

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
JUNE 27, 2016**

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THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JUNE 27, 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**

Mayor Onderko dedicated the moment of silence to the flood victims in West Virginia, and he asked that we all keep them in our prayers.

**APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of June 13, 2016

Council President Szabo, seconded by Councilwoman Asher, made a motion to approve the minutes of June 13, 2016.

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 #2016-111 through #2016-119.

Councilman Petrock, seconded by Councilwoman Magnani, made a motion to open the public portion on Resolutions.

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

Council President Szabo, seconded by Councilman Petrock, 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 #2016-111.

Councilwoman Asher, seconded by Councilman Petrock, made a motion to adopt Resolution #2016-111.

Resolution #2016-111

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

1. Current	\$ 107,252.93
2. Water/Sewer Utility	\$ 107,531.84
3. General Capital	\$ 1,952.64
4. Recreation Trust	\$ 7,892.91
5. Other Trust	\$
6. Dedicated Dog	\$
7. Housing Trust	\$
<b>Total</b>	<b>\$ 224,630.32</b>

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 #2016-112 through #2016-119 by consent, unless any Council member would like to take any Resolution separately.

Councilwoman Camacho requested that Resolution #2016-114 be taken separately.

Mayor Onderko requested a motion to adopt Resolutions #2016-112, #2016-113, and #2016-116 through #2016-119.

Councilwoman Asher, seconded by Councilman Kassick, made a motion to adopt Resolutions #2016-112, #2016-113, and #2016-116 through #2016-119.

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

Resolution #2016-112

WHEREAS, the Borough of Manville was awarded a grant in the amount of \$75,000 for the construction and re-construction of sidewalks by the Somerset County Community Development Block Grant Program; and

WHEREAS, Engineering services are needed for the sidewalk project; and

WHEREAS, an acceptable proposal for the engineering and technical services for this project has been received from Van Cleef Engineering Associates, 755 Memorial Parkway, Suite 110, Phillipsburg, NJ 08865.

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 Van Cleef Engineering Associates, 755 Memorial Parkway, Suite 110, Phillipsburg, NJ 08865, 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, not to exceed \$4,500.00.
- 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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-113

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:

<b>Name</b>	<b>Title</b>	<b>Length of Service</b>	<b>Pay Rate</b>
Alexandra Puza	Sports Instructor	7-4-16 to 9-9-16	\$15.00 per hour
Troy Armstrong	Sports Instructor	7-4-16 to 9-9-16	\$15.00 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 #2016-116

WHEREAS, a request for a refund of a fire permit fee has been received from the Manville Exempt Firemen's Association for their annual picnic which was held on Saturday, June 25<sup>th</sup>; and

WHEREAS, the event was held for members and their families, and was not a fund raising event; and

WHEREAS, the total amount of fees paid for the fire permit was \$42.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, that the Manville Exempt Firemen's Association is hereby granted a refund of the fire permit in the amount of \$42.00, which is the total amount paid to the Borough.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-117

WHEREAS, applications were filed for renewal of the following Plenary Consumption, Plenary Retail Distribution, and Club Licenses:

<b>License Name</b>	<b>Business Name and Address</b>	<b>License Number</b>
APAK Liquors, L.L.P.	Cybert's Liquor's, Inc. 26 South Main Street	1811-44-003-004

Boscia Liquors, Inc.	Camplain Liquors 519 West Camplain Road	1811-44-002-004
Boulderdash, L.L.C.	337 Grill 337 North Main Street	1811-33-023-006
Frank's Pizza of Manville, Inc.	Frank's Pizza 140 North Main Street	1811-33-010-011
Khushboo Palace, L.L.C.	Rhythms 729-731 South Main St	1811-33-020-008
LK Group, L.L.C.	1001 West Camplain Road	1811-33-001-008
Legion Home of Manville, Inc.	Legion Home of Manville 429 South Main Street	1811-31-024-003
Macgat, Inc.	Drewby's Grill Pub 16 South Main Street	1811-33-019-006
Manville Pizza, L.L.C.	Manville Pizza 31 South Main Street	1811-33-005-009
Mark & Gina's Pizza & Pasta, Inc.	Pizza & Pasta 930 South Main Street	1811-33-009-005
Mata Holdings, L.L.C.	La Cascada 500 West Camplain Road	1811-32-007-012
Mike Wins Bars, L.L.C.	Foxtail Lounge 29 South Street	1811-33-018-012
Pegajoso, LLC	Northside Lounge 100 Brooks Boulevard	1811-33-017-003
Trojanowski, Agnes	Chester House One North Main Street	1811-33-022-002
Veterans of Manville	VFW 600 Washington Avenue	1811-31-025-001

