

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
JANUARY 25 , 2016**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JANUARY 25, 2016 IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 7:00 P.M.

MAYOR RICHARD ONDERKO PRESIDED

The Clerk announced that proper notice had been given by the posting of the Regular Meeting Notice and by providing adequate notice of the Regular Meeting to the Courier News and the Star Ledger.

ROLL CALL:

MAYOR RICHARD ONDERKO
MAYOR RICHARD ONDERKO
COUNCILWOMAN SUSAN ASHER
COUNCILWOMAN DAYNA CAMACHO
COUNCILMAN MICHAEL KASSICK
COUNCILWOMAN MICHELE MAGNANI
COUNCILMAN THEODORE PETROCK, III
COUNCIL PRESIDENT STEPHEN SZABO

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY
THOMAS SHANNON, INTERIM BOROUGH ADMINISTRATOR
PATRICIA ZAMORSKI, BOROUGH CLERK
LT. THOMAS HERBST, MANVILLE POLICE DEPARTMENT

Mayor Onderko stated that it has been brought to his attention that a former Councilman, Joseph Fallon passed away. He stated he was also a Board of Education member and a Veteran from the Korean War. He asked that the Moment of Silence be dedicated in his memory.

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

MAYOR'S APPOINTMENTS:

Tax Attorney: Martin Allen, Esq., DiFrancesco, Bateman, etc.
Labor Attorney: Richard Flaum, Esq., DiFrancesco, Bateman, etc.
COAH Litigation Attorney: Christopher Corsini, Esq., Mauro, Savo, etc.
Borough Engineer: Stan Schrek, P.E., Van Cleef Engineering

Special Projects Engineer: Van Cleef Engineering
 Environmental Engineer: Prestige Environmental
 Borough Surveyor: Van Cleef Engineering
 Utility Engineer: D&R Engineering
 Architect: Cornerstone Architectural
 Appraiser: Sterling, DiSanto and Associates
 Section 8 Housing Administrator: Community Consultants, LLC
 Redevelopment Consultant: North Branch Associates, LLC
 Risk Management & Insurance: Boynton Genova Agency
 Flood Mitigation Consultant: Tetra Tech, Inc.
 Tax Assessment Search Officer (1-year term, ex. 12/31/2016): Lisa Gerickont

PLANNING BOARD

Class 4 Member (4-year term, ex. 12/31/2019): Ted Camacho
Alternate #1 (1-year term, ex. 12/31/2016) Brandon Agans
Alternate #2 (1-year term, ex. 12/31/2016): Steve Rodzinak
Somerset Raritan Valley Sewerage Authority
 5-year term (ex. 12/31/2020): Michael Impellizeri
Flood Commission
 1-year term (ex. 12/31/2016): Joe Lukac
 1-year term (ex. 12/31/2016): Ted Camacho
Tax Assessment Search Officer Lisa M. Gerickont
 1-year term (ex. 12/31/2016)
Registrar of Vital Statistics Kathleen Suydam
 3-year term (ex. 12/31/2018)
Deputy Registrar of Vital Statistics Danielle Stashek
 3-year term (ex. 12/31/2016)
Somerset Raritan Valley Sewerage Authority Michael Impellizeri
 5-year term (ex. 12/31/2020)
Shade Tree Commission Dave Tarby
 3-year term (ex. 12/31/18)

Mayor Onderko requested a motion to accept the above appointments:

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to accept the above appointments.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of January 11, 2016

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to approve the minutes of January 11, 2016.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

ORDINANCE - FINAL READING AND PUBLIC HEARING

Mayor Onderko requested that the Clerk read the Ordinance by title.

Mayor Onderko requested a motion to open the public hearing on Ordinance #2016-1167.

Councilman Petrock, seconded by Council President Szabo, made a motion to open the public hearing on Ordinance #2016-1167.

All present were in favor.

Rudy Nowak, 100 Driscoll Street - had questions regarding the new joint board, and when the Mayor and Council member would have to step down on certain applications.

Attorney Maciag explained that the existing Planning Board takes over the duties of the Zoning Board of Adjustment, according to the statute.

Maria Janucik, 720 East Frech Avenue - questioned what Class 1 and Class 3 members are.

Attorney Maciag explained that Class 1 is the Mayor and Class 3 is the Council member.

Mrs. Janucik noted that the word "number" is used instead of "member".

Attorney Maciag acknowledged that it is a typo.

Mayor Onderko stated that it is for efficiency and to save on Attorney costs.

Attorney Maciag continued to explain the Ordinance, the statute, and the creation of a Joint Land Use Board.

Dean Shepard, P.O. Box 222 - Stated the reasons he was in Agreement with the Ordinance. He also recommended changing some of the setbacks to eliminate bulk variances.

