

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
AUGUST 8, 2016**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON AUGUST 8, 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 L. BIERWIRTH, BOROUGH ADMINISTRATOR
PATRICIA A. ZAMORSKI, BOROUGH CLERK
MARK PELTACK, CHIEF OF POLICE

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

PRESENTATION BY ROBERT VANCE, SOMERSET COUNTY TAX BOARD

Robert Vance, Administrator of the Somerset County Tax Board, gave a presentation regarding the recent property revaluation. Mr. Vance had hand-outs for residents. He explained the duties of the Tax Administrator, Tax Assessors, and Mayor and Council and stated how important reassessments are. He also discussed the importance of annual reassessments and how they would benefit the Borough of Manville.

He also explained the impact that the tax appeals in the Borough had on the Borough's budget.

Mr. Vance asked if anyone had any questions.

Mayor Onderko stated that a few residents had come to him and stated that they didn't want to let the assessor enter their home and asked if that was a detriment to the homeowner.

Mr. Vance stated that the homeowner has the right to refuse entry to the assessor, however, the assessor cannot obtain an accurate assessment without entering the home. He added that if the homeowner does not allow the assessor entry, they can only assume that the home has new and upgraded rooms. He added that the Tax Board will not hear appeals from homeowners who did not let the assessor in the home.

Mayor Onderko asked if a homeowner did not allow the assessor to enter the property, can they now correct any assumptions made?

Mr. Vance stated that they can see the Assessor, but he will have to then make an inspection of the property.

Mayor Onderko opened the questions to Mr. Vance to the public in the audience.

Trudy Klock, 198 East Camplain Road - stated that they called the assessor to make an appointment for the inspection, however, they never showed up.

Ty Klock, 198 East Camplain Road - explained that he spoke to the Tax Assessor and he stated that the assessment that was made was close to being correct. Mr. Klock stated that he was shocked by how much higher it was.

Mr. Vance explained that the assessment can be adjusted for 2017, but not for 2016.

Louise Niecikowski, 24 North 18th Avenue - stated that her assessed value was lowered, however, her taxes were higher. She stated she is on a fixed income, and she doesn't believe that residents' taxes should be increased for property improvements.

Bill Warcola, 236 South Main Street - stated that he found several discrepancies with his property and other properties. He asked if Mr. Vance's office checks the assessments for correctness.

Richard Norway, 112 King Street - stated that the house next door is the same as his, however, it was assessed much lower.

Scott McCloud, 1350 Louis Street - stated that his taxes went up \$700. Complained that the taxpayers are footing the bill for all the buyouts.

Tom (inaudible), - stated that no one will be able to afford the taxes.

Maria Janucik, 720 East Frech Avenue- asked who authorized the buyouts, and if there was a plan to make up the difference in taxes.

Venis Patel, 519 West Camplain Road - stated that her property was assessed at \$650,000, however she purchased it for \$225,000 last year.

Ray Walsh, 26 North 17th Avenue - mentioned that he attended the School Board meeting, and the biggest burden on the community is the school tax.

Mark Kot, 317 North 6th Avenue - discussed the buyouts, how the Borough can recover from the loss of homes, and suggested raising homes rather than demolishing. He asked if the Mayor and Council had a plan on how to avoid future increases.

Trudy Klock, 198 East Camplain Road - stated that she is paying \$12,000 per year in taxes and commented about businesses and high rents. She stated that businesses will move out.

Christine Pasinski, 1809 West Camplain Road - stated that her assessment was lowered, however, her taxes went up.

Council President Szabo stated that residents should go to School Board meetings.

Martin Zala, 329 Huff Avenue - expressed his concerns over the high taxes and high cost of government. He stated that the residents cannot afford the taxes.

Maria Janucik, 720 East Frech Avenue - stated that Manville's Tax Attorney is Martin Allen from Senator Bateman's law firm. She stated that he is our District 16 Senator and should be working for us. His law firm is opposing our tax appeals, and it is a conflict of interest and it is illegal.

Attorney Maciag stated that it is legal, and the firm represents several New Jersey municipalities.

Ed Komoroski, 300 West Frech Avenue - had questions regarding annual reassessments and asked if it would hurt home sellers. He also asked about future buyouts.

Mayor Onderko stated that we have applied for a few more that have been deemed Severe Repetitive Loss or Repetitive Loss, and he stated there were about 15 more which will not be bought out for another two years.

Bill Warcola, had questions regarding how often revaluations should be done, as well as updating tax maps. He also asked about the Tax Assessor.

Maria Janucik, 720 East Frech Avenue - asked if Manville will be performing annual reassessments.

Mayor Onderko stated that he believes it would be the best for the town, but we will be delaying it for one year.

Louisa Niecikowski, 24 North 18th Avenue - questioned if large businesses are paying their fair share.

Mayor Onderko and Mr. Vance address everyone's comments and questions.

Mayor Onderko thanked Mr. Vance for his time, and requested a five-minute recess.

Councilwoman Camacho, seconded by Councilwoman Magnani, made a motion for a five-minute recess.

All present were in favor.

