

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
MAY 23, 2016**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON MAY 23, 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
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
DAN MASON, INTERIM BOROUGH ADMINISTRATOR
PATRICIA A. ZAMORSKI, BOROUGH CLERK
MARK PELTACK, CHIEF OF POLICE

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

PROCLAMATIONS

Councilwoman Asher read and presented a Proclamation to the Manville First Aid and Rescue Squad in recognition of EMS Week and as a thank you for their dedication to the Borough of Manville.

PUBLIC HEARING ON 2016 MUNICIPAL BUDGET

Mayor Onderko requested a motion to open the public hearing on the 2016 Municipal Budget.

Councilwoman Asher, seconded by Councilman Petrock, made a motion to open the public hearing on the 2016 Municipal Budget.

All present were in favor.

Dan Mason pointed out that our auditor, Robert Swisher, was present this evening to answer any questions. He further stated that there may be a continuation of this public hearing in late June.

When no one in the public wished to comment, Mayor Onderko stated that we can delay the public hearing until after we hear about Transitional Aid.

Mr. Swisher stated that we probably will not hear anything regarding our Transitional Aid application until after the State adopts their budget. He recommends waiting until July to have a hearing on any amendments made to the budget after we are informed of Transitional Aid status.

Mayor Onderko requested a motion to close the public portion on the municipal budget.

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

All present were in favor.

Mayor Onderko commented that the budget that was filed with Trenton was for a town that does not have a significant flooding program. He stated that to date, we have demolished 163 homes, and there are 40 liens on properties. He stated there are many abandoned homes in our community, and we need help. He stated that he feels the aid application was clear about the direction of our town, and he is hoping to offset any budget increase due to the significant loss of revenue.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of May 9, 2016

Council President Szabo, seconded by Councilman Petrock, made a motion to approve the minutes of May 9, 2016.

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

ORDINANCES - FINAL READING AND PUBLIC HEARING

Mayor Onderko requested that the Clerk read Ordinance #2016-1172 by title.

Mayor Onderko requested a motion to open the public hearing on Ordinance #2016-1172.

Councilman Petrock, seconded by Council President Szabo, made a motion to open the public hearing on Ordinance #2016-1172.

All present were in favor.

When no one wished to comment, Mayor Onderko requested a motion to close the public hearing on Ordinance #2016-1172.

Councilman Petrock, seconded by Councilwoman Asher, made a motion to close the public hearing on Ordinance #2016-1172.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2016-1172.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Ordinance #2016-1172.

**AN ORDINANCE OF THE BROUGH OF MANVILLE
TO AMEND ORDINANCE NO . 500, KNOWN AS
THE TRAFFIC ORDINANCE**

BE IT ORDAINED by the Mayor and Council of the Borough of Manville that Ordinance No. 500 be and hereby amended as follows:

1. **SCHEDULE I.** NO PARKING: is hereby amended by adding thereto the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
South Street	Both	Between west curb line of South 3 rd Avenue and east curb line of South 4 th Avenue

2. **EFFECTIVE**
This ordinance shall take effect upon enactment and publication in the manner prescribed by law.

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

Attest: Patricia A. Zamorski, Clerk

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

ORDINANCE - FIRST READING AND INTRODUCTION

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

Mayor Onderko requested a motion to introduce Ordinance #2016-1171.

Councilman Petrock, seconded by Council President Szabo, made a motion to introduce Ordinance #2016-1171.

Ordinance #2016-1171

DISCUSSION

Mayor Onderko stated that it was brought to his attention by a resident who lives on Brooks Boulevard that there is a 35-miles-per-hour speed limit sign close to Roosevelt School, and after some investigation, it was found that it was not the proper sign in that zone. He stated that this Ordinance sets from Main Street to 13th Avenue as 25 miles per hour.

