

Townhall
June 28, 2021

The Mannington Township Committee meeting was called to order by Mayor Asay at 5:30 PM. The following were in attendance: Asay, Patrick, Emel, Horner, Mitchell, Bowman, Carmer, Patti Davis and John DiGregorio.

Clerk certified that this meeting had been advertised in accordance with the Sunshine Law.

Motion was made by Emel, seconded by Asay, approving the attached bill list for payment. Beginning with computer check number 16838, ending with computer check number 16874. Beginning payroll check number 6989, ending with payroll check number 7006. Roll call vote as follows: Asay - yes Patrick - yes Emel - yes

Unemployment Trust

6/28/2021 ck#1043 \$ 250.00 Mannington Twp. General Fund

CFO submitted a Summary Budget Status Report as of June 28, 2021 a Report of Reconciled Cash Balances for the month ending May 31, 2021.

Motion was made by Emel, seconded by Asay, approving the minutes for the meetings held on 6/3/2021. Motion carried.

ZONING REPORT:

A written and verbal report was submitted by Carmer for the month of June 2021. Carmer left the meeting at 5:36 pm.

OLD BUSINESS:

Motion was made by Patrick, seconded by Emel, adopting the following resolution. Motion carried.

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT
BETWEEN THE TOWNSHIP OF MANNINGTON AND
JOHN S. DIGREGORIO D/B/A/ GAME CREEK HUNTING FARMS
(Juska Farm at 92 Warner Road - Block 3, Lot 20)**

WHEREAS, a matter has arisen involving the hunting operations of John S. DiGregorio d/b/a Game Creek Hunting Farms at farmland designated as Mannington Township Block 3, Lot 20, located at 92 Warner Road and owned by George and Dorothy Juska; and

WHEREAS, the Mannington Township Committee and Mr. DiGregorio are prepared to resolve the matter according to the terms of the settlement agreement entitled "Settlement Agreement - Mannington Township and John S. DiGregorio d/b/a Game Creek Hunting Farms (Juska Farm at 92 Warner Road - Block 3, Lot 20)" which includes, as "Exhibit A," a resolution to be adopted by the Salem County Agriculture Development Board as a condition of the settlement; and

WHEREAS, the Mannington Township Committee hereby approves the settlement agreement and authorizes its signature on behalf of Mannington Township;

NOW, THEREFORE, BE IT RESOLVED that the Mayor (or Deputy Mayor) and Clerk of Mannington Township are hereby authorized to execute, on behalf of the Township, the approved settlement agreement entitled "Settlement Agreement - Mannington Township and John S. DiGregorio d/b/a Game Creek Hunting Farms (Juska Farm at 92 Warner Road - Block 3, Lot 20)" which includes the aforesaid "Exhibit A."

EXHIBIT A

RESOLUTION OF THE SALEM COUNTY AGRICULTURE DEVELOPMENT BOARD 2021-_____

Rescission of September 10, 2020 Decision and October 28, 2020 Resolution 2020-1 Pursuant to Settlement Agreement Between John S. DiGregorio d/b/a Game Creek Hunting Farms and the Township of Mannington

WHEREAS, by letter dated June 4, 2020, John S. DiGregorio d/b/a Game Creek Hunting Farms ("Game Creek") submitted a request to the Salem County Agriculture Development Board for a site-specific agricultural management practice approval; and

WHEREAS, Game Creek's request was heard and decided by Board on September 10, 2020, and the decision was thereafter memorialized in the Board's Resolution 2020-1 dated October 28, 2020; and

WHEREAS, on December 3, 2020, the Township of Mannington (the "Township") appealed the Board's decision to the State Agriculture Development Committee (SADC) on grounds that the decision was, in the Township's opinion, unclear as to Game Creek's qualification for or entitlement to Right to Farm Act (RTFA) protections with regard to Game Creek's hunting operations on farmland designated as Mannington Township Block 3, Lot 20, located at 92 Warner Road, and owned by George and Dorothy Juska; and

WHEREAS, the Township's letter of appeal asked SADC to refrain from submitting the appeal to the Office of Administrative Law so that Game Creek, the Township, and the Board could attempt to resolve the parties' concerns; and

WHEREAS, Game Creek and the Township have signed a settlement agreement entitled "Settlement Agreement - Mannington Township and John S. DiGregorio d/b/a Game Creek Hunting Farms (Juska Farm at 92 Warner Road - Block 3, Lot 20)" that is conditioned upon the Board's adoption of this resolution by which the Board would rescind its September 10, 2020 decision and Resolution 2020-1, with the settlement agreement not becoming effective until this resolution has been adopted by the Board and the applicable 45-day appeal period has elapsed without appeal by any party; and

WHEREAS, Game Creek has provided the Board with a copy of the signed settlement agreement and has requested that the Board adopt this resolution in order for the settlement agreement to become effective; and

WHEREAS, the settlement agreement provides that after the Board has adopted this resolution, and after the appeal period relating to the Board's adoption of this resolution has elapsed without any appeal of the Board's adoption of this resolution, the settlement agreement will become effective, whereupon the Township will formally withdraw its appeal of the Board's September 10, 2020 decision and Resolution 2020-1 by written notification to SADC, provided that if the Board's adoption of this resolution is appealed by any person or entity the settlement agreement will remain ineffective, whereupon the Township may elect to continue its appeal of the Board's September 10, 2020 decision and Resolution 2020-1; and

WHEREAS, the settlement agreement provides that neither the settlement agreement nor the Board's rescission of its September 10, 2020 decision and Resolution 2020-1 will preclude Game Creek from submitting any new application(s) to the Board at any time for any relief it may wish to seek with respect to its activities on the Juska Farm or elsewhere in Salem County;

NOW, THEREFORE, BE IT RESOLVED by the Salem County Agriculture Development Board as follows:

1. The Board hereby rescinds, vacates, and renders null and void its September 10, 2020 decision on the site-specific agricultural management practice request of John S. DiGregorio d/b/a Game Creek Hunting Farms and Resolution 2020-1, dated October 28, 2020.
2. The Board's rescission of its September 10, 2020 decision and Resolution 2020-1 as aforesaid will not preclude John S. DiGregorio d/b/a Game Creek Hunting Farms from submitting any new application(s) to the Board at any time for any relief it may wish to seek with respect to its activities on the Juska Farm or elsewhere in Salem County.

