

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
JULY 11, 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 JULY 11, 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  
ANDREA BIERWIRTH, BOROUGH ADMINISTRATOR  
NANCY KAGAN, ACTING 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 tragic attack on our law enforcement officers in Dallas and Michigan. He stated that we are a nation of laws and we need our law enforcement to protect us. He asked that everyone please remember them.

**APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of June 27, 2016  
Council President Szabo, seconded by Councilman Petrock, made a motion to approve the minutes of June 27, 2016.

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

Mayor Onderko announced that we would be deviating from the Agenda to welcome and swear in our new Borough Administrator, Andrea Bierwirth.

Attorney Maciag swore in Ms. Bierwirth.

## **PUBLIC PORTION ON RESOLUTIONS**

Mayor Onderko requested a motion to open the public portion on Resolutions #2016-123 through #2016-127.

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

Dean Shepard, P.O. Box 222 - Had questions regarding Resolution #2016-127 concerning the length of the contract.

Councilman Petrock stated that it was a one-year Contract, however, a three-year Contract has been recommended. He further stated that the Resolution was defeated at the last meeting, however, he has since had the opportunity to discuss the Contract and review alternatives. He noted that this Shared Services Contract was an important part of our application for Transitional Aid. He stated that to hire a bonded and insured cleaning service, they were presented with a proposal in the amount of \$64,000 by S&G Cleaning.

Mayor Onderko added that the School Board increase was under the 2% cap, however, it will amount to a \$246 increase based on an average home, however, for the Municipality the increase may be as low as \$6.

Mr. Shepard noted that we cannot tell the School Board how to spend their money, and stated that the Borough picks up the garbage for the schools.

Mayor Onderko noted that the Borough listed this Contract as a Shared Service on their Transitional Aid application, and failure to renew the Contract could jeopardize our application.

A discussion was held regarding the value of the Agreement between the parties and the status of the Transitional Aid.

When no one from the public 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.

**RESOLUTION (TO BE TAKEN SEPARATELY)**

Mayor Onderko requested a motion to adopt Resolution #2016-123.

Councilwoman Asher, seconded by Council President Szabo, made a motion to adopt Resolution #2016-123.

Resolution #2016-123

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

1. Current	\$ 1,352,878.04
2. Water/Sewer Utility	\$ 570.00
3. General Capital	\$ 379.68
4. Recreation Trust	\$ 6,941.59
5. Other Trust	\$ 540.00
6. Dedicated Dog	\$
7. Housing Trust	\$
<b>Total</b>	<b>\$ 1,361,309.31</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 stated that Resolution #2016-127 would be taken separately and asked if any Council Member would like to take any other Resolution separately.

Councilwoman Camacho, seconded by Councilman Kassick, made a motion to pull Resolution #2016-127 back to Committee.

Councilwoman Camacho asked Attorney Maciag why a defeated Resolution was brought back without going back to the Committee.

Mayor Onderko requested a Roll Call on the motion to pull the Resolution.

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

Attorney Maciag explained that the prevailing side of the votes for a defeated Resolution can make a motion to bring it back up again. He clarified that if someone voted on the winning side, which was no, as Councilman Petrock did, can bring a motion to revisit the Resolution.

Councilwoman Magnani asked where it is written that the Borough could jeopardize our Transitional Aid application if the Shared Services are cancelled.

Mayor Onderko stated that it is in the Aid Application.

Mayor Onderko requested a motion to adopt Resolutions #2016-124 through #2016-126

Councilwoman Asher, seconded by Councilman Petrock, made a motion to adopt Resolutions #2016-124 through #2016-126.

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

Resolution #2016-124

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</b>	<b>Account Number</b>	<b>Amount</b>
Telephone	6-01-31-440-020	\$10,000.00
Water	6-01-31-447-020	\$3,000.00
<b>Total</b>		<b>\$13,000.00</b>

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-125

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
Bryce Forke	Sports Instructor	7-12-16 to 9-2-16	\$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 #2016-126

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
245	21	Bittler, David	\$ 548.24	John Palumbo
118	50	Braulio Carbajal	\$ 984.61	PC 4 & Crdtrs
116	11	Frana, George	\$ 24,799.22	FWDSL & Associates
85	22	Simoncelli, A	\$ 14,279.06	Phoenix
36	25	Wright, F & N	\$ 783.78	PC 4 & Crdtrs

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

ALL PRESENT IN FAVOR PER ROLL CALL

Attorney Maciag stated that the motion to adopt Resolution #2016-127 must be made by a Council Member that was on the prevailing side to defeat it previously.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Resolution #2016-127.

