE DIVISION OF PURCHASING TO ADVERTISE FOR AND RECEIVE BIDS FOR UNIFORM RENTALS & CLEANING FOR THE DEPARTMENT OF PUBLIC WORKS, UTILITIES AND SENIOR OUTREACH**

**#16-216 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY AWARDING A CONTRACT FOR THE PROJECT KNOWN AS WESTERN SERVICE AREA WELL #3 REHABILITATION, PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40A:11-1 ET SEQ.**

**E. BONDS/ESCROWS**

**#16-217 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING A PERFORMANCE BOND AND ESCROW FEES PENDING THE POSTING OF A MAINTENANCE BOND AND INSPECTION FEES TO RITE AID CORPORATION IN CONNECTION WITH BLOCK 18 LOT 1873 (Route 70)**

**F. LEGISLATION**

**#16-218 - RESOLUTION OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING SENATE BILL S-2111 AND ASSEMBLY BILL A-3603 – MEGAN'S LAW**

**REPORTS**

**Mr. Frattini:** None

**Mr. Weiner:** Mr. Weiner attended a meeting of the Ocean County Mosquito Commission and gave an update on the mosquito situation including following the Zika virus.

**Mr. Wallis:** Mr. Wallis congratulated the first aid squad for the fine work they do. Mr. Wallis has been to their meetings and has ridden with them. The amount of hours they volunteer is truly remarkable. They are devoted and caring people. He attended a Veteran's Committee meeting and the Memorial Day Parade will be held in Pine Lake Park this year. He welcomed all to attend.

**Mr. Fusaro:** Mr. Fusaro went over revisions to the land use code with Zoning Officer Nicole Ashkar. A few more things need to be cleaned up before the ordinance is amended. He also attended the Manchester Coordinating Council meeting where the New Jersey State Fire Service gave a presentation on how to prepare for the event of a possible forest fire.

**Mr. Vaccaro:** Mr. Vaccaro attended the biweekly meeting in preparation for tonight's meeting and he also attended the special meeting of the Planning Board.

**Ms. Markulic:** None

**Ms. Pellicano:** None

**Ms. Labue:** None

**Mayor Palmer:** Mayor Palmer said he formed the Hovson's working group with members of council and administration to exchange ideas on best way to redevelop the property that would benefit the residents of Manchester. Recently, the working group came to the conclusion that they wanted Hovson's to take the next step. If the ordinance is approved, Hovson's could approach DEP and DOT to see what they thought of the plan. Mayor Palmer thought that when Hovson's came back from those agencies a redevelopment agreement could be done. The 2004 settlement agreement calls for 2,400 age restricted homes. However, this settlement agreement could be modified. Mayor Palmer felt that an age restricted community will help us in the short term, but not in the long run. With too many age restricted communities, we run the risk of losing school funding. He doesn't think the new number of 6,543 homes is the best way to go either but he is open to seeing what can be done.

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

**PUBLIC:**

**Joseph Demko – 40 Eagle Dr.:** Mr. Demko was concerned about the Zika virus coming to Pine Ridge at Crestwood as they have a mosquito problem. He wanted to know who is responsible to spray in his community. Mr. Weiner said he would check with the Ocean County Mosquito Commission, however, it is a private community and it should be their responsibility to spray.

**Richard O’Connor – Crestwood Village 6:** Mr. O’Connor agreed that the Township does need new businesses to open. However, he did not agree with the residential homes because there are so many empty homes in Manchester now.

**Steve Bates 103 Dale Ct.** Mr. Bates is an alternate member on the Planning Board. He thanked Council for tabling the ordinance because the Planning Board has not made recommendations. Mr. Bates feels the Hovson’s site should be redeveloped because of the dangers it presents in its current state. Residents should support the Mayor and Council’s decision.

**Bernice Bailine 30 Halstead Dr.:** - Ms. Bailine advised that she is a widow. She cannot afford the taxes on her home now and doesn’t want additional homes to be built that would increase the tax base.

**Joseph Giglio – Leisure Knoll:** Mr. Giglio voiced his concerns over this development and feels it is not in the best interest of Manchester.

**Larry Lee – Country Walk:** He feels that the Planning Board was right for tabling their review of the ordinance until they had all the facts in front of them.

**Jan Eselka – Chesterfield, N.J.:** Ms. Eselka lives in Chesterfield Township where the same kind of redevelopment plan was approved. The residents of Chesterfield are still waiting for commercial properties to be built. They will not be built until the residential part of the project is complete. Taxes have gone up and a new school and town hall have been built but still now commercial development to offset taxes.

**Anna Simmonds - 49 Birchwood Dr.:** Ms. Simmonds is not in favor of this redevelopment plan. She does not want taxes to go up.

**Russell Potosky – 4 Mt. Misery Rd. :** Mr. Potosky has lived in Whiting for six years. He left Cherry Hill for a quieter life. He cannot support anything that leaves a carbon footprint on the pinelands.

**James Cagnotta – Holiday City Berkley:** Mr. Cagnotta does not want to see nature disappear but understands progress.

**Merrill Morrison – 9 Montrose Lane:** Ms. Morrison is of the opinion that there is a lot of traffic from the base already. This development would increase traffic and cause more accidents. Mr. Frattini said he has listened to nothing but negatives on this project all night and asked Mayor Palmer to shed some light on the positives.

**Mayor Palmer:** Mayor Palmer reiterated that this development is still in the early stages. There is a long way to go and it is a long process. It is very hard to get business to locate here. The demographics are too low. He has heard the residents say that they do not want taxes and traffic. However, this is step one and we need more information to make the right decision for the Township. This step will help point us in that direction.

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

**ADJOURNMENT**

There being no further comments or business to come before Council at this time, the meeting was adjourned at 7:48 p.m. on motion by Mr. Fusaro, seconded by Mr. Frattini and approved by the following roll call vote; Councilmen: Frattini, Weiner, Fusaro, Wallis and Vaccaro; yea.

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James A. Vaccaro, Sr.  
Council President

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Jodi L. Pellicano, RMC  
Deputy Township Clerk

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Date Approved