AN ORDINANCE REGULATING TRAFFIC IN THE STREETS
OF THE BOROUGH OF MANVILLE
AND SETTING A SPEED LIMIT FOR BROOKS BOULEVARD
(REPEALING ORDINANCE #1998-924 AND
AMENDING ORDINANCE #1990-500

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

1.) The speed limit along Brooks Boulevard within the Borough of Manville will be as follows:

35 miles per hour from North 14th Avenue to Manville-Hillsborough line
25 miles per hour from North 14th Avenue to North Main Street

2.) Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

3.) 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.

4.) This ordinance shall take effect immediately upon final adoption and publication in accordance with the laws of the State of New Jersey.

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

Attest: Patricia A. Zamorski, Clerk

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 #2016-90 through #2016-102.

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 #2016-94 and asked for an explanation as to what they will be doing at Reading Cinemas.

Councilwoman Asher stated that the Public Safety Committee met on May 10th with the Clerk, the Chief of Police, Detective Gazaway, and the cinema manager. She stated that they also conferenced with the President and Vice President of Reading Cinemas, NJ. She stated that they explained extensively what will transpire with the liquor license. She stated that they will be selling only beer and wine, and all employees will be fully trained, and the patrons must have a photo identification, and their license will be scanned. There is a limit of two drinks per person and they will be given florescent wrist bands and distinctive service cups. She further stated that there will be signage within the theater explaining the process, and they are going to increase the food selections that will be available for purchase. She stated that it will be similar to the Bridgewater Commons theater, however, at the Commons children under the age of 18 are not admitted. She explained that children will be allowed to join their families for movies at Reading Cinemas. She stated that there trained personnel will be present in the lobby to be sure that no one leaves the facility carrying wine or beer outside the door. She stated that the Committee was satisfied with the procedures that were explained. She asked Chief Peltack if he had anything to add.

Chief Peltack stated that there will be personnel monitoring the cinemas during the movies to be sure that anyone with an alcoholic beverage is wearing a wristband.

Mr. Shepard asked if it was a fact that one of the retired Manville Police Officers is in charge of security at the theater.

Chief Peltack stated no, there is someone employed there, however, he is not in charge.

Mr. Shepard commented that he believes there will be a problem with enforcement.

Doug Sherman, Esq., Attorney for Reading Cinemas, and Deek Patel, Manager of Reading Cinemas came forward to explain the process.

Councilman Kassick asked what precautions are in order to preclude people from drinking prior to arriving at the theater, and then drinking more.

Mr. Sherman stated that the employees will be trained to recognize the signs of intoxication. He added that there is a limit of two drinks per person. He also stated that there are different color wristbands, which will be changed randomly.

Councilman Kassick asked how they would control legal-aged people buying additional drinks for others.

Mr. Shepard asked how a dark movie theater would be policed.

Mr. Sherman stated that every 30 minutes there will be a sweep of the theaters by personnel, and the wrist bands will glow from the light from the screen.

Councilwoman Magnani stated that the higher price of the alcohol will probably keep people from drinking too much.

Mr. Sherman stated that there are seven or eight other theaters around the Country owned by Reading that have liquor licenses, and there have been no serious issues.

Mr. Shepard stated that once this is approved, the Borough will have no control over enforcement or price changes.

Attorney Maciag stated that the issues Mr. Shepard is raising can be found at any restaurant or establishment that sells alcohol. He stated that restaurants do not supervise their drinking patrons.

Mr. Shepard stated that it is different than a restaurant situation since the lights go out in the movie theater. He stated that he feels this should be denied.

Attorney Maciag asked Mr. Sherman how many other Reading Cinemas in New Jersey have liquor licenses.

Mr. Sherman stated that this will be the first, however, other theater establishments have been successfully doing so. He stated it was a growing trend in the State and nationally, as well as comfortable seating.

Chief Peltack added that licenses are renewable yearly, and conditions or stipulations can be added if there are problems. He also added that all liquor licenses are continually monitored by his department.

Councilman Kassick asked if the Chief had spoken to the Bridgewater Police regarding their movie theater.

Chief Peltack stated that his detectives have spoken to Bridgewater, and they have had no issues.

