

Townhall
December 7, 2023

The Mannington Township Committee meeting was called to order by Mayor Asay at 5:30 PM. The following were in attendance: Asay, Dunham, Patrick, Horner, Mitchell, Davis, and resident Rick Eber.

SUNSHINE CERTIFICATION:

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

BILLS FOR PAYMENT:

Motion was made by Patrick, seconded by Dunham, approving the attached bill list for payment. Roll call vote as follows:

Asay - yes Dunham - yes Patrick - yes

CFO submitted a Summary Budget Status Report as of December 7, 2023 and a Report of Reconciled Cash Balances for the month ending October 31, 2023.

APPROVAL OF MINUTES:

Motion was made by Dunham, seconded by Asay, approving the minutes for the meeting held on 11/2/2023. Motion carried, with Patrick abstaining.

OLD BUSINESS:

An FYI - The second payment of the Stormwater Grant will be arriving shortly.

Motion was made by Patrick, seconded by Dunham, adopting the new Limb Pick-up Policy provided by the township solicitor. Motion carried.

Horner gave an update on the Habitat for Humanity land transfer: Habitat has not provided all of the required final plans as of this date. The township needs them before the transfer of property can take place.

NEW BUSINESS:

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

Asay - yes Dunham - yes Patrick - yes

RESOLUTION

TRANSFER OF FUNDS

WHEREAS, various 2023 bills have been presented for payment; and

WHEREAS, it is determined by the Chief Financial Officer that sufficient funds are not available to cover the cost of the bills presented for payment in the respective appropriation;

WHEREAS, N.J.S.A. 40A:4-58 provides the transfer of the amount during the last months of the Fiscal Year any excess from any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township that the transfers in the amount of \$2,000.00 between the 2023 Budget Appropriations as follows:

Transfer From:		
Account	Name	Amount
3-01- -105-202	Defensive Law Suits	\$2,000.00
Transfer To:		
3-01- -110-201	Planning Bd OE	\$2,000.00

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

Asay - yes Dunham - yes Patrick - yes

ORDINANCE NO. 23-05

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

A public hearing for the above-named ordinance was scheduled for December 18, 2023 at 5:30 pm.

Mayor Asay reviewed the Mid Salem County Municipal Court Memorandum of Understanding for 2024.

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

TOWNSHIP OF MANNINGTON

**RESOLUTION AUTHORIZING
2024 MID SALEM COUNTY MUNICIPAL COURT
MEMORANDUM OF UNDERSTANDING (MOU)**

WHEREAS, the Mannington Township Committee has adopted Ordinance No. 11-01, dated March 16, 2011, to establish a joint municipal court with Woodstown Borough, Elmer Borough, Quinton Township and Oldmans Township pursuant to *N.J.S.A. 2B:12-1, et seq.* (referred to as the “Mid Salem County Municipal Court”); and

WHEREAS, the above-named municipalities have adopted similar ordinances for such purpose; and

WHEREAS, pursuant to the above cited Ordinance and statute Mannington Township has entered into an agreement on April 6, 2011 with the other named municipalities entitled “Agreement Between the Borough of Woodstown, the Township of Mannington, the Borough of Elmer, the Township of Quinton, and the Township of Oldmans to Establish the Mid Salem County Municipal Court”; and

WHEREAS, pursuant to the above cited Ordinance and Agreement Mannington Township has each year entered into a Memorandum of Understanding (“MOU”) with the other named municipalities, the first of which was entitled “2011 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans”, in order to confirm matters pertaining to administration of the Mid Salem County Municipal Court for each year from 2011 through 2023, including but not limited to the following:

- Percentage responsibilities for shared expenses;
- Salaries and wages;
- Hours of operation;
- Court schedule;
- Administrative fee apportionment;
- Billing;
- Budget; and
- Vacation policy;

AND WHEREAS, pursuant to the above cited Ordinance and Agreement, the Mannington Township Committee has reviewed and is prepared to enter into an MOU with the other named municipalities for the year 2024 entitled “2024 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans” in order to confirm matters pertaining to administration of the Mid Salem County Municipal Court for the year 2024;

NOW, THEREFORE, BE IT RESOLVED, by the Mannington Township Committee, as follows:

1. The Mannington Township Committee approves and hereby adopts the “2024 Memorandum of Understanding – Mid Salem County Municipal Court – Woodstown – Mannington – Elmer – Quinton – Oldmans” as the terms and conditions upon which the administrative matters addressed therein shall be governed for the year 2024.