Attorney Maciag explained the differences between C and D variances. He stated that only a Use Variance or a D variance would block the participation of the Mayor and Council member on the Board.

Scott McCloud, 1315 Louis Street - expressed his concern over doing what other towns do. He doesn't think it is right to do what other towns do, but we should do things our own way.

When no one else wished to comment, Mayor Onderko closed the public portion on the Ordinance.

Mayor Onderko requested a motion to adopt Ordinance #2016-1167.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Ordinance #2016-1167.

Ordinance #2016-1167

**AN ORDINANCE PROVIDING FOR
THE MANVILLE BOROUGH PLANNING BOARD
TO ASSUME ALL OF THE
POWERS, DUTIES AND RESPONSIBILITIES
OF THE MANVILLE BOROUGH ZONING BOARD OF ADJUSTMENT
STATEMENT OF PURPOSE**

The purpose of this Ordinance is to provide for the Manville Borough Planning Board to act as a joint land use board, by (a) providing that the Borough Planning Board shall now assume all of the powers previously exercised by the Manville Borough Zoning Board of Adjustment, and (b) by abolishing the previously existing separate Borough Zoning Board of Adjustment.

WHEREAS, the Borough of Manville pursuant to the Municipal Land Use Law has heretofore established a nine (9) member Planning Board and a Zoning Board of Adjustment; and

WHEREAS, the Borough Planning Board and the Borough Board of Adjustment by ordinance have each been endowed with all of the statutory functions pertinent to each Board; and

WHEREAS, the provisions of N.J.S.A.40:55D-25c(1) provide that in a municipality, having a population of 15,000 or less, a nine member Planning Board, if so provided by Ordinance, shall exercise to the same extent and subject to the same restrictions, all of the powers of a Board of Adjustment; but the Class I and Class III members shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70; and

WHEREAS, the Borough of Manville has a population of less than 15,000 as established by the 2010 United States national census; and

WHEREAS, the governing body of the Borough of Manville has determined that it is in the best interests of the Borough of Manville to have the Planning Board hereafter act as a joint land use board, exercising all of the powers of the Board of Adjustment,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

SECTION 1

1. As of the Effective Date of this Ordinance, the Powers of the Manville Borough Planning Board shall, in accord with N.J.S.A.40:55D-25c(1), include those of a Zoning Board of Adjustment, and the Manville Borough Planning Board shall exercise to the same extent and subject to the same restrictions, all the powers of a Board of Adjustment under applicable N.J. law;

2. Provided, however, that the Class I and the Class III members of the Manville Borough Planning Board shall not participate in the consideration of applications for development which involve relief pursuant to subsection d of N.J.S.A.40A:55D-70.

3. All prior Ordinances inconsistent with this Ordinance, including but not limited to any prior ordinance creating a Manville Borough Zoning Board of Adjustment, are hereby repealed to the extent of such inconsistency, and the Manville Borough Zoning Board of Adjustment is hereby abolished;

4. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

5. Effective Date: This Ordinance shall take effect as of February 15, 2016, after its passage and publication as required by law.

Borough of Manville,
/s/ Richard Onderko, Mayor

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2016-22 through #2016-30.

Councilman Petrock, seconded by Council President Szabo, made a motion to open the public portion on Resolutions.

All present were in favor.

Dean Shepard, P.O. Box 222 - had questions regarding Resolution #2016-30, and asked what committee the Resolution came out of.

Administrator Shannon stated that the process began last year, and resulted in a grant from the State for the OEM Building, but not the VFW. He stated that a Bond Ordinance was passed for the VFW, and he has been asked to go forward on the project to get it completed.

Mayor Onderko stated that the issue was discussed in Buildings and Grounds Committee last year, and stated that with Mr. Garwacke's retirement, the issue fell by the wayside. He would like it made a priority to get generators installed at the OEM and VFW buildings.

Attorney Maciag noted that the Resolution only covered the VFW Building, and therefore, the Resolution must be rewritten to cover the OEM Building as well.

A discussion was held regarding how much the grant will cover and how much the Ordinance will cover, and how the proposal is written.

Councilman Petrock made a motion to pull the Resolution.

Attorney Maciag suggested making amendments to the Resolution and stated those amendments on the record.

Council President Szabo, seconded by Councilwoman Asher, made a motion to approve the amendments to the Resolution.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - questioned the Resolutions for the Maciag Law Firm and asked why there is a need for two separate Contracts.

Attorney Maciag stated that they are two separate budget items, and explained how the fees for attorney services regarding the Rustic Mall Redevelopment can be paid from an escrow set up by the developer.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion.

Councilman Petrock, seconded by Council President Szabo, made a motion to close the public portion.

All present were in favor.

RESOLUTION (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2016-22.

