

Townhall
January 6, 2022

The Mannington Township Committee meeting was called to order by Mayor Asay at 6:45 PM. The following were in attendance: Asay, Patrick, Dunham, Horner, Mitchell, Elwell (Bowman,CFO), Schmid, Patti Davis, Bethanne Patrick, and Paul Yerger.

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

Motion was made by Patrick, seconded by Dunham, approving the attached bill list for payment after the finance system rollover has been completed. Asay - yes Patrick - yes Dunham - yes

CFO submitted Report of Reconciled Cash Balances for the month ending December 31, 2021.

ZONING REPORT:

A written and verbal report was submitted by Carmer for the month of December 2021 and a complete 2021 Zoning/Housing Record. The Committee conveyed their appreciation of Carmer's services during his time here in Mannington.

NEW BUSINESS:

Motion was made by Patrick, seconded by Emel, approving the increase the amount of CFO certified funds for the following 2021 contracts: Barber Consulting, William L. Horner, Martin Allen, and Clarke Caton Hintz. Roll call vote as follows:

Asay - yes Patrick - yes Dunham - yes

Motion was made by Patrick, seconded by Dunham, adopting the following-named ordinance on first reading. Motion carried.

**MANNINGTON TOWNSHIP
ORDINANCE NO. 22-01**

AMENDMENT OF MANNINGTON TOWNSHIP CODE CHAPTER 102 ("PROPERTY MAINTENANCE") TO REPEAL AND DELETE ARTICLE III ENTITLED "ABANDONED RESIDENTIAL PROPERTY REGISTRATION"

A Public Hearing was set for February 3, 2022 at 6:30 PM.

Motion was made by Patrick, seconded by Dunham, adopting the following-named ordinance on first reading. Roll call vote as follows:

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
ORDINANCE NO. 22-02**

**CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

A Public Hearing was set for February 3, 2022 at 6:30 PM.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING MILEAGE REIMBURSEMENT
FOR TOWNSHIP EMPLOYEES FOR THE YEAR 2022**

BE IT RESOLVED, that the Township Committee of the Township of Mannington does hereby establish the mileage reimbursement rate of 58.5 cents per mile for Township officials who incur official mileage when they are obligated to drive their own vehicles on Township business. Said payment shall be made only after submission, review, and approval of the appropriate voucher.

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

Asay - yes Patrick - yes Dunham - yes

**TOWNSHIP OF MANNINGTON
A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT WITH AND
BETWEEN LOWER ALLOWAYS CREEK TOWNSHIP, ELSINBORO TOWNSHIP,
MANNINGTON TOWNSHIP, OLDMANS TOWNSHIP AND FOR TRASH AND RECYCLING
COLLECTION SERVICES IN 2022**

WHEREAS the Township Committee of the Township of Mannington desires to continue a Shared Services Agreement for Trash and Recycling Services with Lower Alloways Creek Township, Elsinboro, and Oldmans Township, and;

WHEREAS, municipalities can enter into such Shared Services Agreement pursuant to N.J.S.A. 40A:65-4 et seq., and;

WHEREAS, the four Townships have agreed to the terms, conditions and scheduling to be memorialized within the Shared Services Agreement for Trash and Recycling Services in 2022.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Mannington hereby authorizes the Mayor and Clerk to execute a Shared Services Agreement for Trash and Recycling Services with and between Lower Alloways Creek Township, Elsinboro Township, Mannington Township, Oldmans Township and with the following cost sharing agreement;

	2020	<u>Total</u>	<u>Quarterly</u>
	Elsinboro	\$79,138	\$19,784
	Lower Alloways Creek	\$107,977	\$26,994
	Mannington	\$72,181	\$18,045
	Oldmans	\$92,466	\$23,116

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to each Municipal Clerk of the Township of Lower Alloways Creek, the Township of Elsinboro, the Township of Oldmans, and the Superintendent of Public Works for Lower Alloways Creek Township.