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville that the Borough Clerk is hereby authorized to issue license renewals on June 27, 2016, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix his signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

1. The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.

2. The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

Borough of Manville

/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-118

WHEREAS, the need exists within the Borough of Manville for a Borough Administrator; and

WHEREAS, after interviewing and screening by the Mayor and council, it is recommended that Andrea Bierwirth be appointed to the Position of Borough Administrator; and

WHEREAS, the Mayor and council agree that said appointment is in the best interest of the Borough of Manville, and the Department of Community Affairs has approved the appointment.

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.) Andrea Bierwirth be and is hereby appointed to the position of Borough Administrator at the initial annual salary of \$90,000.00. She will receive an increase of \$5,000.00 for 2017 and \$5,000.00 for 2018.
- 2.) The terms and conditions of said employment shall be as set forth in Ordinance #2015-1161 and the Administrator’s Agreement attached to and a made a part of this Resolution.
- 3.) Said Agreement shall be executed by Andrea Bierwirth, the Mayor, and the Borough Attorney.
- 4.) This Resolution shall be construed in accordance with the Ordinance of the Borough of Manville, the Laws of the State of New Jersey, and the Laws of the United States.
- 5.) This Resolution shall take effect immediately upon enactment of same.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-119

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:

<b>Current Account</b>	
<b>Account Name</b>	<b>Amount</b>
Elections, O/E	\$3,000.00

<b>Total</b>	<b>\$3,000.00</b>
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Borough of Manville  
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2016-114.

Councilwoman Asher, seconded by Council President Szabo, made a motion to adopt Resolution #2016-114.

Resolution #2016-114

WHEREAS, the Borough of Manville and the Manville Board of Education desire to continue their formal agreement for the sharing of services, equipment and personnel in accordance with the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey that the Interim Borough Administrator is hereby authorized to execute the Agreement for Shared Services with the Board of Education; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution will be forwarded to the Board of Education.

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

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

\*Councilwoman Camacho noted several reasons why she was not voting in favor of this Resolution.

**NEW BUSINESS**

A/ Application for Ice Cream Vendor's License - Razjan Basescu

B/ Renewal of Amusement Device Licenses:  
Pizza & Pasta  
Chester House  
Drewby's Cafe  
Northside Lounge

Mayor Onderko requested a motion to approve the Application for Ice Cream Vendor's License of Razjan Basescu, and the Applications for Renewal of Amusement Device Licenses.

All present were in favor.

## **COMMUNICATIONS**

A/ Letter from Sandra Fisher tendering her resignation from her position at the Public Works Department.

Councilwoman Asher requested that Mayor Onderko reference another Communication.

Mayor Onderko stated that we received a resignation letter from Kari Couch resigning as OEM Administrative Coordinator.

## **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Mayor Onderko commented regarding the Estimated Tax bills as follows:

“Seeing many new faces here this evening I would like to make a general statement tonight about why I serve everyone as your Mayor.

I got involved with local politics several years ago after seeing my property tax bill creep higher and higher every year. Some who worked for the Borough at the time said Rich just raise taxes 300.00 dollars every year. We all know that is unsustainable in today’s economy and only benefits those who work for our Borough.

We have a property tax crisis in NJ and raising taxes further only makes the crisis worse. We have the highest property taxes in the nation. In NJ we have a school funding formula that simply is not fair resulting in an underfunded school district that ends up costing us all to pay more in taxes. Some like to point out that our taxes are still lower than some surrounding towns. I really don’t care. I only care about what we all can afford here in Manville.