Councilwoman Asher, seconded by Council President Petrock, made a motion to adopt Resolution #2016-22.

DISCUSSION

Councilwoman Camacho questioned a voucher for Rainbow Painting and Specian Electric. She asked why the Shared Service Agreement was not used, or why the office could not be painted by the DPW or one of the janitors.

Councilwoman Magnani stated that she would like to see more information regarding blanket orders by itemizing.

Resolution #2016-22

BE IT RESOLVED by the Mayor and Council of The Borough of Manville that the following accounts:

1. Current	\$
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	1,099,603.61
2. Water/Sewer Utility	\$ 109,315.72
3. General Capital	\$ 1,071.36
4. Recreation Trust	\$ 3,940.15
5. Other Trust	\$ 10,669.30
6. Dedicated Dog	\$ 599.58
7. Housing Trust	\$
Total	\$ 1,225,199.72

After being examined by each respective committee, are hereby ordered to be paid.

Borough of Manville
/s/ Richard M. Onderko, Mayor

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

RESOLUTIONS BY CONSENT

When no one on Council wished to take any Resolutions separately, Mayor Onderko requested a motion to adopt Resolutions #2016-23 through #2016-30.

Council President Szabo, seconded by Councilwoman Asher, made a motion to adopt Resolutions #2016-23 through #2016-30.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK*

*Councilman Petrock noted that they were voting on Resolution #2016-30 as amended.

Resolution #2016-23

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1 and the adoption of the annual budget; and

WHEREAS, 26.25% of the total appropriations for the year 2015, exclusive of Public Assistance, Municipal Debt, and Capital Improvement Fund is \$3,105,300.61.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville that the following appropriations shall be added to the Temporary Budget for the year 2016:

Account Name	Account Number	Account Type	Amount
Improvement Authority Lease	6-01-45-941-020	O/E	\$15,650.00
Youth Services	6-01-41-715-020	O/E	\$5,000.00
Property Maintenance	6-01-22-196-020	O/E	\$100.00
Total			\$20,750.00

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-24

1.) WHEREAS, several real property tax payers have redeemed liens held against their property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to release the amount specified to the lienholders listed below.

Block	Lot	Name of Owner	Amount	Lienholder
200	12.02	Faulkner, D	\$ 616.86	Cristiana
34	33	Perez, S	\$ 1,307.19	FIG Capital
138	6	Seymour, A	\$ 1,824.75	FIG Capital
93	43	Drost, J & M	\$ 944.27	Patel
287	19	Hernandez, L & A	\$ 904.46	PFS Financial
94	7.01	Merry, C	\$ 501.00	ProCapital
257	8	Berezansky, R	\$ 856.45	ProCapital

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-25

**RESOLUTION AUTHORIZING AGREEMENT
WITH THADDEUS R. MACIAG, ESQ. OF MACIAG LAW, LLC.
FOR PROFESSIONAL SERVICES AS BOROUGH ATTORNEY
THROUGH DECEMBER 31, 2016**

WHEREAS, the governing body of the Borough of Manville appointed Thaddeus R. Maciag, Esq. of the law firm Maciag Law, LLC, 475 Wall Street, Princeton, N.J. 08540, as the Manville Borough Attorney for the calendar year 2016, at its January 11, 2016 Meeting; and

WHEREAS, the Local Public Contacts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection; and

WHEREAS, Mr. Maciag, Esq. has the necessary qualifications to perform the duties of Borough Attorney and has provided the Borough with a satisfactory proposal; and

WHEREAS, Mr. Maciag was previously appointed as Borough Attorney for the period February 1 - December 31, 2015, then held over for an additional thirty days through January 31, 2016 on the same terms as the 2015 Agreement; and

WHEREAS, Mr. Maciag was then confirmed by vote of the governing body on January 11, 2016, as Manville Borough Attorney through December 31, 2016;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, as follows:

- 1) The proposal from Thaddeus R. Maciag, Esq. is accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law;
 - a) Borough Attorney compensation for the eleven-month period February 1 through December 31, 2016 shall be at a flat fee of \$77,000, paid in eleven monthly installments, to include all Borough Attorney matters other than General Litigation;
 - b) General Litigation matters shall be compensated at the hourly rate of \$175 per hour for Attorney time of Mr. Maciag, \$145 per hour for Attorney time of any Maciag Law LLC associate or backup attorneys, and \$75 per hour for Paralegal work, not to exceed \$10,000.00 without further resolution of this Council.
 - c) Mr. Maciag shall not be deemed a full-time employee of the Borough under the provisions of N.J.S.A. 52:14-17.25, et seq., which is known and cited as the "New Jersey State Health Benefits Program Act", and as a non-full-time employee shall not be entitled to health benefits nor pension benefits, nor to the Borough paying the employer share of any payroll taxes. The parties acknowledge that this Resolution authorizing the Employee Agreement acknowledges that the Borough Attorney shall not appear on a regular payroll, shall not be treated as a full-time employee, and shall not receive an employee salary.
- 3) The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.
- 4) This Resolution shall be advertised once in the Courier News.
- 5) The Chief Financial Officer shall provide a Certification of Funds.