Mayor Onderko called the meeting back to order at 8:58 p.m.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of July 11, 2016

Councilman Petrock, seconded by Council President Szabo, made a motion to approve the minutes of July 11, 2016.

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 #2016-1173.

Council President Szabo, seconded by Councilman Kassick, made a motion to introduce Ordinance #2016-1173.

Ordinance #2016-1173

**AN ORDINANCE OF THE BOROUGH OF MANVILLE, NEW JERSEY,
TO PROVIDE FOR REGISTRATION OF VACANT AND ABANDONED
PROPERTIES IN THE BOROUGH OF MANVILLE , THE CREATION OF A
BOROUGH ABANDONED PROPERTIES LIST (N.J.S.A. 55:19-54 et seq.),
AND THE ADOPTION OF THE NEW JERSEY ABANDONED PROPERTY
REHABILITATION ACT (N.J.S.A. 55:19-78 et seq.)**

WHEREAS, the Borough finds that vacant and abandoned properties can lead to neighborhood decline and become attractive nuisances causing the Borough to incur significant costs in the form of staff time for code enforcement actions seeking to maintain and ensure the acceptable condition of these properties; and

WHEREAS, vacant and abandoned properties act as a significant financial drain on municipalities requiring a disproportionate amount of municipal resources while providing minimal ratables; and

WHEREAS, studies have indicated that vacant and abandoned properties can have a high correlation of incidents of crime, and

WHEREAS, the National Vacant Properties Campaign shows that vacant properties are an increasing expense with every year that a property remains vacant or abandoned as such vacant properties produce minimal tax ratables and require significant time, attention and funds from departments such as nuisance abatement, crime, fire prevention and an overall decrease in neighboring property values; and

WHEREAS, vacant and abandoned properties are a strain on the resources of local Police, Fire, Building and Health Departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life for remaining residents, and

WHEREAS, taxpayers who take care of their homes and properties should not have to subsidize these properties and, accordingly, a registration fee should be assessed to cover such costs; and

WHEREAS, it is necessary to take steps to monitor such properties and to protect Borough residents; and

WHEREAS, it is in the public interest for the Borough to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures.

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

SECTION 1.A. The Borough of Manville: **(1)** hereby authorizes the creation of The Borough of Manville Abandoned Properties List (N.J.S.A. 55:19-55); and **(2)** hereby adopts the New Jersey Abandoned Property Rehabilitation Act (N.J.S.A. 55:19-78 et seq.) and further ordains as follows:

SECTION 1. B. DEFINITIONS

As used in this section, the following terms shall have the meanings indicated:

“Abandoned Property ”

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., “Abandoned Property” shall mean the following:

- (1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83, which provides for certain exceptions such as where a property is in seasonal use, or for properties here a tax sale certificate holder is properly maintaining the property), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Public Officer that:
 - (a) The property is in need of rehabilitation in the reasonable judgment of the Public Officer, and no rehabilitation has taken place during that six-month period;
 - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Public Officer pursuant to this section;

- (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Public Officer pursuant to this section; or
 - (d) The property has been determined to be a nuisance by the Public Officer in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Public Officer and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection 8.1

“Evidence of Vacancy ”

- (1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects, vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.
- (2) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

“Owner”

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, §17), or any other entity determined by the Borough of Manville to act with respect to the property.

“Public Officer ”

Shall mean the Manville Construction Code Official or such other person who may be designated or appointed by the municipal governing body pursuant to N.J.S.A. 40:48-2.5 et seq.

“Vacant Property ”

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial or industrial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe

that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

SECTION 2 - REGISTRATION OF VACANT OR ABANDONED PROPERTIES
SECTION 2.A REGISTRATION REQUIREMENTS FOR VACANT PROPERTIES

- (1) The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Manville on forms provided by the Borough of Manville for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Subsection 4 of this section for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- (2) Any owner of any building that meets the definition of "vacant property" prior to adoption date, shall file a registration statement for that property on or before adoption date plus 60 days. The registration statement shall include the information required under Section 3(2) of this Ordinance, as well as any additional information that the Public Officer or Borough Administrator may reasonably require.
- (3) The owner shall notify the Borough of Manville within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Manville for such purpose.
- (4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Manville against the owner or owners of the building.

SECTION 2.B

CREATION OF ABANDONED PROPERTIES LIST - IDENTIFICATION OF ABANDONED PROPERTIES BY THE PUBLIC OFFICER, REGARDLESS OF WHETHER OWNER OR AGENT HAS REGISTERED SAME.

- (1) The Public Officer is hereby directed to identify abandoned properties within the Borough, place said properties on the Borough of Manville Abandoned Properties List to be established by the public officer as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as amended, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law. The Public Officer may add properties to the list at any time.
 - (a). The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the municipality, which publication shall constitute public notice and, within 10 days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if

known, the tax lot and block number and street address. The Public Officer, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection d. of R.S.54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in section 5 of P.L.1942, c.112 (C.40:48-2.7). The mailed notice shall indicate the factual basis for the Public Officer's finding that the property is abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54) and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Public Officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situate. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the municipality as plaintiff, as though an action had been commenced by the municipality against the owner.