Councilwoman Camacho stated that she spoke with the theater in Bridgewater today, and was told that no one under 21 is allowed in the theater.

Mr. Sherman stated that the AMC in Menlo Park serves alcohol and has no age restrictions. He stated that they are ensuring the best way they can to prevent underage or over drinking.

Councilman Petrock asked if there are any restrictions in place as to which theaters patrons can enter with alcohol, such a where a children’s movie is playing as opposed to an adult movie.

Mr. Sherman stated there are no restrictions.

John Mehalick, 1461 Dominic Street - commented regarding Resolution #2016-94, and stated that he feels anyone over 21 can be with a younger person and allow them to drink the alcohol. He further stated that there’s nothing to prevent the theater from selling hard liquor in the future.

Shelia Lessing, 1133 Dukes Parkway - commented regarding Resolution #2016-94 stated that she understands their concerns, however, she would not allow her driver’s license to be swiped. She further stated that kids can sneak booze into cinemas in their pockets. She stated she doesn’t think this will be a problem, and she noted that Reading Cinemas brings a lot of people into town who then go to other establishments like the pizzerias and McDonald’s. She stated that the Council should not give them a hard time when they are bringing business into our town.

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.

Attorney Maciag requested that #2016-100 be changed, since it reads #2015-100.

RESOLUTION (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2016-90.

Council President Szabo, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2016-90.

Resolution #2016-90

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

1. Current	\$
	202,018.79
2. Water/Sewer Utility	\$

	120,268.04
3. General Capital	\$
4. Recreation Trust	\$ 399.60
5. Other Trust	\$ 550.00
6. Dedicated Dog	\$
7. Housing Trust	\$
Total	\$ 323,236.43

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

Mayor Onderko requested a motion to adopt Resolutions #2016-91 through #2016-102 by consent, unless any Council member would like to take any Resolution separately.

Councilwoman Camacho requested that Resolutions #2016-94 and #2016-95 be taken individually.

Mayor Onderko requested a motion to adopt Resolutions #2016-91 through #2016-93 and #2016-96 through #2016-102.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Resolutions #2016-91 through #2016-93 and #2016-96 through #2016-102.

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

Resolution #2016-91

(1.) WHEREAS, the following real property tax payers have overpaid their real property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized to refund said amount to the property owner.

Block	Lot	Name of Owner	Amount	Year	Quarter
121	27	Coliskey, A & D	\$ 474.53	2016	2 nd
82	29	Weikel, G & C	\$ 1,087.65	2016	2 nd

(2.) 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, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorize the Tax Collector to release the amount specified to the lienholders listed below.

Block	Lot	Name of Owner	Amount	Lienholder
37	64	Peterson & Saitta	\$1,185.05	KCTS Investments
258	15	Lombardino	\$1,644.58	Natu Patel

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-92

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and
WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body; and
WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and
WHEREAS, The Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, by Resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, The members of the governing body have personally reviewed as a minimum the Annual Report of audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body; and

WHEREAS, Such Resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, All members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, Failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-93

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey hereby endorses the submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection; and

BE IT FURTHER RESOLVED, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

ALL PRESENT IN FAVOR PER ROLL CALL

**RESOLUTION CONTINUING A CONTRACT WITH JERSEY PROFESSIONAL
MANAGEMENT FOR TEMPORARY ADMINISTRATOR AND MANAGEMENT
CONSULTANT SERVICES**

WHEREAS, on November 9, 2015, by Resolution #2015-183, the Borough Council appointed Thomas B. Shannon, an Associate of the firm of Jersey Professional Management, as the Acting Borough Administrator to serve in this capacity at the pleasure of the Borough Council or until a permanent Borough Administrator assumes the position; and

WHEREAS, there exists a need for specialized and qualitative services for temporary Borough Administrator and Management Consulting Services and overseeing various Borough functions that requires expertise, extensive training and proven reputation in this field of endeavor; and