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-26

**RESOLUTION AUTHORIZING AGREEMENT
WITH MACIAG LAW, LLC.
FOR PROFESSIONAL SERVICES AS REDEVELOPMENT ATTORNEY
THROUGH DECEMBER 31, 2016**

WHEREAS, the governing body of the Borough of Manville appointed the law firm Maciag Law, LLC as the Borough's Redevelopment Attorney at its January 11, 2016 Meeting; and

WHEREAS, the Local Public Contacts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids on the contract itself must be available for public inspection; and

WHEREAS, Thaddeus R. Maciag, Esq. and the law firm Maciag Law, LLC have the necessary qualifications to perform the duties of Redevelopment Attorney and has provided the Borough with a satisfactory proposal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, as follows:

- 1) The proposal from Maciag Law, LLC, 475 Wall Street, Princeton, New Jersey 08540, be accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law, at the hourly rate of \$175 per hour for Attorney time of Mr. Maciag, \$145 per hour for Attorney time of any Maciag Law LLC associate or backup attorneys, and \$75 per hour for Paralegal work, not to exceed \$10,000 without further resolution of this Council.
- 3) The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.
- 4) This Resolution shall be advertised once in the Courier News.
- 5) The Chief Financial Officer shall provide a Certification of Funds.

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-27

WHEREAS, the Borough of Manville (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, as follows:

1. The Borough of Manville hereby appoints **Boynton Genova Insurance Agency** its local Risk Management Consultant.
2. The Borough Administrator and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2016 in the form attached hereto.

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-28

**STATEWIDE INSURANCE FUND
RESOLUTION APPOINTING FUND COMMISSIONER**

WHEREAS, the Borough of Manville (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Manville, County of Somerset, and State of New Jersey,

that **Thomas Shannon, Interim Borough Administrator**, is hereby appointed as the Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that **Patricia Zamorski** is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the year 2016; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Borough of Manville
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-29

**Authorizing Review of Proposed Donation to the Borough
of Properties at Block 180, Lots 21-25 and 29**

WHEREAS, the property owner of three parcels of real property located at Block 180, Lots 21-25 and 29 has offered to donate same to the Borough of Manville; and

WHEREAS, the Borough has a duty to conduct due diligence to review the proposed transfers of property, before deciding whether to accept same;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

1. **RESOLVED THAT** the Borough Administrator and Borough Attorney are authorized and directed to retain on behalf of the Borough a Title Company to prepare a Title Report on the three properties in question, at a cost not to exceed \$450 per property; and it is
2. **FURTHER RESOLVED THAT** the Borough Engineer is directed to conduct a preliminary environmental review and assessment of the three properties in question, and to submit same to the Mayor & Council with a recommendation as to whether further environmental review is necessary; and it is
3. **FURTHER RESOLVED THAT** the Borough Tax Collector is directed to prepare and submit to the Mayor & Council a tax history report on the three properties in questions.

Borough of Manville
/s/ Richard Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-30

**RESOLUTION OF THE BOROUGH OF MANVILLE, NEW JERSEY,
Authorizing the Execution of a
PROFESSIONAL SERVICES AGREEMENT
Between the Borough of Manville and
CORNERSTONE ARCHITECTURAL GROUP, LLC
for Architectural & Engineering Services
Regarding the Installation of Emergency Electric Generator Switching Equipment at
the Manville VFW Building**

WHEREAS, the Mayor & Council on June 15, 2015 adopted Resolution # 2015-109, captioned as a "Resolution of the Borough of Manville, New Jersey, Authorizing an Agreement Between the Borough of Manville and Manville VFW Post #2290 Regarding the Installation of Emergency Electric Generator Switching Equipment at the Manville VFW Building" ; and

WHEREAS, the Cornerstone Architectural Group LLC has submitted a proposed Professional Services Agreement to provide Architectural & Engineering Services in regard to the installations at the VFW and the OEM Building; and

WHEREAS, the Cornerstone Architectural Group LLC has the necessary qualifications to provide said services, and has provided the Borough with a satisfactory proposal;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, in the County of Somerset, State of New Jersey, as follows:

RESOLVED THAT:

1. The proposal from Cornerstone Architectural Group LLC is accepted, subject to final review and recommendation of same by the Borough Engineer and subject to Cornerstone providing a division of the expenses between the VFW portion of the project and the OEM portion of the project; and
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law;
3. Total Compensation and Expenses to be paid to the Cornerstone Architectural Group LLC shall not exceed \$30,500, as set forth in the Agreement, including:

Construction Documents:	\$18,000.00 Lump Sum
Construction Administration:	\$12,000.00 Lump Sum
Reimbursable Expenses:	<u>\$ 500.00</u>
TOTAL:	\$30,500.00
4. The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.
5. This Resolution shall be advertised once in the Courier News.
6. The Chief Financial Officer shall provide a Certification of Funds.