(b). The Public Officer, within ten days of the establishment of the abandoned property list, or any additions thereto, shall send by regular mail, facsimile or electronic mail, a copy of the abandoned property list to the electric and gas utilities serving the municipality.

(c). An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to subsection b. of this section by appealing that determination to the Public Officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the Public Officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Public Officer shall accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice pursuant to subsection d. of this section, the Public Officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited to photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54). The Public Officer shall decide any timely filed appeal within 10 days of the hearing on the appeal

and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

- (d). The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to subsection (c) of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the Public Officer pursuant to subsection e. of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in section 35 of P.L.1996, c.62 (C.55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- (e). The Public Officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- (f). The abandoned property list shall become effective, and the municipality shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal brought by the property owner.

SECTION 2.C

ANY BOROUGH RESIDENT, BUSINESS OWNER, OR OTHER INTERESTED PARTY MAY MAKE A WRITTEN REQUEST THAT A PROPERTY BE ADDED TO THE ABANDONED PROPERTIES LIST

(1) Any interested party may submit a written request to the Borough Administrator and the Public Officer asserting that any property within the Borough of Manville should be included on the Borough of Manville Abandoned Properties List. Said written request must specify the street address and block and lot number of the property to be included and the grounds for its inclusion. Within 30 days of receipt of any such request, the Public Officer shall provide a written response to the party, either indicating that the property will be added to the Abandoned Properties List or, if not, the reasons for not adding the property to the list. For the purposes of this section, the term "Interested Party" shall include any resident of the Borough of Manville, any owner or operator of a business within the Borough of Manville, or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

SECTION 2.D

REQUEST FOR REMOVAL OF A PROPERTY FROM THE ABANDONED PROPERTIES LIST .

(1) Pursuant to N.J.S.A. 55:19-103, If a property, which an entity other than the municipality has purchased or taken assignment from the municipality of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all municipal taxes and liens, including but not

limited to the liens set forth in this Ordinance, due on the property- within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list

(2) Any property owner may request removal of said owner's property from the Abandoned Properties List **(a)** by paying all taxes and Township liens due, including interest and penalties; and **(b)** by either: **(i)** demonstrating to the satisfaction of the Borough Administrator and the Public Officer that the property no longer meets the definition of "Abandoned Property" as set forth herein; or **(ii)** by posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the Borough Administrator and Borough Engineer, stating that the cash or bond adequately covers the cost of the cleanup

(3) Provided however, that where the Public Officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation activity on the property, the Borough Administrator may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.

(4) If the Public Officer denies a property owner's written request for removal of a property from the abandoned property list, the property owner may proceed under Section 2.B.(1)(c) through 2.B(1)(e) of this Ordinance.

(5) Prior to the removal any property from the Abandoned Properties List any Interested Party who has previously filed a written request as to such property shall be provided seven (7) days written mailed notice by the Public Officer of the pending removal. That Interested Party or any other Interested Party may make a written Objection to Removal, and request for a hearing regarding the inclusion of a property on the abandoned property list. Upon written request by such objector party, the Borough Clerk shall provide that party with at least 20 days' notice of any such hearing. The party shall provide the Borough Clerk with notice at least 10 days before the hearing of its intention to participate and the nature of the testimony or other information that it proposes to submit at the hearing.

SECTION 3. REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION ; DESIGNATION OF OWNER 'S AGENT

(1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough of Manville Public Officer if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Manville.

(2) The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such

owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.

(3) An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.

(4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Manville of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

(5) Any owner who fails to register vacant or abandoned property under the provisions of this Ordinance shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce this Ordinance or other ordinance or code provisions concerning the property.

SECTION 4. FEE SCHEDULE

Registration shall be due and payable to the Borough of Manville as follows:

These registration fees shall be assessed for each Building, in the case of a property containing structures. The intent of this section is that a lot and block containing several separate structures shall owe a registration fee for each structure, provided that a detached one or two car garage, appurtenant to a residential property, shall not be deemed a separate structure.

These registration fees shall be assessed for each Lot & Block, in the case of a vacant property.

The Initial Registration Fee shall be \$1,500. The fee for the first annual renewal shall be \$3,000. The fee for the second annual renewal, and each succeeding annual renewal shall be \$5,000. Fees shall be due on or before January 15 of each year. The Initial fee shall be prorated according to the month of registration, but the full second annual renewal fee shall be due on the next succeeding January 15th. Renewal fees shall be credited when a property becomes legally occupied during a renewal period. Expressed in chart form, these fees shall be as follows:

Vacant and Abandoned Property Registration Fee Schedule:

Initial Registration Fee (pro-rated if less than a full year):	\$ 1,500
First Annual Renewal Fee (next January 15th):	\$ 3,000
Each Additional Annual Renewal (Jan . 15th each year):	\$ 5,000 per year

Any and all fees due but unpaid under this section shall be recoverable from the owner and shall constitute a lien on the property in favor of the Borough of Manville.