WHEREAS, Thomas B. Shannon has extensive experience, training and proven reputation in the area of municipal administration and has offered his services as an Associate of the firm of Jersey Professional Management; and

WHEREAS, the original amount of the contract in question was \$17,600.00, and an additional \$7,500.00 is needed to continue the service. Sufficient funding is available and has been certified as evidenced by the Borough Finance Officer's Certification attached hereto; and

WHEREAS, it is important that the person serving as the Acting Borough Administrator have the legal authority granted in the Code or Ordinances of the Borough of Manville, as well as the Public Liability protection offered to employees of the Borough of Manville; and

WHEREAS, the designation of Thomas B. Shannon of Jersey Professional Management as a management consultant, is specifically designed and intended to be a temporary appointment and contract; and

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

WHEREAS, the contract with Jersey Professional Management meets the statute and regulations governing the award of said contracts, as per the attached Certification.

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 Mayor and the Borough Clerk are hereby authorized and directed to continue the agreement with Jersey Professional Management for Temporary Borough Administrator and Management Consultant Services.

2. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Services" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services requested are specialized municipal administrative consulting services that require expertise, substantial experience and proven reputation in the multi-faceted aspects of overseeing municipal functions. These qualifications require an individual whose background includes substantial experience and training in administration, finance, budget and purchasing, personnel, State and federal grants, management and oversight of municipal employees and general government administration and governmental relations. Knowledge and familiarity of applicable Borough and State laws and regulations are also required. Thomas B. Shannon has satisfied all of these requirements, and his services are required to permit the Borough to maintain critically important managerial oversight and administrative services pending the commencement of services by a duly appointed Borough Administrator. Precise specifications are not feasible because the services are multi-faceted and dependent on evolving day to day operational needs of the Borough, emergent needs and unanticipated matters that will require the services of the management consultant. Likewise, it is not possible to delineate the specific knowledge or tasks required of the person providing this assistance since this will vary

according to the work being undertaken. In general, this work is common to most developing communities of comparable size and structure to the Borough of Manville. These factors as well as critical time constraints in securing the immediate services of an Acting Borough Administrator do not permit the formulation of precise specifications.

3. Funding shall be paid from budget account #6-01-20-100-020 in an amount not to exceed \$7,500.00, at the rate of \$110 per hour.

4. A notice of this action shall be published in the official newspaper authorized to publish notices for the Borough of Manville within 20 days after passage of this resolution.

5. A copy of this Resolution and executed contract shall be filed in the Office of the Borough Clerk.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-97

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 Number	Account Name	Amount
6-01-20-165-020	Engineering	\$20,000.00
6-01-26-310-020	Buildings & Grounds	\$7,500.00
6-01-20-166-020	Legal	\$20,000.00
6-01-45-941-020	Improvement Authority Lease	\$18,384.32
Total		\$65,884.32

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-98

WHEREAS, the Recreation Department is in need of personnel for their seasonal programs; and WHEREAS, in accordance with Ordinance #2015-1160, these employees are now referred to as Temporary Seasonal Employees.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the following Temporary Seasonal Employees shall be hired by the Recreation Department:

Name	Title	Length of Service	Pay Rate
Garrett Stewart	Sports Instructor	5-25-16 to 9-2-16	\$15.00 per hour
Melissa Villalobas	CPR Lifeguard 1 st year	6-6-16 to 9-2-16	\$8.50 per hour

BE IT FURTHER RESOLVED that the Recreation Director will have the authority to replace any staff member that leaves during the season in order to maintain the health, safety, and welfare of the public, with the approval of the Acting Borough Administrator.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-99

WHEREAS, in accordance with Ordinance #2012-1109, "An Ordinance to Regulate Unsafe Buildings" and Ordinance #2001-960, "Property Maintenance Code of the Borough of Manville", the Property Maintenance Officer has determined nuisances such as overgrown grass higher than 10" and rodent harborage in the way of trash and abandoned items in the yard exists at certain properties; and

WHEREAS, the Property Maintenance Officer has sent numerous notices to certain properties to abate high grass and rodent harborage nuisances, and those nuisances have not been abated to date; and

WHEREAS, Ordinance #2012-1109, **Section 8. Abatement of nuisance; correction of defect; lien against premises**, states:

The Borough Council, by resolution of its governing body, may abate a nuisance, correct a defect or put the premises in proper condition so as to comply with the requirements of any municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises.