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

**MANNINGTON TOWNSHIP
 RESOLUTION APPOINTING A
 RISK MANAGEMENT CONSULTANT
 GLOUCESTER, SALEM, CUMBERLAND COUNTIES
 MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Governing Body of Mannington Township is a member of the **Gloucester, Salem, Cumberland Counties Municipal Joint Insurance Fund**, a self insurance pooling fund, and;

WHEREAS, the Bylaws of said Fund require that each municipality appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the Bylaws and;

WHEREAS, the **JIF Bylaws indicate a fee Not To Exceed six percent (6%)** of the municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the governing body and;

WHEREAS, N.J.S.A. 40A:11-5 (1) (m), specifically exempts the hiring of insurance consultants from competitive bidding as an extraordinary unspecifiable service; and

WHEREAS, the experience, knowledge of public insurance and risk management issues and judgmental nature required of a Risk Management Consultant are clearly an extraordinary unspecifiable service which therefore render competitive bidding impractical;

NOW THEREFORE, be it resolved that the governing body of Mannington Township does hereby appoint George R. Reese of Henry D. Young, Inc. as its Risk Management Consultant in accordance with 40A:11-5 and;

BE IT FURTHER RESOLVED that the governing body is hereby authorized and directed to execute the Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5 (1), (a), (i).

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
 RESOLUTION REAFFIRMING APPOINTMENT OF A MUNICIPAL ENGINEER FOR A
 THREE-YEAR TERM FOR YEARS 2020, 2021 AND 2022 AND AUTHORIZING THE AWARD
 OF A NON-FAIR-AND-OPEN CONTRACT FOR MUNICIPAL ENGINEER SERVICES FOR
 YEAR 2022**

WHEREAS, N.J.S.A. 40A:9-140 requires the Township Committee to appoint a municipal engineer for a three-year term of office; and

WHEREAS, *N.J.S.A.* 40A:11-1, *et seq.*, requires a separate contract for each year of the three-year municipal engineer appointment term; and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the contract for each year comprising the three-year term of the municipal engineer may exceed \$17,500; and,

WHEREAS, Carl R. Gaskill, PE, PLS, PP & CME of the firm of Fralinger Engineering, PA (hereafter “Carl R. Gaskill”), previously submitted a proposal to provide municipal engineer services to Mannington Township for a three-year term for the years 2020, 2021 and 2022, which proposal consisted of three (3) proposed one-year Contracts (i.e., one contract for each year of the three-year term), indicating that Carl R. Gaskill will provide the necessary municipal engineer services for each year of the three-year term as stated in the proposed Contracts, and

WHEREAS, the Township Committee approved the aforesaid proposal for the three-year term, together with the Contract for the first year of the three-year term (i.e., for year 2020), by Resolution dated January 2, 2020; and

WHEREAS, the Township Committee approved the Contract for the second year of the three-year term, (i.e., for year 2021), by Resolution dated January 7, 2021; and

WHEREAS, Carl R. Gaskill has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mannington in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract, and

WHEREAS, the CFO of the Township of Mannington has certified that sufficient and legally appropriated funds are available to pay for the proposed 2022 municipal engineer Contract (i.e., the Contract for the third year of the three-year term) pending the successful passage and adoption of the CY2022 Engineering OE Budget 2-01- -107-201 in an amount not to exceed \$3,000 and CY2022 Assessment of Taxes OE Budget 2-01- -103-201 in an amount not to exceed \$3,000.00 for the period of 1/1/2022 to 12/31/2022, unless so authorized by the Township Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington hereby reaffirms its appointment of Carl R. Gaskill, PE, PLS, PP & CME of the firm of Fralinger Engineering, PA, as the municipal engineer for Mannington Township for a three-year term for the years 2020, 2021 and 2022, and hereby authorizes the Mayor and Clerk to enter into the proposed Contract with Carl R. Gaskill, PE, PLS, PP & CME of the firm of Fralinger Engineering, PA, for the year 2022 (i.e., the third year of the three-year term), subject to final review by the Township Solicitor; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by *N.J.S.A.* 40A:11-5.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Township of Mannington has a need to enter into a contract for planning services related to land use and development, transfer of development rights, farmland/open space

preservation, redevelopment, affordable housing, master planning, site planning and subdivision of land, zoning, related matters in the Township of Mannington, implementation of a Planning Incentive Grant, and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the contract may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year from the date of the contract, and may be extended as approved by the Township Committee; and

WHEREAS, Michael F. Sullivan of Clarke Caton Hintz has submitted a proposed Agreement, indicating that they will provide the necessary services as stated in the Agreement for Professional Services, and

WHEREAS, Michael F. Sullivan has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mannington in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available pending the successful passage and adoption of the CY2022 Planning Board OE Budget (2-01- - 110-201) in an amount not to exceed \$2,500.00, unless authorized by the Township Committee and Master Plan Re-Exam (2-01-55-002-001) in the amount not to exceed \$12,000.00, unless authorized by the Township Committee with respect to Planning Services for the period of 1/1/22 – 12/31/22.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington authorizes the Mayor and Committee to enter into a contract with Michael F. Sullivan of Clarke Caton Hintz as described herein, and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by NJSA 40A:11-5.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Township of Mannington has a need to enter into a contract for the services of special counsel to represent the Township in Real Estate Tax Appeal matters; and