SECTION 5.A: REQUIREMENTS AND RESPONSIBILITIES OF OWNERS OF VACANT AND ABANDONED PROPERTY

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

- (1) Shall post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 3(2) of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in a window location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
- (2) Shall enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Manville and maintain the sign required in Subsection 5(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- (3) Shall make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Manville; and
- (4) Shall make provision for the cessation of the delivery of mail, newspapers and circulars to the property; and
- (5) Shall make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
- (6) Shall make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
- (7) Shall make provision for the regular maintenance of the exterior of the property, by ensuring that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well-maintained and free from trash, debris, loose litter, and gross and weed growth; and shall continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign required in Section 5(1) of this Ordinance is visible and intact until the building is again occupied, demolished, or until repair and/or the abolishment of the building is complete.

SECTION 5.B: REQUIREMENTS AND RESPONSIBILITIES OF CREDITORS OF VACANT AND ABANDONED PROPERTY

A. Pursuant to N.J.S.A. 40:48-2.12s, as amended, a creditor filing a summons and complaint in an action to foreclose a vacant or abandoned property shall be responsible for the care, maintenance, security and upkeep of the vacant and abandoned property, and if located out of State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor:

(1) The creditor serving a summons and complaint in an action to foreclose a vacant or abandoned property shall, within 10 days of serving the summons and complaint, notify the Borough Clerk that an action to foreclose has been filed against the subject property and shall provide the full contact information of the in-State agent or representative or agent in the notice to foreclose, stating who is responsible for receiving complaints of property maintenance or code violations.

(2) Within 30 days after the adoption of this Ordinance, any creditor that has previously initiated a foreclosure proceeding which is pending in the Superior Court shall provide to the Borough with a notice detailing all properties in the Borough for which the creditor has foreclosure actions pending, including all information required in the foregoing paragraphs.

(3) In the event the Borough expends funds to abate a nuisance or correct a violation on vacant and abandoned properties in which the creditor was given notice but failed to abate or correct the violation, the Borough shall have the same recourse against the creditor as it would have against the title owner of the property.

(4) An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

(5) Any creditor subject to this ordinance (regardless of whether same is an in-state or an out-of-state creditor), found by the municipal court or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this ordinance shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.

(6) The Public Officer or Borough Code Enforcement Office and officers are hereby authorized to issue a notice of violation to the creditor filing a summons and complaint in an action to foreclose a vacant or abandoned property if the officer determines that the creditor has violated the ordinance by failing the ordinance by failing to provide for the care, maintenance, security and upkeep of the vacant and abandoned property. Such notices shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice pursuant to this paragraph shall constitute proof that a property is "vacant and abandoned".

(7) No less than 20 percent of any money collected pursuant to this subsection shall be utilized by the municipality for municipal code enforcement purposes.

SECTION 6. ADMINISTRATION

The Mayor and Council of the Borough of Manville, as the governing body for the municipality, shall issue rules and regulations for the administration of the provisions of this section.

SECTION 7. VIOLATIONS AND PENALTIES

(1) In addition to the other penalties and registration fees set forth herein,. any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall, upon an action brought by the Borough of Manville in Municipal Court, be subject to a fine of not less than \$200 per day and not more than \$1,000 per day for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.

(2) For purposes of this section, failure to comply file a registration statement in time, failure to provide correct information on the registration statement, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this ordinance.

(3) The Borough shall have recourse against any other assets of the owner of an abandoned property, including but not limited to other real property owned by said owner and located in the Borough of Manville to recover funds spent by the Borough for repairs, boarding or demolition of the property under nuisance abatement law.

SECTION 8. COMPLIANCE WITH OTHER PROVISIONS

(1) Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough of Manville from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Ordinances or Code of the Borough of Manville and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

(2) All ordinances or parts of ordinances of the Borough of Manville inconsistent herewith are repealed to the extent of such inconsistency.

(3) If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 9. EFFECTIVE DATE

This Ordinance shall become effective ten (10) days following the final adoption thereof by the Mayor and Council of the Borough of Manville and shall be published as required by law.

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 #2016-128 through #2016-141.

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

Maria Janucik, 720 East Frech Avenue - commented that when she arrived there were no more handouts.

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

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

All present were in favor.

RESOLUTION (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2016-128.

Council President Szabo, seconded by Councilman Kassick, made a motion to adopt Resolution #2016-128.

Resolution #2016-128

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

1. Current	\$ 9,778.64
2. Water/Sewer Utility	\$ 521.71
3. General Capital	\$ 02.78
4. Recreation Trust	\$ 1.91
5. Other Trust	\$ 58.16
6. Dedicated Dog	\$
7. Housing Trust	\$
Total	\$ 0,703.20

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 asked if any Council member would like to take any Resolution separately.

Councilwoman Camacho asked if Resolution #2016-136 was for Contract Negotiations.

Mayor Onderko stated it was for the continuation of the agreement for Temporary Administrator and for bills that have not yet been paid.

Mayor Onderko requested a motion to adopt Resolutions #2016-129 through #2016-141.

Councilwoman Asher, seconded by Councilman Kassick, made a motion to adopt Resolutions #2016-129 through #2016-141.