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

Empty Lot on Angle Avenue	Block 294, Lot 18.01
94 South 16 th Avenue	Block 94, Lot 7.01

have failed to abate nuisances on the property, despite being properly noticed by the Property Maintenance Officer to abate said nuisances; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize the Public Works Director to abate the nuisances at the listed property and to provide the cost of such minimal abatement to the Tax Collector, which shall be a lien against that property on the tax records.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-100

WHEREAS, Body by Decision, LLC, a company owned by a Manville resident, has offered their services to provide Certified Exercise Instructors for our Adult Exercise Programs; and

WHEREAS, the Body by Decision, LLC is able to provide Certified Exercise Instructors for a fee of \$40 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that they approve the use of Certified Exercise Instructors from the Body by Decision, LLC to perform our Adult Exercise Classes in the amount of \$40 per hour.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-101

**RESOLUTION AUTHORIZING A CONTRACT WITH
THE COUNTY OF SOMERSET TO PROVIDE PARTICIPATION
IN A COOPERATIVE MEANS OF CONDUCTING CERTAIN
COMMUNITY DEVELOPMENT BLOCK GRANT AND
HOME INVESTMENT PARTNERSHIP PROGRAM ACTIVITIES**

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made available to certain urban counties for use therein; and

WHEREAS, the Community Development Block Grant Program and the HOME Investment Partnership Programs have benefited the County as a whole and has provided a unique opportunity for inter-municipal cooperation and

WHEREAS, the program has provides substantial benefits to persons of low and moderate income including the elderly and disabled, and that these benefits would be lost without a renewal of the County cooperation agreement; and

WHEREAS, the Borough of Manville desires to preserve benefits of the Community Development Block Grant Program and the HOME Investment Partnership Programs for the County by renewing its participation in the Somerset County Community Development Consortium; and

WHEREAS, the Interlocal Services Act (N.J.S.A. 40:8A-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, N.J.S.A. 40:8A-1 et seq. provides that authorization for participation in such a cooperative program must be by resolution:

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

1. It does hereby authorize continued participation in the Somerset County Community Development Consortium or Urban County.

2. It does hereby authorize, ratify and confirm a certain agreement (hereinafter referred to as "Contract") between the Borough of Manville and Somerset County entitled "Agreement Between the County of Somerset and Certain Municipalities Located Therein For the Establishment of Cooperative Means of Conducting Certain Community Development Activities" and is further authorized to amend language that is contained in the existing agreement to comply with new requirements from the Department of Housing and Urban Development. This agreement shall automatically

renew in every successive qualification period unless notice that it wishes to withdraw is provided to HUD and Somerset County.

3. It hereby authorizes full participation by the Borough of Manville in all aspects of the activities provided for within said Contract pursuant to the terms and conditions as more fully set forth in said Contract.

4. It hereby incorporates said Agreement into this Resolution by reference, as if fully set forth herein.

5. The Mayor and Municipal Clerk are hereby authorized to execute the Contract with the County and Copy of said Contract will remain filed in the Office of the Municipal Clerk for public inspection.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-102

WHEREAS, the Somerset Valley YMCA has offered their services to provide Certified Exercise Instructors for our Adult Exercise Programs; and

WHEREAS, the Somerset Valley YMCA is able to provide Certified Exercise Instructors for a fee of \$40 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that they approve the use of Certified Exercise Instructors from the Somerset Valley YMCA to perform our Adult Exercise Classes in the amount of \$40 per hour.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2016-94.

Councilwoman Asher, seconded by Councilman Szabo, made a motion to adopt Resolution #2016-94.