WHEREAS, the anticipated term of this contract is one year from the date of the contract, and may be extended as approved by the Township Committee; and

WHEREAS, Martin Allen of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. has submitted a proposed Agreement, indicating that they will provide the necessary services as stated in the Agreement for Professional Services, and

WHEREAS, Martin Allen, has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mannington in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available pending the successful passage and adoption of the CY2022 Assessment of Taxes OE Budget (2-01- -103-201) in an amount not to exceed \$10,000.00 for Township Tax Court Appeals Attorney for legal services for the period of 1/1/22 – 12/31/22, unless so authorized by the Township Committee.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington authorizes the Mayor and Township Committee to enter into a contract with Martin Allen of the firm DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C as described herein, and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by NJSA 40A:11-5.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Township of Mannington has a need to enter into a contract for counsel to assist the Township in addressing its responsibilities with respect to affordable housing obligations; and

WHEREAS, the anticipated term of this contract is one year from the date of the contract, and may be extended as approved by the Township Committee; and

WHEREAS, Jeffrey R. Surenian and Associates, LLC has submitted a proposed Agreement, indicating that they will provide the necessary services as stated in the Agreement for Professional Services, and

WHEREAS, Jeffrey R. Surenian and Associates, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mannington in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available pending the successful passage and adoption of the CY2022 Master Plan Re-Exam (2-01-55-002-001) in an amount not to exceed \$2,500.00 for Special Counsel services for the period of 1/1/22 – 12/31/22.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington authorizes the Mayor and Township Committee to enter into a contract with Jeffrey R. Surenian and Associates, LLC as described herein, and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by NJSA 40A:11-5.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND
OPEN CONTRACT FOR PROFESSIONAL SERVICES**

WHEREAS, the Township of Mannington has a need to enter into a contract for the services of special counsel to represent the Township with respect to a redevelopment project involving property within Mannington Township that was the former site of The Memorial Hospital of Salem County; and

WHEREAS, the Municipal Clerk has determined and certified in writing that the value of the contract may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is one year from the date of the contract, and may be extended as approved by the Township Committee; and

WHEREAS, McManimon, Scotland & Baumann, LLC has submitted a proposed Agreement, indicating that they will provide the necessary services as stated in the Agreement, and

WHEREAS, McManimon, Scotland & Baumann, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Township of Mannington in the previous one year, and that the contract will prohibit the firm from making any reportable contributions through the term of the contract, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available pending the successful passage and adoption of the CY2022 Legal OE Budget (2-01- -105-201) in an amount not to exceed \$2,500.00, unless authorized by the Township Committee, for Redevelopment Counsel for general legal services for the period of 1/1/22 – 12/31/22.

WHEREAS, other fees for services to be provided by McManimon, Scotland & Baumann, LLC will be paid or reimbursed to the Township pursuant to an escrow agreement between the Township and Community Healthcare Associates, LLC, and a possible escrow agreement between the Township of Mannington and Inspira Health Services and therefore no certification of funds for said escrow is necessary from the Mannington Township CFO; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington authorizes the Mayor (or Deputy Mayor) and Clerk to enter into a contract with McManimon, Scotland & Baumann, LLC as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by *N.J.S.A. 40A:11-5*.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION APPOINTING MEYNER AND LANDIS LLP
SPECIAL ENVIRONMENTAL COUNSEL**

WHEREAS, Mannington Township ("Township") desires to hire special environmental counsel to represent the Township with regard to (1) the closed Township landfill located across the creek and adjacent to the Mannington Mills landfill; (2) the desire of Mannington Mills to access the Township landfill as part of its investigation of the Mannington Mills landfill; (3) the possible acquisition by fee simple, easement or otherwise of all or a portion of the Township landfill by Mannington Mills; and (4) any and all obligations imposed on the Township to comply with federal, state or local environmental laws and regulations as they may pertain to these matters, keeping in mind the best interests and protections of the Township (hereinafter "Work"), and

WHEREAS, the law firm of Meyner and Landis LLP (Albert I. Telsey, Esq.) has submitted the attached retainer proposal dated January 3, 2022, indicating the firm will provide legal services as Special Environmental Counsel to undertake the Work set forth above for the Township; and