I ran for Mayor with a simple message to work to stabilize taxes and then have them ultimately lowered. Without setting that goal and objective, given the situation we face without any flood mitigation to lower flood water levels and save homes, Manville would no longer be affordable in the years ahead if business as usual continued.

I recently retired to devote more time to solving some of Manville’s problems. I worked in the private sector for 33 years in corporate finance. In a world driven by profit and loss statements, when your revenues decline corrective actions must be taken to remain profitable and to stay in business. Everyone is aware Manville has lost revenues with the recent buyout of Blue Acres homes. But many many not be aware we have already begun to take necessary corrective actions.

We outsourced our municipal court to Hillsborough via a shared services agreement and saved over \$100,000 in the 2016 budget (that's a recurring savings). With a recent retirement of a DPW worker, we are simply not back filling the position resulting in another \$100,000 recurring savings. All other vacant positions will be re-evaluated for their absolute need. Our old business administrator retired late last year, and we saved money utilizing Jersey Professional Management on a part-time basis for the first 6 months of this year for some additional savings. And more importantly, we successfully filled out a State aid application which depicted Manville's finances becoming a big concern while accounting for the loss of rateables, prior flood expenses and revenue loss with the run of property tax appeals the last 4 years. In my opinion, ongoing, mandated State oversight as a result of the aid application will be a big benefit to Manville tax payers.

Unfortunately we were the worst town in Somerset County with the most tax appeals filed the last 4 years. The Borough of Manville was hemorrhaging revenues each and every year as residents and businesses appealed.

The Somerset county tax board back in 2013 mandated the reevaluation of Manville for the simple fact that more revenues were refunded yearly than the cost of a reassessment of the entire town which only helps ensure property tax fairness. The new value of our town should have been set back in August of 2013 so everyone paid fairly for the services we all enjoy based on the market value of their homes. However it was delayed simply for political purposes by our previous administration. The delay was not in the best interest for Manville's finances. The Somerset County Tax Board detailed the seriousness of the situation in a letter dated January 3, 2013. Others who did not appeal were forced to pay more in taxes because of the revenue loss in tax appeal refunds given out.

Today in 2016, that game is finally over. As residents took advantage of a depressed real estate market in Manville, they became comfortable with the notion that the appeal would last forever and that is simply not the case. The intent of any reevaluation is to bring everyone's home up to 100% of fair market value. If you feel the new market value of your home is still set too high, you have every right to appeal your property taxes based on the new 2016 assessment by the April 1<sup>st</sup>, 2017 deadline.

We are also looking into becoming the 16<sup>th</sup> town out of 21 towns in Somerset County to enter into a yearly assessment program where 20% of the town will be reassessed each year for a rolling 5 years which will enable market value adjustments to be made to the entire town. In the past that type of town wide

adjustment was not legally allowed. I personally never want to see us in a situation ever again where our old assessments were so out of touch with reality after a national real estate bubble burst and Manville encountered 3 significant flood events that lowered selling prices of all homes throughout town and not only for those found in our flood zones. Tax appeals filed could not be denied. For those residents who never filed a tax appeal, I believe the 2016 tax increase is significantly less than the increase felt by those who previously appealed. I'm told that in a typical reassessment program one third get a tax increase; one third stay about the same and one third get a tax reduction. This governing body will be making additional budget cuts before adopting a final budget in July accounting for any state aid we will receive.

I remain optimistic that taxes can be stabilized. Last year the municipal budget tax rate increased less than a penny, that equated to a 24 dollar increase on your average home for the year. Once a final municipal tax rate is struck this year, we will work toward maintaining or lowering the rate in 2017. I would like to remind everyone that our tax bill is comprised of a school budget and county budget that makes up 2/3<sup>rd</sup> 's of the overall bill. Those tax rates get set outside of the control of this governing body.

