

Townhall
January 3, 2019

The Mannington Township Committee reconvened at 6:40 pm after a short break following Organization meeting. The following were in attendance: Asay, Patrick, Emel, Horner, Mitchell, Bowman, Carmer, Patti Davis, Nancy Asay, Bethanne Patrick, Patrick and Patty Bomba, and Fred Caltabiano.

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

CFO submitted a Summary Budget Status with Account Description as of December 31, 2018 and a Report of Reconciled Cash Balances for the month ending December 31, 2018.

Motion was made by Emel, seconded by Patrick, approving of the minutes for the meeting of December 6, 2018 and December 17, 2018. Motion carried unanimously for the minutes of December 6, 2018. Motion carried by Asay and Patrick, with Emel abstaining, for the minutes of December 17, 2018.

ZONING REPORT: Carmer presented a verbal and written zoning report. Mayor Asay stated he was disappointed that Zane had to get an order of incarceration as the Township only wanted the stuff moved on his property that was there illegally. Report filed.

PUBLIC WORKS REPORT: Patrick gave a verbal report. An application was received from resident, John Fordham, for snow plow driver. Motion was made by Emel, seconded by Asay, to hire Fordham for snow plowing. Motion carried. The Committee talked about the demolition work on Penton Station Road. They will use this property as an experiment to do some in house work and possibly contract help.

NEW BUSINESS:

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

**RESOLUTION
RISK MANAGEMENT CONSULTANT
GLOUCESTER, SALEM, CUMBERLAND COUNTIES
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Governing Body of the Township of Mannington 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 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, NJSA 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 the Township of Mannington does hereby appoint George R. Reese of Henry D. Young, Inc. Insurance Agency 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 NJSA 40A:11-5 (1), (a), (i).

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

MANNINGTON TOWNSHIP

**RESOLUTION AUTHORIZING THE TOWNSHIP OF MANNINGTON
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT
WITH THE COUNTY OF SALEM**

WHEREAS, *N.J.S.A. 40 A:11-11(5)* authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Salem, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, the Township Committee of the Township of Mannington, County of Salem, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services beginning May 26, 2014.

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Mannington.

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40a:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (*N.J.S.A. 40A:11-1 et seq.*) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

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

A RESOLUTION ESTABLISHING AN EMPLOYEES' CONTRIBUTION IN 2019 TOWARD HEALTH INSURANCE PREMIUMS

WHEREAS, the regulation of New Jersey P.L. 2011 Chapter 78 requiring health insurance premium contribution rates, based on the higher of 1.50% of an employees' salary or the sliding scale have expired.

WHEREAS, Local Governments can establish a health insurance premium contribution rate no lower than 1.50% of an employees' salary.

WHEREAS, the Township of Mannington wishes to establish an employees' contribution to health insurance premiums at 2.50% of an employees' salary for the year 2019, or the sliding scale, whichever is lower.

NOW, THEREFORE, BE IT RESOLVED, By the Committee of the Township of Mannington, in the County of Salem and State of New Jersey that in 2019 employees' contribution to health insurance premiums are the lower of 2.50% of an employees' salary or the sliding scale.

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 MILEAGE REIMBURSEMENT
FOR TOWNSHIP EMPLOYEES FOR THE YEAR 2019**

BE IT RESOLVED, that the Township Committee of the Township of Mannington does hereby establish the mileage reimbursement rate of \$.58 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 Emel, seconded by Patrick, adopting the following-named ordinance of first reading. Roll call vote as follows:

Asay - yes
Patrick - yes
Emel - yes

**MANNINGTON TOWNSHIP
ORDINANCE #19-03**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
CALENDAR YEAR 2019**

(NJSA 40A:4-45.14)

A public hearing date was scheduled for February 7, 2019 at 6:30 pm.

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 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, Clarke Caton Hintz, Philip Caton has submitted a proposed Agreement, indicating that they will provide the necessary services as stated in the Agreement for Professional Services, and

WHEREAS, Philip Caton 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 funds are available to pay for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Mannington authorizes the Mayor and Clerk to enter into a contract with Philip Caton of Clarke Caton Hintz as described herein, 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 NJSA 40A:11-5.

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 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 CY2019 Legal OE Budget (9-01- -103-201) in an amount not to exceed \$10,000.00 for Township Tax Court Appeals Attorney for legal services for the period of 1/1/19 – 12/31/19.

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, 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 NJSA 40A:11-5.