WHEREAS, Special Environmental Counsel shall be hired by means of a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.8; and

WHEREAS, the law firm of Meyner and Landis LLP has completed and submitted a Business Entity Disclosure Certification which certifies that Meyner and Landis LLP has not made any contributions to a political or candidate committee in the Township in the previous one (1) year and this Resolution prohibits the law firm of Meyner and Landis LLP from making any contributions through the term of the contract; and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available pending the successful passage and adoption of the CY2022 Legal OE Budget 2-01- -105-201 in an amount not to exceed \$2,500.00 for the period of 1/1/22 – 12/31/22, unless so authorized by the Township Committee.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township, County of Salem, State of New Jersey that:

1. Pursuant to N.J.S.A. 40A:11-1 et seq., the law firm of Meyner and Landis LLP be and is hereby appointed as Special Environmental Counsel for the purpose described herein upon the Mayor and Township Clerk's signature of the attached Meyner and Landis LLP retainer proposal.
2. The law firm of Meyner and Landis LLP is prohibited from making any contribution to a local or Salem County political or candidate committee during the term of this appointment.
3. The Mayor and the Township Clerk be and are hereby authorized to enter into a contract with Meyner and Landis LLP on behalf of the Township in connection with this appointment by countersigning the attached retainer proposal.
4. Notice of this appointment shall be printed once in the appropriate local newspaper and is to be retained on file in the Office of the Township Clerk.
5. The Business Entity Disclosure Certification is to be placed on file with this Resolution.

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

Asay - yes Patrick - yes Dunham - yes

**MANNINGTON TOWNSHIP
RESOLUTION AUTHORIZING A SHARED
SERVICE AGREEMENT WITH THE TOWNSHIP OF PENNSVILLE
FOR ANIMAL POUND SERVICES FOR A PERIOD OF TWO MONTHS**

WHEREAS, The Township of Mannington has need of animal pound services to receive animals seized by Mannington Township's Animal Control Officer, and

WHEREAS, the Township of Pennsville currently operates an animal pound, and

WHEREAS, the Township of Pennsville has proposed a two-month contract by which animal pound services would be provided to Mannington Township for a monthly fee of \$700.00 and other conditions that are acceptable to the Mannington Township Committee, for a term commencing on January 1, 2022, and ending on February 28, 2022.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mannington, that it hereby authorizes the Mayor and Clerk to enter into the proposed contract pursuant to N.J.S.A. 40A:65-1, et seq., as a shared service agreement with the Township of Pennsville for animal pound services.

PUBLIC WORKS REPORT:

Patrick gave a verbal Public Works report. Mayor Asay praised the department for doing a good job with Monday's snow storm.

OTHER BUSINESS:

1. The Mayor inquired to the CFO if there had been any further instructions or guidance put out from the State regarding using the COVID funds. He also put out a reminder that the County will match the funds. CFO reported the Auditor wants to be cautious as to what the Township uses the funds for. He asked CFO Elwell to see if the funds can be used for sick day reimbursement for an employee that has no sick day benefits left and is out on quarantine or is sick with COVID.

2. Mayor Asay noted that even though the hospital is sold, there will be no change in the Redevelopment Agreement at the moment but will eventually need a new agreement.

PUBLIC COMMENT:

This portion was opened regular motion. Resident, Paul Yerger of 241 Route 45 informed the Committee about a flooding problem he has been experiencing regularly running on his property and on a right of way between his property at 241 Route 45 and 239 Route 45. The water runs off of the farmland behind his property and is not draining

properly into the storm drain along Route 45. He has spoken with the State DOT several times but the problem has not been solved. He noted that the flooding has created a problem with his garage foundation. He gave the Committee a drawing showing his complaint.

There being no other items brought up for discussion, this portion was closed by regular motion.

REPORTS:

The following reports were filed:

Tax Collector reported receipts for December in the amount of \$181,633.28.

Mid-Salem County Court submitted one (1) check in the amount of \$886.70 for fines received in December.

Registrar's receipts for December totaled \$1,465.00.

There were no dog licenses issued in December.

Finance reported receipts of \$1,179,145.57 for the month of December.

There being no further business to transact, the Mayor adjourned the meeting by regular motion at 7:48 PM.

Respectfully Submitted,

Esther A. Mitchell, Clerk

January 10, 2022 NO QUORUM
January 24, 2022 NO QUORUM
January 31, 2022 NO QUORUM