Borough of Manville
/s/ Richard Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

OFFICIAL REPORTS

Mayor Onderko announced that the following reports are on file in the Clerk's Office:

A/ Fire Department Report, December, 2015

NEW BUSINESS

A/ Letter from Fred Gorbatuk, Parade Chairman for the VFW requesting permission to hold their 70th annual Memorial Day Parade on Sunday, May 29th.

B/ Application for Towing License - Value Towing

C/ Application for Towing License - Rescue Wreckers

D/ Application for Towing License - DeLuca's Towing

Councilwoman Camacho made a motion to have the Towing Licenses pulled and sent back to Committee. She stated that we have over 20 towing companies in town, and she believes we are taking business away from existing companies. She would like to limit the amount of tow companies. She stated she would like to pull these three applications until she can investigate the number of towing licenses. Councilman Petrock seconded the motion.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

A/ Letter from Fred Gorbatuk, Parade Chairman for the VFW requesting permission to hold their 70th annual Memorial Day Parade on Sunday, May 29th.

Mayor Onderko requested a motion to approve the letter from Fred Gorbatuk, Parade Chairman for the VFW regarding the Memorial Day Parade.

Council President Szabo, seconded by Councilwoman Camacho, made a motion the letter from Fred Gorbatuk, Parade Chairman for the VFW regarding the Memorial Day Parade.

All present were in favor.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko stated he was asked to attend the Martin Luther King, Jr. ceremony at the First Baptist Church in Somerville. He stated it was a moving experience for him. He stated he was proud to be a part of the ceremony honoring Dr. King, because he was a drum major for justice.

Councilman Petrock, as Chairman of the Finance Committee reported that he met with the Auditors, and taxes are a concern. He stated that taxes are determined by six factors: market value of property, costs of municipal and county programs and services; cost of local schools; availability of other revenue to cover costs; extent of presence of tax exempt properties; and by the total value of all the taxable properties in a municipality. He stated that all the variables are not available yet, however, they do know there will be an impact on the tax rate by the loss of ratables last year. He stated that the Mayor and Council will be looking at every possible way to minimize tax increase. He stated that we are applying for transitional aid from the State. He stated that the annual financial statement and a draft budget will be submitted shortly. He stated that if no significant aid is received, the loss of ratables will cause the tax rate to increase. He further stated that if the budget stays the same, the amount of taxes raised will have to be spread over a smaller portion of properties, therefore increasing the amount of each individual homeowner's payment. He also stated that there is a tax levy cap of 2%, with the exception of debt services, capital and insurance in excess of State approved amounts and deferred charges. He stated that the revaluations are in the process of being sent to all the taxpayers. He stated that they will be meeting with Department Heads to discuss budget cuts, but it would take several weeks. He stated that the Borough did end the 2015 year in slightly better shape than 2014.

Councilwoman Camacho, as Chairperson of Policy, Planning and Personnel reported that they met on January 19th. She stated that they will be implementing a Visitor's Log at Borough Hall, requiring anyone coming in that they must sign in and out, and state the reason for their visit. She stated that she is waiting to hear back from one more locksmith regarding the installation of a buzzer system, which is an additional step toward protecting our employees and regulating the people coming in. She further stated that they discussed a summer program for High School students to give them the opportunity to earn some money and get a glimpse into the working world by helping at the DPW with spreading mulch, cleaning parks, filling potholes, and light duties. She stated that the program will be posted at Manville High School in April. She stated that they also discussed adopting a property maintenance code for inspecting all residential properties on a yearly basis to regulate the amount of people living in each property. She stated there are safety concerns regarding overcrowding. She stated that they discussed uniforms supplied to Borough employees, and stated that they should be in full uniform so they can be easily identified as Borough employees. She stated they will discuss this further at the DPW meeting scheduled for Wednesday. She further reported that they have contacted the auditors to look into changing the insurance packages for retired employees and employees who have not yet retired. She stated some changes will be implemented to save the taxpayers some money, and she will keep the public informed as she hears more. She further stated that she attended the Governing Officials dinner on January 13th and the guest speaker was very informative. She is looking forward to the next one.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that because of the blizzard, their first meeting will be held on January 27th. She stated that they have many things to discuss regarding the roads and sidewalks. She stated that she met with the Director of Public Works and they discussed the storm. She stated that from the 22nd to the 24th, the DPW workers worked from 11:00 on Friday until 3:00 p.m.