Resolution #2016-127

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: ASHER, PETROCK, SZABO, ONDERKO  
                  NAYES:       CAMACHO, KASSICK, MAGNANI

Mayor Onderko stated that it was a value Agreement that was good for the Borough and our Aid Application depends on it.

#### **OFFICIAL REPORTS**

Mayor Onderko stated that the following reports will be placed on file in the Clerk's Office:

- A/     Police Department Report - June, 2016
- B/     Fire Department Report - May, 2016
- C/     Board of Health Report - Animal Control, June, 2016
- D/     Board of Health Report - Registrar, June, 2016
- E/     Board of Health Report - General, June, 2016
- F/     Clerk's Report - June, 2016

#### **NEW BUSINESS**

- A/     Renewal of Amusement Device License - VFW

Mayor Onderko requested a motion to approve the Amusement Device License renewal for the VFW.

All present were in favor.

#### **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Councilman Petrock, as Chairman of the Finance Committee stated that he has been diligently reviewing the budget to reduce the Municipal portion as much as possible. He

stated that he has reviewed the Budget with Mr. Shannon and Mr. Mason. He stated that some Departments are being cut as much as 10%.

Mayor Onderko added that for the last two years we have been losing revenue and corrective action is being taken. He stated he is proud of the Council, the leadership, and the employees who have tried to rein in spending. He stated that Manville's situation is not normal, and that's why we applied for Transitional Aid. He stated that the biggest goal he has is to stabilize property taxes first, and then work to lower them. He stated he knows some people will not believe it is possible, but he believes it is, and we will work toward that goal. He stated he remains optimistic, and he prays Governor Christie will be able to get the fairness formula to change school funding.

Councilwoman Camacho stated that the Finance Committee as a whole has not met, and asked why Councilman Petrock was having meetings without the full Committee.

Councilman Petrock stated that the meetings were impromptu to fit into his schedule, and he has been working as the Chairman to provide information to the entire Committee.

Mayor Onderko stated that there will be a meeting in the near future once the work on the budget is completed.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they have not met, but she is looking forward to meeting with the new Administrator. She will be setting up a meeting soon. She made a statement saying that when she was elected, she promised to do whatever was needed to improve the condition of this town. She stated that the taxpayers of this Borough are her first and only priority. She stated that she is trying to break the cycle of destructive financial decisions made in the past.

Councilwoman Magnani, Chairperson of the Public Works Committee reported that they did not meet, however she has spoken to Director LoMedico. She stated that permanent blacktop repairs are being made; the pools are open and operating well; there was an issue with summer classes for the kids that started late and the kids were unruly and asked that they talk about that. She further reported that PSE&G is replacing gas mains, and no final paving will be done until it is completely finished. She asked that residents be patient until the job is complete. She reported that they have been working on Garry Street, Rabens Avenue, and Fable Avenue. She further reported that sidewalk work is being done on North 6<sup>th</sup> and Knopf, North 5<sup>th</sup> and Louis, North 4<sup>th</sup> and Louis, North 6<sup>th</sup> and Brooks, North 5<sup>th</sup> and Brooks, and North 3<sup>rd</sup> and Brooks. She stated that this work is funded by a grant through the CDBG program, and only certain areas are eligible. She further reported that the garbage cans are being replaced in the parks, and the DPW has been taken care of the janitorial services pending the passing of the Shared Services Agreement with the Board of Ed. She also reported that she attended the Public Safety Committee meeting. She also reported receiving a letter from a taxpayer regarding a property on East Frech that has been neglected. She stated that the owners will be contacted to clean up the property.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that he has been working along with Walt Wilczek, Property Maintenance Officer, who has been putting together a list of abandoned and empty properties. He stated that 70 properties have been identified as abandoned, as follows:

11 on the Northside  
15 on the Southside  
4 on Gladys Avenue  
Claremont is clean  
5 in Big Weston  
1 in Little Weston  
33 in Lost Valley

He further reported that he was presented with a Resolution for his Committee to review regarding abandoned properties. He also reported that he attended the Progress and Development meeting to discuss yearly assessments.