In closing, I think we all should support Governor Christie's recent efforts to re-engineer the school funding formula to a new "fairness formula" which will bring property tax relief to Manville as one of the severely underfunded districts in the state.

It's time to get our financial house in order. I can assure you the transformation of Manville has already begun. It's long overdue and I am happy to lead the way as your Mayor. Let's all work together to keep Manville affordable in the years ahead.

For those of you here tonight to voice your concerns or complaints over your home's third quarter tax bills, I will gladly meet with you this week one on one to investigate and help explain your bill at your convenience.

Mayor Onderko requested that Dan Mason make a statement regarding why the Estimated Tax Bills had to be sent.

Dan Mason stated that the Estimated Tax Bills were required because of the cash flow of the Municipality. He explained about the Borough's application for State Aid, and stated that we will not receive word on our official amount of State Aid until approximately July 5<sup>th</sup>.

Councilman Petrock, as Chairman of the Finance Committee stated that he understands that everyone is shocked by the tax bills they received, and he apologized. He stated that they are trying to come up with ways to cut the budget and lower the taxes.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on June 20<sup>th</sup> and stated that they will be starting Contract negotiations with the new Administrator and move forward. She further reported that she attended the High School Graduation. She commented that she was very disappointed that Councilman Kassick was not allowed to present his granddaughter with her diploma. She also stated that she was not happy with the current Board of Education, and hoped others would run for the open positions in November.

Councilwoman Magnani, Chairperson of the Public Works Committee reported that they are continuing with grass cutting and removal of a large tree on Raritan Avenue. She stated that roads are being patched, and signs for No Parking on South Street have been erected. She stated that the pools are open, and have passed all Health inspections. She noted the Community Development Grants that have been awarded to the Borough for sidewalks and lighting at the Library. She stated that the grounds at the public buildings are being groomed, and she asked that anyone who needs help come and ask her.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that Blue Acres is continuing the demolition of homes and stated that we have lost revenue on those properties that have been demolished. He stated that there are many abandoned properties as well, and that the Code Enforcement Officer is working on getting high grass cut and keeping these properties clean.

Councilwoman Asher, reported that she attended the Water Rescue Awareness class and the Public Works meeting. She stated that the macadam around the pools and in the Kiddie Pool has been coated to keep the heat from burning feet. She stated that she attended the Friends of the Manville Library meeting and stated that new members will have the opportunity to win tickets to the Somerset Patriot's game. She reported that they will be holding the second annual Townwide Yard Sale on October 10<sup>th</sup> and registration forms are available at the Library. She further reported that she attended the Fire Board of Engineer's meeting, the SASSA meeting, and the Public Safety Committee will be meeting on July 12<sup>th</sup> with the Rescue Squad and Mayor to see if it would be feasible to have our Rescue Squad cover Manville 24/7. She reported that the Library is offering a Free Adult Craft on Wednesday at 6:30, a Cool Science Program on July 8<sup>th</sup> at 11:00 a.m. She reported that Exit Row Band will be performing at Memorial Pool on July 30<sup>th</sup> at 1:00 p.m. She reported that the Senior Aqua Aerobics program begins tomorrow at 10:30 a.m., and pool passes can be purchased at Memorial Pool or in the Recreation Office. She further reported that they are taking registrations for all the summer camps in the Recreation office. She thanked Kari Couch, the OEM Administrative Coordinator for her years of service.

Council President Szabo, Chairman of the Progress and Development Committee reported that they are going into Closed Session to discuss the Rustic Mall. He further reported that he attended the Water Rescue Class, the High School Graduation, the SASSA meeting, and the Exempt Firemen's picnic.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

Councilman Petrock, seconded by Council President Szabo, made a motion to open the Public Portion.

All present were in favor.

Attorney Maciag set forth the rules for Public Portion.

Basil Kulick, 1019 Huff Avenue - commented regarding the pistol range issue.

Councilwoman Asher stated that the information regarding the pistol range was available on the website, and Mr. Kulick will be provided with a copy.

Ray Walsh, 26 North 17<sup>th</sup> Avenue - asked how many homes have been lost.