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

Resolution #2016-129

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1 and the adoption of the annual budget; and
WHEREAS, 26.25% of the total appropriations for the year 2015, exclusive of Public Assistance, Municipal Debt, and Capital Improvement Fund is \$3,105,300.61.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville that the following appropriations shall be added to the Temporary Budget for the year 2016:

Account Name	Account Type	Amount
Administrative & Executive	O/E	\$13,000.00
Mayor & Council	O/E	\$500.00
Assessment of Taxes O/S Cap	S&W	\$58,672.88
	O/E	\$10,000.00
Collection of Taxes	O/E	\$1,500.00
Legal Services	O/E	\$20,000.00
Public Buildings & Grounds	O/E	\$4,000.00
Planning Board	O/E	\$3,000.00
Group Insurance for Employees	O/E	\$62,000.00
Other Insurance Premiums	O/E	\$6,000.00
Police Department	S&W	\$500,000.00
	O/E	\$10,000.00
Public Works Department	S&W	\$100,000.00
	O/E	\$50,000.00
Department of Health	S&W	\$10,000.00
	O/E	\$1,000.00
Recreation	S&W	\$40,000.00
	O/E	\$5,000.00
Uniform Fire Safety Act	S&W	\$7,000.00
	O/E	\$1,350.00

Uniform Construction Code	O/E	\$200.00
First Aid Insurance Payment	O/E	\$8,000.00
Utilities - Electricity	O/E	\$20,000.00
Utilities - Postage	O/E	\$3,000.00
Utilities - Telephone	O/E	\$24,000.00
Utilities - Street Lighting	O/E	\$45,000.00
Utilities - Fire Hydrant Service	O/E	\$84,000.00
Utilities - Water	O/E	\$2,000.00
Health Services Contract - County	O/E	\$16,000.00
Animal Control Contract	O/E	\$5,603.00
Total		\$1,110,825.88

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-130

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:

Address	Block	Lot
283-285 South Main Street	151	3
12 Liberty Street	307	20

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 #2016-131

WHEREAS, a request for a refund of permit fees has been received from Wendy Liu of Zian, LLC for a certificate of occupancy inspection for premises located at 619 Boesel Avenue; and

WHEREAS, the transaction for the purchase of that property has been terminated; and

WHEREAS, the total amount of fees paid for the certificate of occupancy is \$95.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Wendy Liu of Zian, LLC is hereby granted a refund of the permit in the amount of \$95.00, 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 #2016-132

WHEREAS, an application has been filed for the extension of the Plenary Retail Consumption License 1811-33-022-002 to Thomas C. Trojanowski, Executor of the Estate of Agnes Trojanowski, sole proprietor owner of the license; and

WHEREAS, the submitted application form is complete in all respects, including proof of appointment to act as Executor.

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 hereby approve, effective nunc pro tunc to June 30, 2016, the extension of the aforesaid Plenary Retail Consumption License to Thomas C. Trojanowski, Executor of the Estate of Agnes Trojanowski, to conduct business under the privileges, terms, and conditions of the license as Thomas C. Trojanowski, Executor of the Estate of Agnes Trojanowski, for the benefit of the estate until such time as the license may be transferred in compliance therewith and directs the Borough Clerk to endorse the License Certificate as follows”
“This license is hereby extended, subject to all its terms and conditions, to Thomas C. Trojanowski, Executor of the Estate of Agnes Trojanowski, nunc pro tunc to June 30, 2016.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-133

WHEREAS, an application was filed for renewal of a Plenary Retail Consumption License for Thomas C. Trojanowski, as Executor of the Estate of Agnes Trojanowski d/b/a Chester House, license number 1811-33-022-002 located at 1 North Main Street, Manville, New Jersey; and

WHEREAS, by Resolution #2016- , Thomas C. Trojanowski has been confirmed as Executor of the Estate of Agnes Trojanowski d/b/a Chester House; and

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 the license renewal of Thomas C. Trojanowski, Executor of the Estate of Agnes Trojanowski, d/b/a Chester House, 1 North Main Street, Manville, New Jersey, with the terms and conditions set forth herein for the licensed premises, and place the seal of the Borough of Manville upon said license and to affix 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 #2016-134

WHEREAS, several real property tax payers have overpaid their real property taxes 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
261	70	Community Hope	\$3,142.10	2016	1 st /2 nd

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-135

**SUPPORTING H.R. 814 KNOWN AS THE
“THIN BLUE LINE ACT ”**

WHEREAS, Police Officers, Firefighters, Correction Officers, and First Responders ensure the public safety and protection of citizens and place their lives on the line while performing their duties; and

WHEREAS, Congressman David W. Jolly (R-Florida) introduced H.R. 814, known as the “Thin Blue Line Act” on February 9, 2016 that amends Section 3592(c) title 18 of the United States Code; and

WHEREAS, the legislation provides that the killing of Law Enforcement Officers, Firefighters, Prosecutors, First Responders, and Correction Officers, while engaged in the performance of their official duties, because of the performance of their official duties or because of their status as a public official employee, shall be deemed as an aggravating factor while considering the imposition of the death penalty based on the status of the victim under federal law; and

WHEREAS, the recent murders of five Law Enforcement Officers in Dallas, Texas on July 7, 2016, as well as the deaths of numerous Law Enforcement Officers and First Responders in the United States is an example of the dangerous conditions which Law Enforcement Officers and other responders face on a daily basis; and