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

MANNINGTON TOWNSHIP

**RESOLUTION GRANTING MUNICIPAL CONSENT
FOR CONDUCT OF BINGO
ON FEBRUARY 24, 2024**

WHEREAS, HABITAT FOR HUMANITY SALEM COUNTY NJ, has submitted a properly executed Application for a license to operate a BINGO at the Salem County Vocational Technical School located at 880 Route 45, in the Township of Mannington, and

WHEREAS, the Township Clerk has reviewed said application and determined that the applicant is qualified and that the members designated to conduct games are qualified, and

WHEREAS, the Township Clerk is satisfied that the games will be conducted according to the regulations of the Legalized Games of Chance Act.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Mannington, hereby grants municipal consent to **HABITAT FOR HUMANITY SALEM COUNTY NJ** to conduct a BINGO on February 24, 2024 at the Salem County Vocational Technical School and hereby waives any municipal fee.

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

Asay - yes Dunham - yes Patrick - yes

MANNINGTON TOWNSHIP

**RESOLUTION AUTHORIZING AGREEMENT FOR
PAYROLL SERVICES FOR THE YEAR 2024**

WHEREAS, the CMFO has requested to enter into an agreement with CASA Payroll Services, LLC for payroll services in CY2024, and

WHEREAS, CASA Payroll Services, LLC has performed satisfactory service for Mannington Township in the past, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available under CY2023 Financial Administration OE Budget (3-01- -102-201) and pending the successful passage and adoption of the CY2024 Financial Administration OE Budget (4-01- -102-201) in an amount not to exceed \$3,200.00 unless authorized by the Township Committee to award a contract to CASA Payroll Services, LLC for Payroll Processing services for the period of 1/1/2024 – 12/31/2024.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township that the Mayor is hereby authorized to execute an “Agreement to Provide Payroll Processing Services” with CASA Payroll Services, LLC for the year 2024 at an estimated cost of \$3020.00 beginning January 1, 2024 and commencing on December 31, 2024.

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

Asay - yes Dunham - yes Patrick - yes

MANNINGTON TOWNSHIP

RESOLUTION AUTHORIZING AGREEMENT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Mannington is required to retain the services of a Certified Animal Control Officer annually, and

WHEREAS, Edmund H. Shimp, Jr. (Ned) of Pilesgrove is a Certified Animal Control Officer, and

WHEREAS, it is deemed to be in the public interest and advantage of the residents of Mannington Township that an Agreement be entered into for such purposes, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available under CY2023 Dog Regulation/Animal Control Budget (3-01- -126-201) and pending the successful passage and adoption of the CY2024 Dog Regulation/Animal Control Budget (4-01- -126-201) in a total amount of \$5,100.00 for **Animal Control Services** for the period of 1/1/2024 - 12/31/2024.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township that the Mayor is hereby authorized to execute an "Agreement for Animal Control Services" with Edmund H. Shimp, Jr. (Ned) for the year 2024 at a cost of \$425.00 per month.

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

MANNINGTON TOWNSHIP

RESOLUTION AUTHORIZING AGREEMENT FOR DOG CENSUS SERVICES

WHEREAS, the last Dog Census conducted for Mannington Township was in the year 2019, and

WHEREAS, the Mannington Township Board of Health recommended it to be in the best interest for public safety if the Mannington Township Committee considered services for the completion of a full Dog Census within the township for the year 2024, and

WHEREAS, Edmund H. Shimp, Jr. (Ned) of Pilesgrove, also the township's Certified Animal Control Officer, submitted a proposal to conduct a full Dog Census beginning in May 2024, in the amount of \$2,000.00, and

WHEREAS, the census taker will work closely with the township to ensure all accounted for dogs have obtained proof of up-to-date rabies vaccination and a current year dog license, and

WHEREAS, it is deemed to be in the public interest that an Agreement be entered into for such purposes, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available under CY2023 Dog Regulation/Animal Control Budget (3-01- -126-201) and pending the successful passage and adoption of the CY2024 Dog Regulation/Animal Control Budget (4-01- -126-201) in a total amount of \$2,000.00 for **Dog Census Services** for the year of 2024.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township that the Mayor is hereby authorized to execute an "Agreement for Dog Census Services" with Edmund H. Shimp, Jr. (Ned) for the year 2024 at a total cost of \$2,000.00 to be made in five (5) payments of \$333/month for the months of May, June, July, August, and September, and one payment of \$335.00 in the month of October 2024.