Mayor Onderko stated it was 163, however, there are other homes that have been abandoned, some since 1999.

Mr. Walsh commented that it may be time to merge our school system with another town, due to low numbers at graduation and to reduce taxes.

Mayor Onderko commented that Governor Christie is successful in the fairness formula, which will reduce our taxes.

Ty Klock, 198 East Camplain Road - made statements regarding the increase in his tax bill. He also stated he would rather see his tax bill increase slightly every year, than a large increase such as this.

Rudy Nowak, 100 Driscoll Street - stated he feels a Special Meeting should be called to adopt the budget, and that he is in favor of merging school systems. He stated that it was tried in the past, however, it was not met favorably.

Bill Titus, 600 Brooks Boulevard - asked whether commercial properties and businesses also received increases.

Mayor Onderko stated that the whole town was reassessed.

Mary Marsicano, 235 South 14<sup>th</sup> Avenue - questioned why Senior Citizens must pay school taxes if they don't have children in school. She asked if taxing renters was being

considered. She also mentioned that salary increases should not be given to employees.

Mayor Onderko stated that he has been reviewing past negotiations and raises given were 0%, 1% and 2% in the past contracts. He said they were very low, and will be low going forward. He also stated that he is going to be on a new committee with the Governor regarding the new school formula.

Natalia Isachenko, 707 Kennedy Boulevard - asked if the railroad makes any contributions toward the Borough. She also asked for rules and regulations for the railroad to make the residential area peaceful. She stated that she lives next to the railroad, and she doesn't think she should be paying such high taxes.

Jerzy Maziarz, 18 North Bank Street - asked what the plan was if the Borough did not receive Aid, and stated that he doesn't believe annual assessments will help us, since the market is still low and may go up.

Mayor Onderko stated that the way annual assessments were explained to him is that it reduces the amount of tax appeals that will be filed. He stated it will also give us the ability to reassess a section of town, due to a flood. He stated that by not entering into annual assessments it causes some problems because the last assessment was in 2006 at the peak of the real estate market and we waited 10 years to address the problem. He reiterated that residents who do not feel their market value was set correctly on their home have the right to appeal by April 1, 2017. He also stated that the State has committed to some State Aid, however, the figure has not yet been finalized. He stated that there will also be budget cuts. He also reiterated that this is why he got involved in politics, because he saw taxes increasing. He stated it will take time, but he will do his best to remedy it.

Ruth Slovik, 1321 Green Street - commented on her concern regarding the taxes and asked what everyone in the audience can do to help the situation.

Mayor Onderko stated that he values everyone's ideas. He stated that they have been trying to avoid hiring full-time workers. He also stated that the Municipal Budget is only one-third of the tax bill. He stated that the County had a very small increase.

Someone spoke from the audience (inaudible).

Mayor Onderko asked Dan Mason what the average tax increase was for a resident who did not appeal.

Mr. Mason stated it was \$171.47 for the Borough. School Board was \$245.49.

Councilwoman Camacho urged everyone to attend the next School Board meeting to voice their concerns. She asked when the next meeting was.

Councilwoman Asher stated that the first Tuesday of the month is an Agenda meeting, and the second Tuesday is the regular meeting.

Erich Nurnberger, 122 North 7<sup>th</sup> Avenue - stated that he's lived in the Borough for thirty years and his three kids did well in the school system. He asked how many Section 8 properties were bought out. He also mentioned abandoned homes, the water main replacements, and police on Main Street. He handed the Mayor a piece of paper containing his opinions on overspending and on municipal court.

Mayor Onderko stated that he is looking into vacant properties. The Mayor stated that we were losing money on hosting Municipal Court. He stated that we have saved over \$100,000 by merging our Court with Hillsborough, as Montgomery also did before us.

Mr. Nurnberger also commented on purchase of police cars, and police cars left running.

Chief Peltack addressed his comments.

Councilwoman Asher commented that even though our Court is now in Hillsborough, Manville still collects the fines.