Resolution #2016-94

WHEREAS, an application has been filed for a Person-to-Person and Place-to Place Transfer of Plenary Retail Consumption License #1811-33-010-011, from Frank's Pizza of Manville, Inc. 140 North Main Street, Manville, NJ to Reading Cinemas, NJ, Inc., 180 North Main Street, Manville, NJ; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and
WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business, and the Police Department has made proper investigations of the transfer and applicants and has recommended that said transfer be granted; and
WHEREAS, notice of transfer has been published in two (2) insertions of the Courier News on May 9, 2016 and on May 16, 2016, and the Borough Clerk has advised the Mayor and Council that no objections, either verbal or in writing, to the transfer of the within license have been received by him; and
WHEREAS, the necessary fee of \$216.00 was paid to the Borough Clerk, together with the State Fee of \$200.00 made payable to the Division of Alcoholic Beverage Control.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey does hereby approve, effective May 23, 2016 the Person-to-Person and Place-to-Place transfer of the aforesaid Plenary Retail Consumption License and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Reading Cinemas, NJ, Inc., 180 North Main Street, Manville, New Jersey, effective May 23, 2016"; and
BE IT FURTHER RESOLVED that said transfer is subject to approval received from the State of New Jersey Beverage Tax Bureau, Trenton, New Jersey advising they have no objections to the transfer of said license.
FURTHERMORE, that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

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

ROLL CALL: AYES: SZABO, ASHER, MAGNANI
 NAYES: CAMACHO, KASSICK, PETROCK
 ABSTAIN: ONDERKO

Mayor Onderko stated he will abstain so he can obtain more information from Bridgewater.

Attorney Maciag stated that the vote is three-three, so the motion fails to carry, however, it can be brought up again at another meeting.

Mayor Onderko requested a motion to adopt Resolution #2016-95.

Councilwoman Asher, seconded by Councilman Szabo, made a motion to adopt Resolution #2016-95.

Resolution #2016-95

WHEREAS, the Mayor and Council of the Borough of Manville have named the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer and Flaum as Labor Attorneys for 2016; and

WHEREAS, a previous Professional Services Agreement was accepted by the Borough through Resolution #2015-70; and

WHEREAS, Richard P. Flaum, Esq., of the firm has the necessary qualifications to perform the duties of Labor Attorney, and it is necessary to continue his previous agreement with the Borough for pending Contract negotiations.

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 Richard P. Flaum, Esq., of the law firm of DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis, Lehrer and Flaum, 15 Mountain Boulevard, Warren, NJ 07059, be continued.
- 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, not to exceed \$5,000.00.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 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

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

OFFICIAL REPORTS

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

A/ Fire Department Report - April, 2016

COMMUNICATIONS

A/ Letter from Agnes Sobkowicz tendering her resignation as part-time Tax Assessor's Clerk as of May 31, 2016 (last day changed to May 20, 2016).

B/ Letter from Anne R. Facendo, Superintendent of Schools, requesting approval of the Homecoming Parade with police escort on Friday, October 21, 2016 at 10:00 a.m.

Mayor Onderko requested a motion to grant permission for the Homecoming Parade.

All present were in favor.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko reported that he had an enjoyable day at the Color Run with the Recreation Department. He stated it was a tremendous effort lead by Recreation Director, Stephanie Cornelson and the Committee and volunteers. He stated it really made Manville feel like a special community. He stated this was the second annual, and he hopes it will continue.

Councilman Petrock, as Chairman of the Finance Committee stated that he doesn't have anything to report other than what Mr. Swisher already said. He stated that he has meet with the Department Heads, and we are hopeful that we will receive Transitional Aid, however, if we don't they are still looking at cuts to the budgets. He stated that it will be very difficult to cut, especially the Tax Collector's budget if cut, tax bills could not be mailed.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they have not met, however, she has requested that Mr. Shannon set up a meeting with the Teamsters Union to begin contract negotiations. She stated that the Labor Attorney does not have to be present, however, the State needs to be kept advised of all details. She requested that Mr. Mason set up the meeting.