on the 24th. She stated they worked 18 hours and had 6 hours off, for safety of the employees due to the cold and wind. She stated that they first brined the streets, and after plowing, they apply salt. She stated that she watched as much as could, and she said they are working very hard and doing a great job. She asked that the people of the town work along with them. She reported that there was only one incident where a plow hit a curb, because of the blizzard conditions. She stated any complaints will be addressed by her, and stated that sidewalks need to be cleared. She further stated that prior to the storm all the storm drains were cleared for proper drainage.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that the following information was received from the Blue Acres Buyout Program:

Homes:	104
Appraisals Completed:	103
DOB's Completed:	104
Offers Made:	99
Offers Accepted:	85
Offers Rejected:	4
Offers Cancelled:	0
Appraisal Appeals:	1
Contracts to Sellers:	82
Fully Executed Contracts:	81
Closings:	64
Demos:	35

He further reported that he attended the Progress and Development meeting with the Redevelopment Advisory Committee and they discussed the Rustic Mall Project. He further reported that he attended the Governing Officials dinner on January 13th.

Councilwoman Asher, reported that she attended the Recreation Committee meeting on January 12th and stated that they had their first Color Run meeting on January 20th, and the event is scheduled for May 14th. She further reported that criminal background checks and fingerprinting must be completed on all volunteers and employees. She stated that there are about 40 people that need to be completed, and she is hoping that the Detective Bureau can do it in small groups. She stated that it will cost an average of \$40 per person. She further reported that Senior Fitness classes are being held at the Community Room at the Library. She further reported that they discussed the replacement of the Kiddie Pool at Memorial Park, and the Director supplied the figures for receipts last year. She further reported that the Special Meeting will be set up with Recreation, Public Works, and the Finance Committee in the near future to discuss this. She further reported that they are planning to begin an after school arts studio program in conjunction with the Library for grades 4-8 in April or May. She further stated that the Recreation Director is in the process of setting up the Senior Luncheon with the PBA, the Senior Prom, which is scheduled for April 15th, and Community Day which is scheduled for September 24th with a rain date of October 1st. She further reported that the Wrestling Program will be sponsoring a League Wrestling Novice Tournament at the High School on February 7th. She further reported that Instructional Basketball

continues at Weston School from 9 a.m. to 1 p.m. on Saturdays, and there are 50 participants from pre-K to second grade. She stated that Traveling Basketball has 102 participants, and Spring Sports Registration will begin in late February. She further reported that she attended the Board of Education meeting, and the district now has a Facebook page. She attended the Governing Officials dinner on January 13th and Executive Director Michael Darcy was the guest speaker who spoke about the bills on the Governor's desk and asked Municipalities for their support. She reported that the bill on regulating multi-family dwellings was not acted on by the Governor, so it is considered a "pocket veto". She reported that on January 19th she attended the Fire Board of Engineers meeting with the Fire Department, and they will be holding a drill at ABIS tomorrow, and they have a Boot Walk scheduled for April 16th. She further reported that the Fire Marshal reported on several buildings, stating that 362 South Main Street was purchased by the Bank, and another building on Washington Avenue is in holding, and a Bank is in the process of purchasing it, but does not want to pay all the assessed fines. She stated that two applicants for Junior Fire Fighters were accepted, and four members of the Water Rescue Team need to have their suits repaired or replaced. She thanked the Rescue Squad and Fire Departments for remaining at their buildings on stand-by Friday through Sunday in case of an emergency. She thanked Mr. LoMedico, the Director of Public Works and his crew for working non-stop Friday night through Sunday, and continuing with the plowing today. She further reported there was a shooting incident on Main Street today near Cyburt's, and the situation is being investigated. As Chairperson of the Public Safety Committee reported that there is a meeting tomorrow at Borough Hall with the Mayor, Administrator, the Attorney, and the OEM Director. She requested that Policy, Planning and Personnel look at the property rebate tax card, which was in the League of Municipalities magazine. She stated that if you shop locally, a percentage of the sale is credited to your property taxes. She also asked Councilman Petrock if he could bring this to the attention of the MBPA. She asked, on behalf of the Fire Department, that residents dig out any fire hydrants on or near their property in case of emergency. She further stated there is a law that cars have to be totally cleaned off before driving, and residents must clean their sidewalks within 24 hours after the snow stops.

Council President Szabo, as Chairperson of the Progress and Development Committee reported that they met on January 14th with the Advisory Committee and discussed different points that were sent to the owners of the Rustic Mall. He reported that he attended the Governing Officials dinner on the 13th. He further reported that one of the houses on South 5th Avenue has roof damage, and he informed the Zoning Officer. He further reported with regard to the Blue Acres Buyouts that all the foundations have been removed from the properties, and the properties have been back-filled and compacted 90-95 percent. He further reported that he would like Councilwoman Magnani and Mr. LoMedico to contact the Rustic Mall owners for permission to dump snow on the property.