Phil Amato, 210 North 4<sup>th</sup> Avenue - mentioned an abandoned home next to him and stated that he has attempted to purchase it and has been unable to contact anyone. He also commented regarding the loss of homes to buyouts.

Councilwoman Camacho commented regarding abandoned homes and stated that she has been working with the Zoning Officer and the Director of Public Works. She stated that as long as the bank is paying taxes, there isn't much that can be done. She also explained that banks sell loans to other banks, and it has to be tracked. She stated that it is not going unnoticed, however, there is a paper trail, and it must be done through the proper channels.

Mayor Onderko stated we are in the process of putting together an official abandoned homes list. He also stated there is recent legislation that confronts the abandoned homes problem.

Attorney Maciag stated that they will be putting together the official list, and it will give us the power to move faster on abandoned homes. He stated that if the bank is paying taxes it is more difficult, however, the State has ramped up the powers to give the town more options to go after abandoned homes.

Natalia Isachenko, 707 Kennedy Boulevard - stated that no one obeys the 25 mile per hour speed limit on Kennedy Boulevard.

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

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

All present were in favor.

Mayor Onderko introduced our new Business Administrator, Andrea Bierwirth. He welcomed her to Manville and stated that she is replacing Mr. Garwacke who retired in November. He wished her the best of luck.

Ms. Bierwirth stated she is looking forward to starting on July 11<sup>th</sup>. She thanked everyone for putting their trust in her. She stated she is looking forward to being a part of the team. She commended the residents for coming to the meeting and being a part of local government.

**CLOSED SESSION**

Mayor Onderko requested that the Clerk read the Closed Session Resolution.

Resolution #2016-120

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:

Proposed Resolution authorizing the negotiation of a new  
Rustic Mall Redevelopment Agreement and termination of  
the previous Agreement

Litigation involving 1005 Rabens Avenue

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 8:17 p.m.

Mayor Onderko called the meeting back to order at 8:57 p.m. He stated there are two additional Resolutions to adopt #2016-121, which authorizes the negotiation of a new Rustic Mall redevelopment agreement and termination of the 2006 agreement. He stated that the second Resolution is #2016-122 which authorizes the settlement of a potential litigation regarding property at Block 257, Lots 18 and 20, located behind the property located at 1005 Rabens Avenue.

Attorney Maciag stated there is a correction to #2016-122 at the top of the second page. He stated that the words "final figure" be changed to "sale price".

Mayor Onderko asked if anyone from the public wished to comment on the Resolutions.

When no one wished to comment, Mayor Onderko closed the public portion and requested a motion to adopt Resolution #2016-121.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2016-121.

Resolution #2016-121

**RESOLUTION OF THE BOROUGH OF MANVILLE, NEW JERSEY,  
AUTHORIZING THE NEGOTIATION OF A NEW**

**“RUSTIC MALL ” REDEVELOPMENT AGREEMENT,  
AND TERMINATION OF THE 2006 AGREEMENT**

WHEREAS, the Borough has held several meetings, and engaged in extensive communications, with “Rustic Mall LLC” and its professionals and; and  
WHEREAS, this Resolution is adopted further to the previously adopted Resolutions #2015-23, 2015-96, 2015-196, 2016-62 and 2016-87, extending time;  
WHEREAS, in communications with the attorney for Rustic Mall LLC, the parties have mutually acknowledged that the previous 2006 Redevelopment Agreement is no longer applicable in the current economic environment, and that the 2006 Redevelopment Plan no longer provides a viable template for redevelopment of the Rustic Mall; and  
WHEREAS, in a letter dated March 10, 2016, the Borough of Manville, by and through its attorney, advised the Rustic Mall LLC as follows:

**“New Redevelopment Agreement:** It is the Borough’s intent that the review of these issues result in an updated and newly executed Redevelopment Agreement between the Borough of Manville: and Rustic Mall, LLC. After ten years, I think all parties agree that the old agreement is now outdated and inconsistent with the present economic situation and applicable planning and redevelopment concerns”

and

WHEREAS, in a letter dated April 7, 2016 letter, Rustic Mall LLC, by and through its attorney, acknowledged same, stating:

**“New Redevelopment Agreement.** We concur that a new redevelopment agreement may be needed along with a new redevelopment plan. In fact, the latter is likely more important than the Agreement as we must reach a clear understanding regarding what my client will be able to build before incurring further expense attendant upon negotiating an amended agreement. I am not certain that anyone has the final version of the redevelopment plan notwithstanding requests to be provided with the final document. Nevertheless, as the discussions we have engaged in and the comments you provided confirm, the redevelopment plan no longer provides a viable template for redevelopment of the Rustic Mall.”