Councilwoman Magnani, Chairperson of the Public Works Committee reported that the department is still cleaning up and getting ready for summer. She stated that they have not met, but will be meeting prior to the next meeting. She stated that she keeps in touch with the Director. She stated that the potholes are being filled, and residents should report any potholes. She also stated that they are actively cleaning the streets, and the once per month bulk pickup is working. She stated that they are also getting the pools ready. She stated that if anyone has questions or concerns she will address them.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that he attended the Governing Officials meeting on May 11th; he attended the meeting at the VFW with the Red Cross on May 17th and they discussed the use of the VFW as a

shelter. He further reported that as of this date, there are no new bids for additional buyout work. He also reported that he attended the interview with one of the candidates for Borough Administrator on May 20th. He reported that the candidate toured the Borough Hall and Public Works.

Councilwoman Asher, reported that she will ask Clerk Zamorski to distribute the information regarding the liquor license transfer to Reading Cinemas to the Mayor and Council. She further reported that she attended the Rescue Squad meeting on May 13th, and the emergency signs were flashing on Thursday, May 12th due to testing, and they cannot be shut off during the cycle. She further reported that the Rescue Squad covered the Color Run on May 14th, and they are on stand-by for the Scout camp out on June 10-12th, as well as the Chelsea Run on June 19th. She further reported that they held a rope and rescue training course on Saturday. She reported that EMS week was May 15th to 20th, and she thanked the Rescue Squad members for their important work. She reported that they will be providing services at the MYAL carnival held from May 31st through June 7th and graduation on June 17th. She further reported that she attended the Fire Board of Engineer's meeting, and they had 105 calls for April. She stated that many calls are due to mulch fires, and they have a car fire drill set for June. She further stated that the El Taco restaurant on Main Street is closed for failure to obtain fire inspections, and New Fortune will be reopening in the former Markey Building. She stated that there is a water awareness class set for June 16th. She reported regarding the meeting with the VFW and the Rescue Squad that the Director of Emergency Management and the Red Cross Manager will make the decision to open the shelter 24 hours prior to the emergency. The VFW appointed Councilman Szabo to be their liaison between the VFW and Emergency Management. She stated that the Borough will provide money vouchers for food, and Mr. Shannon will contact Walmart to set up an account and obtain phone numbers for the store manager and assistant manager in case there is an incident and food is needed right away. She stated that the Red Cross in the past reimbursed the Borough \$14 per person per day, which is very low. She stated that the Borough will provide whatever is needed to cover the costs. She reported that Jim Wisor of the VFW expressed his commitment to Manville and stated he is concerned about losing funds if the facility closes. She reported that the generator agreement should be signed very quickly. She reported that all Council members must take the ICS 100 and ICS 700 courses, which can be done on line, and the 402 Class must be taken in the classroom. She stated that if anyone wishes to assist during an emergency, they must participate in these classes. She further reported that the police statistics will now be placed on the Police website. She also requested that questions brought to the Council can be put on the website along with the meeting minutes. She also reported that Touch-A-Truck is scheduled for June 11th, and tonight Manville Pizza was offering a 20% fundraising event for Friends of the Library. She further reported that the Friends of the Library are offering four tickets to the Quick-Chek Balloon Festival from July 29 to July 31. She stated that any residents who join the Friends of the Library in the months of May and June are eligible to win the tickets.

Council President Szabo, Chairman of the Progress and Development Committee reported that they met on May 11th with the Citizen Advisory Committee and Mike Pappas and his associates, and they will be discussing the meeting Closed Session.

He stated that they would like to investigate reassessment of the Borough in sections to avoid taxes going up all at once. He stated that other communities in Somerset County have been doing this.

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.

Sheila Lessing, 1133 Dukes Parkway - commented regarding the high grass on the property across from her house in Gerber Field. She stated that it is now 2-feet high.