WHEREAS, the Mayor and Council of the Borough of Manville recognize that all members of the Borough of Manville Police Department, Fire Department, Rescue Squad and First Responders throughout New Jersey and the United States place themselves in harm’s way in order to protect the public and ensure a safe community.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey hereby confirms for the record its support of H.R. 814 and urges the United States House of Representatives and U.S. Senate to enact this important legislation; and

BE IT FURTHER RESOLVED that the Borough Clerk shall forward copies of this Resolution, along with a letter from the Mayor to: U.S. Senate Speaker Cory A. Booker, Senator Robert Menendez, Congressman Leonard Lance, Congresswoman Bonnie Watson Coleman, Speaker Paul Ryan, Senator Christopher “Kip” Bateman, Assemblyman Jack M. Ciattarelli, Assemblyman Andrew Zwicker, the State Police Chiefs’ Association, and Mayors in Somerset County, New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-136

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

WHEREAS, there still exists a need for specialized and qualitative services for Management Consulting Services and assistance in overseeing various Borough functions; and

WHEREAS, an additional \$13,000.00 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.

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 hereby authorize the continued Agreement with Jersey Professional Management for 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.

3. Funding shall be paid from budget account #6-01-20-100-020 in an amount not to exceed \$13,000.00, 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 #2016-137

WHEREAS, the Bridgewater Township Department of Public Works has offered to donate its two pickup trucks that were scheduled for auction to the Manville Department of Public Works, namely:

Truck #0407 F250 VIN #1FTNWZ1P74EB4906

Truck #0203 F250 VIN #1FTNWZ1F82EB99436

WHEREAS, the Borough of Manville Public Works Department has determined that these two pickup trucks would be an excellent addition to its equipment inventory.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that it appreciates and accepts the donation of the above-named pickup trucks from the Bridgewater Township Department of Public Works; and

BE IT FURTHER RESOLVED that the Director of Public Works is authorized to endorse any Agreements or documentation required by the Township of Bridgewater.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-138

WHEREAS, the Somerset County Tax Board has strongly recommended that the Borough of Manville initiate an Annual Reassessment Program joining 15 other municipalities in the County who already do so; and

WHEREAS, this program eliminates the need for future revaluations by keeping property assessments adjusted to market value each year; and

WHEREAS, the program would require inspecting every property in town over a five-year cycle or 20% of the town per year; and

WHEREAS, this annual reassessment program will significantly reduce Tax Appeal losses which have averaged about \$250,000.00 per year in tax dollar refunds for the past several years; and

WHEREAS, it is believed that future Tax Appeal losses should be reduced to an estimated \$25,000 annually if the Reassessment Program is utilized; and

WHEREAS, the use of this program can protect the Borough of Manville from the long term loss of potentially millions of tax dollars over future years; and

WHEREAS, the annual cost of the Annual Reassessment Program would be more than offset by the elimination of future revaluations and tax appeal losses.

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 Borough is in agreement with the Somerset County Tax Board in moving forward with the Annual Reassessment Program, to commence for the August 1, 2018 tax bills.

Borough of Manville

/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-139

WHEREAS, the Mayor and Council of the Borough of Manville would like to pursue yearly revaluation; and
WHEREAS, they have been advised by the Tax Assessor that the Borough Tax Maps should be brought up to date and revised prior to any revaluation; and
WHEREAS, the Tax Assessor received a quote from the Borough's previous surveyor in the amount of \$80,000 to make the necessary amendments; and
WHEREAS, the Tax Board Administrator has suggested that the updates to the Tax Map can be made on a five-year cycle to coordinate with the reassessments; and
WHEREAS, the Borough Engineer, Stan Schreck of Van Cleef and Associates, has stated that the current Borough Surveyor is employed within his firm, and will provide a quote for the Tax Maps; and
WHEREAS, the Borough Engineer also advised that the Tax Maps should first be reviewed by the State for their input, prior to any revision.
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 Borough Engineer is hereby authorized to forward the Borough of Manville Tax Maps to the State of New Jersey for review and to obtain a quote for revision of the Tax Maps based upon coordination with the five-year reassessment cycle, to be paid on a pro-rata basis year-by-year.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-140

WHEREAS, Margaret Demko applied for a renewal of her Ice Cream Vendor Permit on June 20, 2016 and the Manville Police Department preformed the necessary background check; and
WHEREAS, during the course of the background check, Ms. Demko indicated that she was no longer interested in obtaining the Ice Cream Vendor Permit and wished to withdraw her application; and
WHEREAS, the total amount of fees paid for the Application Fee and License was \$65.00.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Margaret Demko is hereby granted a refund of the Application Fee and License in the amount of \$65.00, 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 #2016-141

WHEREAS, the Manville Police Department has the need of a digital fingerprint scanner; and

WHEREAS, Chief Peltack has secured a quote for a Morpho Trak Live Scan System of \$30,616.73, and the Duplex Fingerprinting Card Printer is \$1,086.15, for a total of \$31,702.88, which can be leased through the Somerset County Improvement Authority, under State of New Jersey Live Scan Contract #A81520 at the rate pf \$562 per month for a term of 60 months; and

WHEREAS, the equipment has an estimated useful life of at least ten (10) years.