Mayor Onderko thanked the Fire and Rescue volunteers and the DPW crews that were out on the roads in the blizzard. He stated that he walked around his neighborhood on Saturday night after 9 p.m. and plows were still working on side streets, and the

emergency snow routes were definitely passable. He thanked everyone for putting out safety first.

PUBLIC PORTION

Mayor Onderko requested a motion to open the Public Portion.

Councilman Petrock, seconded by Councilwoman Asher, made a motion to open the Public Portion.

All present were in favor.

Attorney Maciag set forth the rules for Public Portion.

John Mehalick, 1461 Dominic Street - had questions regarding the Mayor's appointments and asked for a copy of the appointments made.

Maria Janucik, 720 East Frech Avenue - had questions regarding the Municipal Court and payments to the Judge, Prosecutor and Public Defender.

Attorney Maciag explained the Shared Services Agreement with Hillsborough Municipal Court and the savings to the Borough.

Scott McCloud, 1315 Louis Street - commented on the clean-up of the storm and asked if there were any accidents.

Mayor Onderko stated he only heard of one accident with a Borough employee who hit a curb and had to get stitches in his head.

Mr. McCloud asked about an employee who rear-ended a woman at Quick Check.

Lt. Herbst stated that there was second accident this afternoon.

Mayor Onderko and Councilwoman Magnani both stated they were not informed of this accident.

Brandon Agans, 27 South 11th Avenue - asked about preparation for snow plowing.

Mayor Onderko stated that he spoke to the Director of Public Works who stated that they begin plowing after 2 to 3 inches of snow has fallen, and there were eleven plows out on the road.

Mr. Agans stated that he felt that the plowing was not done in the same manner as before. He stated that Washington Avenue is usually pavement, and it was not this time.

Councilwoman Magnani addressed his concerns.

Mr. Agans stated that the emergency routes were not cleared properly.

Mayor Onderko stated that this was a huge storm, and it was very difficult for the crews with a blizzard with 50 mph. winds. He stated that they also needed to rest on Sunday.

Mr. Agans stated that the town is in deep financial trouble, and the people voted for change and want to see it.

Mayor Onderko stated that he and the Council are going to constantly look for ways to save, if it makes sense to do it.

Basil Kulick, 1019 Huff Avenue - stated that Manville is not covered in the Hillsborough Beacon, and commented

Mayor Onderko stated that he will reach out to Gene Robbins, the Editor.

Mr. Kulick also stated that the Borough did a nice job on the snow, but he thinks there's a problem on the one-way streets. He stated he knows that not all properties have driveways, however, he thinks they should institute an odd/even parking to allow for better plowing.

Mayor Onderko stated that he has discussed alternate side of the street parking with Councilwoman Asher.

Dean Shepard, P.O. Box 222 - questioned Shared Services with the Board of Education with regard to snow removal. He stated he saw the Borough cleaning the school lots on Sunday, rather than plowing the streets. He suggested that the school lots could have waited until Monday, since schools were closed.

Mayor Onderko stated that they were concerned over the amount of work needed to clean up the amount of snow we received. He stated he spoke with the Superintendent on Saturday afternoon and asked if she would consider closing, and she was not yet ready to commit to that. He stated that because they did not decide to close the schools on Monday until later, they had to clear the lots.

Mr. Shepard stated that he feels that the Shared Service Agreement put a strain on the Borough during this storm. He stated that the school workers need to assist the Borough.

Mayor Onderko stated that he will address this again with the Superintendent and the Director of Public Works.

Mr. Shepard thanked Councilwoman Camacho for her report which showed that she's trying very hard to work for the interests of the residents. He also suggested that employees be given a document to sign stating that there is no tolerance for improper behavior.

Councilwoman Asher stated that she believes that was done last year.

Mr. Shepard stated that he would like to see evidence of that.

Mike Chabra, 19 Onka Street - had questions regarding the 24-hour sidewalk rule. He stated that some businesses have not yet cleared the sidewalks in front of their businesses.

Councilwoman Asher stated that they have to discuss what will be done with vacant stores.

Mr. Chabra also commented regarding the summer help from High School students. He stated it was a great idea, but she should discuss liability with the Borough Attorney. He further stated that there are laws regarding inspections of rental properties and the laws pertaining to overcrowding. He stated he was told by the former Fire Inspector and the current one that as a landlord, he cannot ask how many people are going to live in a one-bedroom apartment. He stated that there is no law in place regarding this.

Councilwoman Camacho asked Attorney Maciag's opinion on this issue.