The Mayor and Clerk signed the agreement at this time. After all signatures are obtained, Horner will distribute two (2) copies to John DiGregorio, owner of Game Creek Hunting Farms, one (1) copy to Mannington Township, and keep one (1) copy for his files.

Motion was made by Patrick, seconded by Emel, opening the Public Hearing on Ordinance No. 21-04 Salary Amendment. There being no comments, motion was made by Emel, seconded by Patrick, closing the public hearing. Motion carried.

Motion was made by Patrick, seconded by Emel, adopting the following-named ordinance on second and final reading. Roll call vote as follows:

Asay - yes
Patrick - yes
Emel - yes

ORDINANCE NO. 21-04

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED
"AN ORDINANCE FIXING AND CONFIRMING THE SALARIES AND
COMPENSATIONS OF CERTAIN APPOINTIVE AND ELECTIVE OFFICERS
AND EMPLOYEES OF THE TOWNSHIP OF MANNINGTON IN THE COUNTY

OF SALEM, NEW JERSEY BEGINNING JANUARY 1, 1968", ADOPTED FEBRUARY 22, 1968 AND THE AMENDMENTS AND SUPPLEMENTS TO SAID ORDINANCE

Motion was made by Patrick, seconded by Emel, opening the Public Hearing on Ordinance No. 21-05 Amending Code Chapter 135. Motion carried. There being no comments, motion was made by Patrick, seconded by Emel, closing the public hearing. Motion carried.

Motion was made by Emel, seconded by Patrick, adopting the following-named ordinance on second and final reading. Motion carried.

**MANNINGTON TOWNSHIP
ORDINANCE NO. 21-05**

AN ORDINANCE AMENDING MANNINGTON TOWNSHIP CODE CHAPTER 135 "VEHICLES AND TRAFFIC" TO CORRECT THREE REFERENCES TO FORMER "NIMROD ROAD" WHICH HAS BEEN RENAMED AS "SEABROOK ROAD"

NEW BUSINESS:

Motion was made by Emel, seconded by Patrick, adopting the following resolution. Roll call vote as follows:

Asay - yes
Patrick - yes
Emel - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING THE ISSUANCE OF A DUPLICATE TAX SALE CERTIFICATE
PURSUANT TO N.J.S.A. 54:5-52.1**

WHEREAS, THE TAX COLLECTOR OF MANNINGTON TOWNSHIP has previously issued a tax sale certificate to DSHC ENTERPRISES LLC which certificate is dated October 23, 2020 covering premises commonly known and referred to as Block 61, Lot 21 as set out on the municipal tax map then in use which certificate bears number 20-00014; and

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that it/they has/have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto;

NOW, THEREFORE, BE IT RESOLVED, by the appropriate officials of Mannington Township, County of Salem, State of New Jersey that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100.00 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997; and

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "DUPLICATE" as required by law.

ADOPTED at a meeting of the Township Mayor and Committee of Mannington Township, County of Salem, State of New Jersey held on JUNE 28, 2021.

Motion was made by Patrick, seconded by Emel, adopting the following resolution. Roll call vote as follows:

Asay - yes
Patrick - yes
Emel - yes

**MANNINGTON TOWNSHIP
RESOLUTION REQUESTING APPROVAL OF ITEMS
OF REVENUE AND APPROPRIATION NJSA 40A:4-87**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of Mannington Township in the County of Salem, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,499.19 which is now available from the State of New Jersey, Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$2,499.19 and

BE IT FURTHER RESOLVED, that the like sum of \$2,499.19 is hereby appropriated under the caption Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund Grant, and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey, Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of 2,499.19.

CORRESPONDENCE:

1. Mayor Asay read out loud a letter received from the American Legion Ambulance Association.

PUBLIC WORKS REPORT:

Patrick gave a verbal Public Works report. Public Works continues with mowing of sides of Township roadways. To date, the department has not had any part-time help this season. The truck with the lift gate has been repaired and a pothole/sinkhole was filled in on Hackett Road. They are hoping to find time in August to complete the sewer line replacement for the Emergency Management Building.

OTHER BUSINESS:

The mayor reviewed a letter he received from a realtor stating they had a client interested in purchasing township-owned land in

Claysville for the purpose of rehabbing houses. Mayor Asay noted there were no houses on the mentioned properties.

Mayor Asay reviewed a conversation he had with the Township Planner regarding the reexamination of the Master Plan and they spoke about COAH.

PUBLIC COMMENT:

Public Comment portion was opened by regular motion. There being no comments, this portion was closed by regular motion.

REPORTS:

The following reports were filed:

Tax Collector reported receipts for June in the amount of \$96,985.53.

Mid-Salem County Court submitted a check in the amount of \$1,123.24 for fines received in June.

Registrar's receipts for June totaled \$2,390.00.

There were six (6) dog licenses issued in June, totaling \$237.00.

Finance reported receipts of \$114,716.19 for the month of June.

There being no further business to transact, the mayor adjourned the meeting by regular motion at 5:53 PM.

Respectfully Submitted,

Esther A. Mitchell, Clerk

July 12, 2021 NO QUORUM
July 19, 2021 NO QUORUM