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

Asay - yes Dunham - yes Patrick - yes

MANNINGTON TOWNSHIP

RESOLUTION AUTHORIZING AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Township of Mannington has a need for Information Technology Consultant Services, and

WHEREAS, Wesley Barber of Barber Consulting Services is a certified computer consultant, and his company has performed outstanding service for Mannington Township, and

WHEREAS, it is deemed to be an advantage of the Mannington Township Committee that an Agreement be entered into for such purposes, and

WHEREAS, the Township CMFO has certified that sufficient and legally appropriated funds are available under CY2023 Data Processing OE Budget (3-01- -111-201) and pending the successful passage and adoption of the CY2024 Data Processing OE Budget (4-01- -111-201) in an amount not to exceed \$6,000.00 to award a contract to Barber Consulting Services for Information Technology services for the period of 1/1/24 – 12/31/24.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Mannington Township that the Mayor and the Clerk are hereby authorized to execute an "Agreement for Information Technology Consultant Services" with Barber Consulting Services for the year 2024 at a base cost of \$3,100.00 beginning January 1, 2024 and commencing on December 31, 2024.

Township Solicitor, Horner, informed the Committee that they can inquire as to what activity is taking place or is planned for the railroad "stop" area located within the township. Horner stated it would be responsible to know what is going on and if the Committee ask's him to, he will inquire with the railroad's counsel.

Motion was made by Patrick, to authorize Horner to ask the question regarding the activities of the SMS & Woodstown Central Railroad within the township, seconded by Dunham. Motion carried.

CORRESPONDENCE:

1. An invitation was received from the American Legion Ambulance Assoc. in reference to join the Municipal Ambulance Board for a sustainable emergency medical services system in Salem County. Letter was reviewed and filed.

2. An FYI was received from the Salem Co. Engineer's Office stating they had contracted with South State, Inc. for the improvements of Hawk's Bridge Rd. The Notice to Proceed has been issued to the contractor.

3. Fralinger Engineering submitted a proposal for their services in relation to Mannington Yorktown Road Phase III Resurfacing Municipal Aid 2024 project in the amount of \$15,750.00.

Motion was made by Patrick, seconded by Dunham, approving of the proposal. Motion carried.

An annual itemized report was received from the Mannington Fire Company. Report filed.

PUBLIC WORKS REPORT:

A verbal report was given by Patrick for the month of November. The back sides of Church Street and Booker Street have been blocked off due to illegal trash dumping.

ZONING REPORT:

A written and verbal report for the month of November was given by Schmid.

OTHER BUSINESS:

A Jif dividend notice, along with a release form, was received today stating a dividend amount of \$4,570, along with a ACELF balance

of \$216.18. Motion was by Dunham, seconded by Patrick, to apply both balances against the 2024 JIF Assessment. Motion carried.

Patrick asked the Committee members to consider passing a resolution allowing for certain township positions, working at the township for 25 years or more, to receive retirement health benefits until the age of 65. There was discussion and no decision was made, however, Patrick stated it would be discussed at the December 18, 2023 Close-Out meeting.

PUBLIC COMMENT:

Public Comment period was open and closed by regular motion, with no comments.

CLOSED SESSION RESOLUTION:

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

MANNINGTON TOWNSHIP COMMITTEE

**RESOLUTION FOR CLOSED SESSION
(December 7, 2023)**

WHEREAS, the Mannington Township Committee will now conduct a closed session for discussions from which the public may be lawfully excluded pursuant to the Open Public Meetings Act (*N.J.S.A. 10:4-6, et seq.*);

NOW, THEREFORE, BE IT RESOLVED, by the Mannington Township Committee, as follows:

1. The public shall be excluded from the closed session discussions which are the subject of this resolution.
2. The general nature of the subjects to be discussed during the closed session is as follows: **Matters involving (1) pending or anticipated litigation in which Mannington Township is or may become a party with respect to suspected zoning violations at property designated as Mannington Township Block 3, Lots 17 and 19, including discussion of a proposed contract with litigation counsel for any necessary enforcement of same; and (2) pending or anticipated contract negotiation in which Mannington Township is or may become a party with respect to the proposed assumption of responsibility for Salem City water service within Mannington Township by New Jersey American Water; and matters falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise the attorney's ethical duties as a lawyer with respect to the above matters.**

3. The discussions conducted during the closed session will be disclosed to the public as follows:
 - a. with respect to matters involving pending or anticipated litigation, after such matters have been resolved and any periods of appeal have expired;
 - b. with respect to other matters, when the need for confidentiality no longer exists.
4. No action will be taken during the closed session, but action may be taken following the closed session.