Attorney Maciag stated that this is a very complicated issue. He stated that the Supreme Court of the United States in 1974 made a decision stating that there can be a limit in the number of unrelated people who can be living in a house or apartment. However, he stated the New Jersey Supreme Court ruled that the rule does not apply in New Jersey, and the Constitution does not allow a limit to the number of people in the apartment. He stated that what needs to be researched more deeply is that you can have limits on health and safety, such as number of people per bathroom and bedroom. He also stated that the same standards apply to families of six as to six individuals, and this has been something that has been debated several times. He stated that they can only craft something based on square footage, which is what they are working on.

Mr. Chabra noted that the National BOCA Code is what he uses for his tenants.

Attorney Maciag stated that a new law passed in both the Senate and Assembly which will now allow more inspections of multi-family properties, however, Governor Christie vetoed it. He stated it will be re-introduced in the next session.

Mr. Chabra noted that there are single-family homes that are overcrowded as well, and he has noticed out-of-state plates on vehicles.

Councilwoman Camacho stated that the Ordinance has to be done carefully, and she is working on it with Attorney Maciag.

Mr. Chabra commented regarding Councilman Petrock's report on the budget, and asked if we have any figures on how many children are leaving the school system due to the Blue Acres Buyouts.

Councilman Kassick stated that he is hearing about overcrowding at the school.

Mr. Chabra stated that the school requires every student to prove their residency with a notarized letter from the landlord, however, he still sees cars with Pennsylvania plates pull up to Weston School and five or six kids are getting out of the car. He further stated that two-thirds of our tax bill is for the school.

Councilman Petrock reassured Mr. Chabra that the Council will do everything they can to make sure what they do is right and legal.

Mr. Chabra asked about the fire hydrants, and asked if there is a map showing where they are.

Mayor Onderko agreed with Mr. Chabra, and stated that poles were put on the fire hydrants, however, some have broken off.

Councilman Petrock thanked the residents on the North side for helping their fellow residents, and he asked that everyone help other residents and the Fire Department by digging out the hydrants for everyone's safety.

Rudy Nowak, 100 Driscoll Street - asked if the plowing is concluded. He stated that the snow is 9 feet from the curb, but Somerville is worse.

Mayor Onderko stated that it is not done yet, and they are working on it and hoping to remove the snow from certain roads.

Mr. Nowak stated he will be here at meetings to come to make suggestions regarding cost savings measures. He also spoke about the revaluation and tax implications.

Councilman Petrock addressed his comments.

Scott McCloud, 1315 Louis Street - questioned how the void will be filled in since so many homes have been taken down and no longer pay taxes. He asked if he has to make up the difference for people who bought houses in known flood zones that have now been demolished.

Mayor Onderko stated that the town's value will be reduced once the revaluation is complete. He stated that the lower the value of the town, the higher the tax rate for everyone. He stated that is why it is critical as a governing body to look for every savings that can be made.

Councilwoman Camacho stated that when she bought her house 11 years ago, it was not in a flood zone. She stated it was built after Floyd and elevated, and she did not need flood insurance. However, now 11 years later, the area floods.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion.

Council President Szabo, seconded by Councilwoman Asher, made a motion to close the public portion.

All present were in favor.

Mayor Onderko stated that we need a Closed Session, however, it should be brief. He also asked Chief Bentz if he had a map for the fire hydrants in town.

CLOSED SESSION

Resolution #2016-31

BE IT RESOLVED by the Mayor and Council of The Borough of Manville, that an Executive Session of the Mayor and Council, from which the public will be excluded will be held upon adoption of this resolution for the purpose of discussing:

**Contract negotiations and possible litigation re Solid Waste Transfer agreement
Contract negotiations re the Rustic Mall**

Exclusion of the public for this purpose (s) stated is expressly permitted by the provisions of the "OPEN PUBLIC MEETINGS ACT", N.J.S.A. 10:4-6, et. seq. It is not anticipated that the contents of the discussion will be made known until it has been determined that disclosure of the subject matter will not adversely affect the public interest and until the Mayor and Council have adopted a Resolution so concluding.

Borough of Manville,
/s/ Richard M. Onderko, Mayor

Closed Session began at 8:50 p.m.

Mayor Onderko called the meeting back to order at 9:05 p.m.

Councilman Szabo, seconded by Councilwoman Magnani, made a motion to call the meeting back to order.

All present were in favor.

When no one wished to comment further, Mayor Onderko requested a motion to adjourn the meeting.

Councilwoman Asher, seconded by Councilwoman Camacho, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 9:06 p.m.

ATTEST:

A handwritten signature in black ink that reads "Patricia A. Zamorski". The signature is written in a cursive style with a large, looping initial "P".

Patricia A. Zamorski
Borough Clerk