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 Borough Administrator and the Chief of Police are authorized to execute and deliver, on behalf of the Borough of Manville, a Sublease Purchase Agreement between the Somerset County Improvement Authority and the Borough of Manville for the leasing of a Morpho Trak Live Scan System and Duplex Fingerprinting Card Printer.

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

ALL PRESENT IN FAVOR PER ROLL CALL

OFFICIAL REPORTS

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

- A/ Clerk's Report, July, 2016
- B/ Police Department Report, July, 2016
- C/ Board of Health Report - Animal Control Account, July, 2016
- D/ Board of Health Report - General Account, July, 2016
- E/ Board of Health Report - Registrar Account, July 2016

NEW BUSINESS

- A/ Applications for Peddler's Licenses - Power Home Remodeling:
Alex Cardona, Michael Mollica, Zachary Zebede
- B/ Request from Manville Recreation for Road Closure for 2016 Community-wide Fall Festival
- C/ Application for New Jersey State Firemen's Association - Zachary Leubner

Mayor Onderko requested a motion to approve the items under New Business.

Council President Szabo, seconded by Councilwoman Asher, made a motion to accept the items under New Business.

Councilwoman Magnani stated that she would like to discuss the Application for Power Home Remodeling. She stated that she discussed it with the Borough Attorney.

Attorney Maciag suggested that provided that the Applicant shall submit a notarized certification of compliance with the NJ Home Improvement Practices Rules N.J.A.C. 13:45A-16.1, et seq. and prove that they are fully insured.

Mayor Onderko requested a motion to amend the Application of Power Home Remodeling Group to include that condition.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to amend the Application to require a certification of compliance with the NJ Home Improvement Practices Rules.

All present were in favor.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilman Petrock, as Chairman of the Finance Committee thanked everyone for coming to the meeting and expressing their concerns. He reminded everyone that they are all taxpayers as well, and they are doing everything they can to control the taxes. He suggested that the Council members go to the Board of Education meeting as well. He stated that he is very much an advocate of the schools, but it doesn't mean they must increase 2% every year. He stated they must take the taxpayers into consideration. He further reported that the Committee met and discuss the status of the Transitional Aid, however, there is still no word on how much money the Borough will receive or if the Borough will receive any money at all. He stated that they looked at all the budgets and cut their operating costs. He stated that they cut as much as they could without affecting the essential services the town needs.

Mayor Onderko stated that the Governor issued an Executive Order putting the half the Aid on hold and they are having budget discussions. He explained that until the Governor gets the cuts he requested, he wants half the Transitional Aid held back. He stated he is hoping we can get our budget resolved in August.

Councilman Petrock stated that they discussed cost savings through Contract Negotiations, overtime, hirings, health benefits, and ways to raise money other than taxes.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on July 19th and stated it is a pleasure to have Andrea Bierwirth, our new Borough Administrator. She stated that they discussed the hours of operation for Borough Hall and the current 2:00 p.m. closing on Fridays. They are discussing staggering employee hours to retain the 7:00 p.m. Mondays without overtime. She further reported that they are looking into the retirement health benefits, the possibility of merging Police Departments and schools. She stated that they also discussed hiring Jersey Professional Management to consult on Contract Negotiations. She stated that our Auditors advise that we have to show the State that we are making

strides to reduce spending, and that we can apply again next year, however, we may not be considered. She stated that she suggests that we refuse the State Aid and lower our spending through cuts and mergers. She further reported that she attended the Finance Committee meeting and the Board of Education meeting. She stated that Mayor Onderko explained to the Board that he and the Borough Council are reviewing the budget repeatedly looking for ways to save money, and he asked the Board if they could do the same. She urged residents to go to the next School Board meeting on August 16th.

Councilwoman Magnani, reported that she attended the Korean War Memorial Service on July 27th and said it was beautiful. She thanked all those men and women for their service. As Chairperson of the Public Works Committee reported that they met and discussed the improvements to the railroad. She reported that they are tightening the tracks and replacing the railroad ties all through the County. She asked that homeowners be careful when making improvements, and related a story of a homeowner who put PVC piping directly into the sewer. She stated that New Jersey American Water repaired a sink hole on Camplain and 13th, and the Department of Public Works is cleaning up downed trees from the storm. She stated that they also talked about homeless people loitering and transferring them to area shelters. She stated that there was a tragic house fire on Harrison Avenue, and the house is still standing, but has not been repaired. She stated she is concerned for the neighbors, and they are in the process of contacting the family to have the house repaired or demolished. She reported that the pools are running, however, the Kiddie Pool is in disrepair. She stated that Vince LoMedico will try to repair it with grants. She further reported that new garbage cans have been installed, as well as blinking stop signs on Knopf at North 1st and North 2nd. She stated that there are some heaved bricks, and if anyone sees any uneven sidewalks, they should call so it can be repaired. She reported that they are milling and paving roads. She further reported that Bridgewater Township has agreed to donate two trucks to Manville, that they were going to auction off.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that they did not meet, however, he thanked all the residents for attending the meeting. He reported that he attended the Board of Education meeting and the Korean Memorial Service. He further reported that they have approximately 70 abandoned homes. He further reported that there are an additional 12 properties to be demolished by Blue Acres (2 on Boesel, 2 on Huff, 2 on Lincoln, 5 on North 2nd, 1 on North 6th) and the bid date for demolition is August 9th.