The meeting was opened to the Public.

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

Asay - absent Dunham - yes Patrick - yes

MANNINGTON TOWNSHIP

**RESOLUTION APPOINTING
RICHARD P. COE, JR., ESQ. (WEIR GREENBLATT PIERCE LLP)
AS SPECIAL COUNSEL FOR ENFORCEMENT/DECLARATORY JUDGMENT
ACTION WITH RESPECT TO MANNINGTON TOWNSHIP BLOCK 3, LOTS 17 & 19**

WHEREAS, the Mannington Township Committee desires to hire a special counsel to provide legal services which may include enforcement and/or declaratory judgment litigation with respect to suspected zoning violations at property designated as Mannington Township Block 3, Lots 17 and 19, and

WHEREAS, Richard P. Coe, Jr., Esq. of the law firm of Weir Greenblatt Pierce LLP (“RPC”) has submitted a signed engagement letter dated December 7, 2023, for provision of the required legal services (the “contract”), which contract has been reviewed and approved by the Mannington Township Solicitor, and which contains terms of representation and a rate of compensation that are acceptable to the Township Committee; and

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

WHEREAS, RPC has completed and submitted a Business Entity Disclosure Certification and “Pay to Play” certification confirming that he and the law firm have not made, and will not make during the term of the contract, any contributions in excess of the Pay to Play Law’s non-fair-and-open limitations to a candidate committee or joint candidates committee, or any person serving in an elective public office, in the Township of Mannington, and RPC has also submitted required documentation to confirm compliance with affirmative action, ADA, equal employment opportunity, and business registration requirements, all of which have been reviewed and approved by the Township Solicitor;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mannington that:

1. Pursuant to *N.J.S.A. 40A:11-1 et seq.*, Richard P. Coe, Jr., Esq., of the law firm of Wier Greenblatt Pierce LLP (“RPC”) be and is hereby appointed and hired as special counsel as described above, which appointment and hiring shall be confirmed in the contract.

2. RPC is prohibited from making any contribution to a candidate committee or joint candidates committee, or any person serving in an elective public office, in the Township of Mannington during the term of this appointment.
3. The Mannington Township Mayor (or Deputy Mayor) and Clerk be and are hereby authorized to sign the contract immediately following adoption of this Resolution.
4. This Resolution shall be published as required by law in the appropriate local newspaper(s) and is to be retained on file in the Office of the Mannington Township Clerk.
5. The Business Entity Disclosure Certification is to be placed on file with this Resolution.

Mayor Asay returned to the open portion of the meeting.

Motion was made by Patrick, seconded by Dunham, to return back into Closed Session for discussion of pending or anticipated contract negotiation in which Mannington Township is or may become a party with respect to the proposed assumption of responsibility for Salem City water service within Mannington Township by New Jersey American Water; and matters falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise the attorney's ethical duties as a lawyer with respect to the above matter (as stated in the original Closed Session Resolution). Motion carried.

The meeting was opened to the public.

Patrick had another engagement and had to leave the meeting.

Mayor Asay reviewed prospective appointments for 2024.

REPORTS :

The following reports were filed:

Tax Collector reported receipts for October in the amount of \$965,329.53.

Mid-Salem County Court submitted one (1) check in the amount of \$772.93 for fines received in November.

Registrar's receipts for November totaled \$1,510.00.

There were no dog license's issued in November.

Finance reported receipts of 501,705.11 for the month of November.

There being no further business, motion was made by Dunham, seconded by Asay, adjourning the meeting at 7:15 PM. Motion carried.

Respectfully Submitted,

Esther A. Mitchell, Clerk

December 4 , 2023 NO QUORUM
December 11, 2023 NO QUORUM