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

1. The prior Redevelopment Agreements between the Borough of Manville and Rustic Mall LLC, including but not limited to the agreement dated September 25, 2006, are hereby terminated;
  
2. The Borough of Manville hereby makes a determination that the revised concept plan presented by Rustic Mall LLC at the November 24, 2014, and such revisions as have been either formally or informally presented since that date, are not consistent with the Redevelopment Plan adopted by the Borough, the Redevelopment Agreement, and/or the Borough’s zoning ordinance; and

3. The Mayor, the Borough Administrator, the Borough Clerk, and Borough Attorney and Borough Redevelopment Attorney are hereby authorized to take such steps as area necessary to negotiate a new Redevelopment Agreement and Redevelopment Plan, subject to final review and approval by the Mayor & Council:

4. A copy of this Resolution shall be forwarded to the redeveloper through its legal counsel.

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

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

Mayor Onderko requested a motion to adopt Resolution #2016-122.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2016-122.

Resolution #2016-122

**RESOLUTION OF THE BOROUGH OF MANVILLE, NEW JERSEY,  
AUTHORIZING THE SETTLEMENT OF POTENTIAL LITIGATION  
INVOLVING PROPERTY AT BLOCK 257, LOTS 18-20,  
AS LOCATED BEHIND THE PROPERTY COMMONLY  
KNOWN AS 1005 RABENS AVENUE , MANVILLE , NJ**

WHEREAS, the Borough has acquired the Property in Question (the "PQ") at Block 257, Lots 18-20, by way of In Rem Tax Foreclosure in January 2016;

WHEREAS, the PQ constitutes the residential backyard of a residence located at Block 257, Lots 21-24; and

WHEREAS, the PQ is land-locked and has an in-ground swimming pool located on it, which pool belongs to the owner of the residence located at Block 257, Lots 21-24; and

WHEREAS, the owner of the PQ, together with the contract buyer for same, have advised the Borough that they are prepared to go to Court to file a Motion to Vacate the In Rem Tax Foreclosure Judgment in regard to the PQ; and

WHEREAS, it is in the best of interest of the Borough to resolve this matter without incurring the costs of litigation; to get the PQ back on the tax rolls; to avoid any possible liability exposure in regard to the swimming pool, and to collect all back-due property taxes as would be due on the PQ together with four quarters in advance, and the recovery of Borough professional fees;

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

- (1) The Mayor, the Borough Administrator, and the Borough Attorney are authorized to negotiate a settlement whereby the Borough will sell and transfer the property back

to the owner by way of a Quit-Claim Deed provided that the property-owner pays the sum of approximately \$4,947.59 with the final sale price to be determined by the Borough Tax Collector based on the payment of a sum equal to: **(a)** all past-due property taxes as calculated by the Borough Tax Collector; **(b)** paying four additional quarters of property taxes in advance; **(c)** reimbursing the Borough for the in rem tax foreclosure professional fees; **(d)** paying the Borough's closing costs for execution of the Quit-Claim Deed; and **(e)** deeming Block 257, Lots 21-24 and Block 257, Lots 18-20 to be merged as a single lot upon the granting of the Quit Claim Deed;

**(2)** The Mayor, the Borough Administrator, the Borough Clerk, the Borough Tax Assessor, and the Borough Attorney are hereby authorized to prepare and execute such documents as are necessary to effectuate the intent of this Resolution.

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

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

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

Council President Szabo, seconded by Councilwoman Asher, 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