Mayor Onderko stated that out of 104 homes that were part of the buyout program, 12 have been either unresponsive or have rejected the offer. Therefore there is an alternative list.

Councilwoman Asher, reported that she attended the Board of Education meeting and the Superintendent introduce the new Roosevelt School Principal. She stated that Heidi Alles, the Board President stated that there will be a new policy introduced limiting who can distribute diplomas at graduation ceremonies. She also reported that they thanked the Board for allowing the Library's Touch a Truck Program to be held at the High

School field. As Chairperson of the Public Safety Committee, she reported that they discussed the inconsistencies of the SASSA compliance report. She reported that Patrolman Mike Peterson will be retiring from the Police Department, and she thanked him for his 28 years of service and wished him a relaxing and peaceful retirement. She also reported that his position will not be filled. She reported that the Mayor of Warren Township sent a letter requesting our support for the "Thin Blue Line Act" which the Council unanimously approved tonight and which ensures the public safety of citizens that place their lives on the line while performing their duties. She stated that they also discussed Police overtime at construction sites, which is paid by the outside vendor. She further reported that the Fire Department had 26 calls for July, and the Rescue Squad had 75 calls. She reported that she attended the Recreation Committee meeting on July 28th to review the 2016 Programs and Events. She reported that they currently have 18 community events, 9 sports programs, 7 adult programs, 4 miscellaneous non-athletic programs, 14 summer camp programs, and they oversee the operation of the 3 Borough pools. She stated that they reviewed the responsibilities of the Director, Deputy Director/Sports Coordinator, Deputy Director/Pool Supervisor, and the Administrative Assistant. She reported that the Sports Coordinator has submitted his resignation due to new job responsibilities. She stated that John Bentz has been asset in this position. She further reported that she attended the Korean Memorial Service and the Friends of the Library meeting. She stated that they are discussing the Town Wide Yard Sale, and registration forms will be available shortly or residents can sign up through Google.com. She stated that the public will be provided with a map, addresses, and categories of merchandise. She stated that registrations must be received by September 19th, and the event will take place on October 8th from 9 a.m. to 2 p.m. with a rain date of October 9th. Residents can chose to bring items to the Library grounds. She commented regarding State mandates for Schools such as ipads, chrome books, and computers, which the State does not fund.

Council President Szabo, Chairman of the Progress and Development Committee reported that they met on July 19th and discussed the Abandoned Property Ordinance, fines for grass height over 10 inches, and the work load of keeping up with all the abandoned properties. They discussed SASSA, and decided to have Manville withdraw as lead agency. The Committee requested a tour of the OEM Building. They also requested that the Fire Department turn over their boats to the Rescue Squad, since they will no longer be doing water rescue. He also noted that they will be going into Closed Session regarding the Rustic Mall at the end of the meeting.

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.

Ray Walsh, 26 North 17th Avenue - commented regarding a school merger and stated he spoke to the Board Administrator who told him they would have to consider busing. He also spoke about the School Budget and moving the School Elections back to April.

Maria Janucik, 720 East Frech Avenue - asked what newspaper covers Manville.

Mayor Onderko stated that we do not have a newspaper. Agendas are published to the website on Friday before the meeting.

Dean Shepard, P.O. Box 222 - asked about when the Borough has to make a decision regarding SASSA, and the decision on whether Manville will take over 24/7 service.

Mayor Onderko stated that he does not know the exact date. He said that the winning bidder, Robert Wood Johnson, paid the fee to Jersey Professional Management to cover the cost of administration of the contract and bid proposals. He confirmed that the Borough does not pay a fee for ambulance service.

Mr. Shepard told the Council that based on that fact, he thinks the Borough should remain with the agreement. He mentioned that the Rescue Squad may still need to purchase an ambulance and provide administration of the program.

Councilwoman Asher stated that one of the ambulances is ten years old, and they are looking to purchase a new ambulance in the near future. She stated that the Borough would not be paying the Rescue Squad any more money if they go 24/7.

Mr. Shepard asked if there would be salaries involved.

Councilwoman Asher stated that there would only be salaries for the EMT's, which would be paid by insurance.

Mayor Onderko stated that the Borough has not received any proposals on this issue.

Councilman Petrock stated that he attended the meeting, and as Finance Chairman, he stated that nothing will be coming out of the budget.

Mr. Shepard asked if the Rescue Squad could sustain itself as a separate entity without the assistance of three other towns. He warned the Council about rushing into a decision. He also asked about funding a new ambulance, and asked about used equipment.

Councilman Petrock stated that he suggested raising money through Raffles.

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

Councilman Petrock, seconded by Councilwoman Camacho, 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 go into Closed Session.

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

CLOSED SESSION

Resolution #2016-142

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:

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 8:50 p.m.

Mayor Onderko called the meeting back to order at 10:11 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 10:12 p.m.

ATTEST:

Patricia A. Zamorski
Borough Clerk