Councilwoman Asher, as Chairperson of the Public Safety Committee reported that they had an intense meeting with the Rescue Squad Chief regarding the SASSA Agreement which will expire in December. She stated that they are looking for a way to have the Rescue Squad cover the Borough 24/7. She stated that at this time, we are covered by Robert Wood Johnson Medical Center and the calls go to a mid-central location in East Brunswick. She stated that they have vehicles parked in Manville that can be used here or elsewhere. She stated that our Rescue Squad has 35 members, of which 22 are EMT's. She reported that they cover the Borough from 6 p.m. to 6 a.m. weekdays and all weekends. She stated that the Squad purchased their own ambulance, and they currently have two ambulances and one crash truck. She stated that the Committee will be looking to ways to obtain funds from the large businesses in town to purchase another ambulance in the cost range of \$200,000. She stated they are also looking into the possibility of leasing. She stated that they are willing and able to cover the Borough on a 24/7 basis. She stated that the Committee is on board for this, however, they just need to find funding for the ambulance. She would like the rest of the Council and the Mayor to meet with Chief Kohler to discuss this prior to August 15<sup>th</sup>, when SASSA has requested a response. She reminded everyone that the Squad covers every Police call in the Borough, as well as every Fire call, every football game, community events, carnivals, church events, school events, fundraisers, and Community Day. She stated they are all volunteers, and they are not paid by the Borough but through patient insurance. She noted that if an uninsured patient is taken to the hospital, the Squad does not collect any money. She stated that they are a nonprofit organization due to their constant training. She stated it is a big decision that will be coming up next month. As Liaison to the Recreation Committee she reported that the camps are well under way with softball, baseball and basketball camps. She further reported that the Library will be sponsoring Life Size Games on July 27<sup>th</sup> for 4 to 12 year olds. She stated that Basic Computer Programming for 11 to 13 year olds will also be held, and for the first time the Exit Row Band will be playing at Memorial Pool on July 30<sup>th</sup> from 1 p.m. to 3 p.m.

Council President Szabo, Chairman of the Progress and Development Committee reported that they met on July 5<sup>th</sup>, and he spoke to our Assessor, Glenn Stives, prior to the meeting. He stated they discussed year reassessments of the town, which would occur in one section of four sections every year. He stated this would provide more time for appeals, save money, and would follow real estate values. He stated that there are already 15 municipalities that are taking advantage of this program. He stated that the Committee is in favor of this, and they request a Resolution for the next meeting. He further reported that he would like his Committee to review the Resolution regarding abandoned properties. He also reported that the VFW will be holding a Korean War Memorial Services on Wednesday, July 27<sup>th</sup> at 7:00.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

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

All present were in favor.

Attorney Maciag set forth the rules for Public Portion.

Venis Patel, 519 West Camplain Road - stated that she managed the property at that location, and she purchased the property last year for \$225,000, and it has recently been assessed at \$650,000. She stated that her taxes have gone from \$9,000 to \$20,000 per year. She stated that she tried to speak with the company that performed the reassessment, however, she has received no response. She also stated that she spoke with the Assessor would recommended she speak with the Mayor and Council.

Mayor Onderko stated that he will follow-up the Assessor and contact Ms. Patel. He further stated that he is concerned about small businesses who have received high increases on their taxes. He stated he is trying to ascertain how the calculation was derived, since big businesses did not receive a high increase.

Dean Shepard, P.O. Box 222 - had questions about SASSA and who administered the program.

Mayor Onderko stated that the Borough is the lead agency, and the Agreement goes back to 2002 or 2003. He stated that the Agreement provides daytime Ambulance coverage and is revisited every 3 years. He stated that response time reports are provided to him, now that Mr. Garwacke has retired. He stated that along with Manville as the lead agency, there are three other towns who are a part of the Agreement: Raritan, Bridgewater, and South Bound Brook.

Mr. Shepard asked who administrates the program and how much they are paid.

Mayor Onderko stated that in the early days, the Municipalities contributed a fee, however, now there is no fee as insurance companies are billed. He also stated that it may be too early to make a decision on this Agreement. He stated that he will be looking into the numbers.

Mr. Shepard also commented that the Borough did assist in the payment of the crash truck.

Mayor Onderko stated that under Title 40, there is only so much money a municipality can give to a Rescue Squad. He stated that we currently give them an \$8,000 stipend, along with covering their insurance which is somewhere around \$32,000-\$40,000.

Mr. Shepard commented that they use the \$8,000 for building expenses and fundraise for other expenses.

A discussion was held between Mr. Shepard, Councilwoman Asher, and Councilman Szabo regarding a vote in this matter that occurred previously.

Mayor Onderko stated that it is very early in the process, and the Borough needs to investigate this further before a decision is made.

Mr. Shepard asked if Jersey Professional Management is involved.

Mayor Onderko stated that they were involved in drawing up the Contract.

Councilwoman Asher stated that Jersey Professional has requested that the towns let them know by August 15<sup>th</sup> whether they would like to continue the Contract.

Mayor Onderko stated that we cannot make that determination until they see a Contract or review bids to determine costs.

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

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

All present were in favor.

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 7:56 p.m.

ATTEST:

Nancy Kagan  
Acting Borough Clerk