Dean Shepard, P.O. Box 222 - asked if it is a conflict for Councilwoman Asher to vote on the transfer of the liquor license, since she works at Walmart in the Marketplace.

Attorney Maciag stated that he did not think it was a conflict. He said according to law, a conflict would exist if the person voting gained financial benefit from the vote they are going to cast.

Mr. Shepard asked about the massage parlors in town, and had questions regarding an Ordinance from 2006.

Chief Peltack stated that there was an Ordinance passed in 2012 which repealed the previous Ordinance.

Attorney Maciag stated that he obtained copies of Hillsborough's Ordinance, and it has been referred to the Committee.

Mayor Onderko stated that he referred this matter to the Board of Health Attorney, and he has prepared a write-up on the 2012 Ordinance, which will be discussed in Committee.

Mr. Shepard asked who is responsible for enforcement of the Ordinance.

Attorney Maciag stated that it would probably be both the Zoning Officer and the Police Department. He stated that there is a lot of case law on "zoning" out businesses, and as a general rule, it is very difficult to restrict adult businesses. He stated that they are looking into possibly tightening up the Ordinance.

Mr. Shepard stated that he is concerned that some establishments may state that they do foot massage when they actually do all types of massage. He wants to make sure that inspections are done and the Ordinance is enforced.

Mr. Shepard stated that as Vice President of the Manville Business and Professional Association that he received a call from Mike Pappas to speak to the Association. He stated that he does not want the Borough to be charged further by his firm if he is scheduled to speak at the meeting.

Mayor Onderko stated he would get back to him on this issue.

Mr. Shepard asked if there are plans for bicycle patrol.

Chief Peltack stated that they are not planning to do bicycle patrol, but they will be doing foot patrol and motorcycle patrol.

Mr. Shepard also mentioned bikes chained to the poles on Main Street, and he referred to an Ordinance passed several years ago requiring the bikes to be confiscated. He stated that he doesn't know who should be enforcing it.

Mayor Onderko stated he will look into it.

Mr. Shepard also asked the Mayor if past members of the Zoning Board of Adjustment received thank you letters for their service.

Mayor Onderko stated that he believes it was done.

Mayor Onderko also announced that he is disbanding the Citizen's Advisory Committee for the Redevelopment, and he will be sending letters to those members thanking them for their service.

Mr. Shepard also asked about the Resolutions for the Aqua Aerobics instructors and asked where they will be providing instruction.

Councilwoman Asher stated that the classes are held at our pools two days per week.

Rudy Nowak, 100 Driscoll Street - stated that the Borough of Dunellen has had a movie theater with a liquor license for several years, and he doesn't recall reading about any controversy regarding that license. He recommended that our Chief of Police call the Dunellen Police Chief. He also asked how many movie theaters within the complex will be serving liquor.

Councilwoman Asher stated that alcohol is not being served in the individual theaters, but in the lobby along with the food.

Mr. Nowak asked how many lifeguards are being hired.

Mayor Onderko stated that Recreation has a budget that they stay within. He further explained that they need coverage at the pools for the summer. He stated that the number of people on the Resolution does not necessarily mean that they all will be working. He stated that this year is no different than any other year.

Councilman Asher also stated that they are not all lifeguards, and some are CPR guards for the Kiddie Pool. She stated that the minimum on a daily basis is six guards for the 12:00 p.m. to 7:00 p.m. that the pools are open. She stated that there are also lifeguards for swim lessons and Aqua Aerobics instructions, as well as pool parties.

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

All present were in favor.

CLOSED SESSION

Mayor Onderko requested a motion to go into Closed Session.

Councilman Petrock, seconded by Councilman Kassick, made a motion to go into Closed Session.

Resolution #2016-103

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 issues and proposed
Professional Services Agreement for
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

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

Closed Session began at approximately 8:10 p.m.

Mayor Onderko called the meeting back to order at 9:01 p.m.

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

Council President Szabo, seconded by Councilman Kassick, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 9:01 p.m.

ATTEST:

Patricia A. Zamorski
Borough Clerk