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 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 CY2019 Defensive Law Suits Budget (9-01- - 105-202) in an amount not to exceed \$2,500.00 for Special Counsel services for the period of 1/1/19 – 12/31/19.

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, 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 NJSA 40A:11-5.

CORRESPONDENCE: 1. CFO Bowman submitted a Memo to the Committee regarding the Bond Anticipation Note. The Note matured on December 7, 2018 and the remaining principal amount left of \$40,000.00 was paid off. 2. Atlantic City Electric sent a Notice of Filing seeking approval of amendments to its tariff to provide for an increase in rates and charges and for other appropriate relief. 3. South Jersey Gas sent a Notice of Filing of petition to revise the levels of its

societal benefits clause charges and its transportation initiation clause charge. 4. An invitation was received from the Salem County Board of Chosen Freeholders to attend the Annual Reorganization meeting of the Freeholders and the Oath of Office Ceremony for Chuck Miller, Ben Laury, and Mickey Ostrum. This will be held on January 8, 2019 at the Salem Community College, beginning at 6:30 pm.

OTHER BUSINESS: 1. Mayor Asay apologized about the error on the trash/recycle calendar. The correct dates were received and a new calendar for 2019 will be sent out. 2. The Mayor announced an offer was made on the Holladay Farm for farmland preservation and Mrs. Charlotte Holladay verbally accepted. Asay mentioned to the Auditor and CFO that \$120,000 would have to be paid out front and would need to be included in this year's budget. Caltabiano stated he would draft an ordinance for the money, allowing it to be spent before reimbursement.

PUBLIC COMMENT: Public Comment portion was opened and closed by regular motion, with no remarks.

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

MANNINGTON TOWNSHIP COMMITTEE RESOLUTION FOR CLOSED SESSION

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 falling within the attorney/client privilege, and tactics and techniques utilized in protecting the safety and property of the public – review and discussion of a proposed ordinance that would prohibit marijuana-related land use and development in all Mannington Township zoning districts.**

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.

The Committee discussed a proposed ordinance regarding prohibited uses of marijuana.

Motion was made by Asay, seconded by Patrick, to adopt the following-named ordinance prohibiting all marijuana-related land use and development in all zoning districts, but does not include the use of marijuana for medical use. Motion carried.

**MANNINGTON TOWNSHIP
ORDINANCE NO. 19-02**

**AN ORDINANCE AMENDING
MANNINGTON TOWNSHIP CODE CHAPTER 70
TO PROHIBIT ALL MARIJUANA-RELATED
LAND USE AND DEVELOPMENT
IN ALL ZONING DISTRICTS**

A public hearing was set for February 7, 2019 at 6:30 PM.

Motion was made by Patrick, seconded by Emel, adopting the following resolution sending the above-named ordinance to the Planning Board for review and comments. Motion carried.

**RESOLUTION REFERRING PROPOSED LAND USE ORDINANCE
AMENDMENT TO PLANNING BOARD PURSUANT TO
N.J.S.A. 40:55D-26 AND -62**

Re: Proposed Ordinance No. 19-02

BE IT RESOLVED, by the Mannington Township Committee, that it hereby refers proposed **Ordinance No. 19-02** entitled

**AN ORDINANCE AMENDING
MANNINGTON TOWNSHIP CODE CHAPTER 70
TO PROHIBIT ALL MARIJUANA-RELATED**

**LAND USE AND DEVELOPMENT
IN ALL ZONING DISTRICTS**

to the Mannington Township Planning Board for the following purposes:

1. The Planning Board is requested to prepare and transmit to the Township Committee, within 35 days, a report including:
 - a. identification of any provisions in the proposed Ordinance that are inconsistent with the Mannington Township Master Plan, with recommendations concerning such inconsistencies and any other matters as the Planning Board deems appropriate; and
 - b. confirmation that all of the provisions of the proposed Ordinance are either substantially consistent with the land use plan element and the housing plan element of the Mannington Township Master Plan, or designed to effectuate such plan elements.

The following reports were filed:

The Collector reported receipts for December in the amount of \$182,779.59.

Mid-Salem County Court submitted a check in the amount of \$2,601.47 for fines received in December.

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

There were no dog license's issued in December.

CFO reported receipts of \$201,764.77 for the month of December.

There being no further business to transact, motion was made by Emel, seconded by Patrick, adjourning the meeting at 8:00 PM. Motion carried.

Respectfully Submitted,

Esther A. Mitchell, Clerk