

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
SEPTEMBER 12 , 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 SEPTEMBER 12, 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**

Mayor Onderko asked that the Moment of Silence be dedicated to all those that perished in the 9-11 Attacks fifteen years ago, and to all the responders who have died from various cancers in the years since.

**INTRODUCTION OF AMENDMENTS TO MUNICIPAL BUDGET**

Mayor Onderko requested a motion to adopt Resolution #2016-160.

Councilwoman Asher, seconded by Councilman Petrock, made a motion to adopt

Resolution #2016-160

**BOROUGH OF MANVILLE  
RESOLUTION TO AMEND BUDGET**

WHEREAS, the local municipal budget for the year 2016 was approved on the 14<sup>th</sup> day of March, 2016; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville, County of Somerset, that the following amendments to the approved budget of 2016 be made:

(see attached)

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

BE IT FURTHER RESOLVED that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9 be published in the Courier News in the issue of September 16, 2016, and that said publication contain notice of public hearing on said amendment to be held at Municipal Building on September 26, 2016 at 7:00 p.m.

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

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

Administrator Andrea Bierwirth explained that the State has awarded the Borough Transitional Aid in the amount of \$250,000. She stated that the budget Amendments are based upon no salary increases for 2016, and the Police, Public Works and other operating expense budgets have been cut by 10% and Police overtime has been reduced by \$50,000. She further stated that the Department of Public Works budget over time has been reduced by \$25,000. She stated that the overall Borough budget is \$13,277,893.00 for the total general appropriation. She stated that the average home assessed at \$229,586 will receive a \$10.75 tax increase based on the Borough's portion of the budget. She further stated that the Public Hearing and Adoption of the Budget will be held on September 26<sup>th</sup>.

**APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of August 8, 2016

Council President Szabo, seconded by Councilwoman Asher, made a motion to approve the minutes of August 8, 2016.

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

**PROCLAMATION**

Councilwoman Asher read a Proclamation for Drive Sober or Get Pulled

## **ORDINANCE - FINAL READING AND PUBLIC HEARING**

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

Mayor Onderko requested a motion to open the public portion on Ordinance #2016-1173.

Councilwoman Asher, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2016-1173.

All present were in favor.

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

Councilman Petrock, seconded by Councilwoman Asher, made a motion to close the public portion.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2016-1173.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to adopt 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:**

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

**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 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

**ORDINANCE - FIRST READING AND INTRODUCTION**

Mayor Onderko requested the Clerk read the Ordinance by title.

Mayor Onderko requested a motion to introduce Ordinance #2016-1174.

Council President Szabo, seconded by Councilwoman Asher, made a motion to introduce Ordinance #2016-1174.

**AN ORDINANCE OF THE BROUGH OF MANVILLE  
TO ESTABLISH A HANDICAPPED PARKING SPACE ON  
SOUTH 5<sup>th</sup> AVENUE**

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

**ON STREET HANDICAPPED PARKING**

**1. Handicapped Parking on Streets**

In accordance with the provisions of N.J.S.A. 39:4-197.5, the following street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division

of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<u>NAME OF STREET SIDE</u>	<u>LOCATION</u>
South 5th Avenue West	Beginning at a point 413 feet south of the western curblineline of intersection of South 5th Avenue and West Camplain Road and extending to a point 23 feet south thereof

**2. EFFECTIVE**

This ordinance shall take effect upon enactment and publication in the manner prescribed by law and the appropriate signs shall have been placed pursuant to N.J.S.A. 39:4-198.

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 #2016-143 through #2016-159.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - stated her concerns on reviewing Resolutions before they are acted on.

Mayor Onderko stated there would be a five-minute recess to allow residents time to review Resolutions.

Recess began at 7:11 p.m.

Mayor Onderko called the meeting back to order at 7:14 p.m.

Maria Janucik, 720 East Frech Avenue - had questions regarding Resolution #2016-149.

Mayor Onderko addressed her questions and explained the Resolution.

When no one else 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 #2016-143.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Resolution #2016-143.

Resolution #2016-143

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

1. Current	\$ 7,658.01
2. Water/Sewer Utility	\$ 869.61
3. General Capital	\$ 82
4. Recreation Trust	\$ 8.45
5. Other Trust	\$ 22.17
6. Dedicated Dog	\$
7. Housing Trust	\$
<b>Total</b>	<b>\$ 8,161.06</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 asked if any Council member would like to take any Resolution separately.

Councilman Szabo stated that he would like to take Resolution #2016-155 individually.

Administrator Bierwirth stated that in an effort to begin Labor Negotiations, she met with the Committee and they decided it would be beneficial to the Borough to hire Jersey Professional Management to assist with the Labor Negotiation process for the PBA, Public Works, and Clerical Agreements. She stated that they felt it would be beneficial to use their expertise and advice, and less expensive than employing the services of an Attorney.

Mayor Onderko requested a motion to adopt Resolutions #2016-144 through #2016-154 and #2016-156 through #2016-159.

Councilwoman Asher, seconded by Council President Szabo, made a motion to adopt Resolutions #2016-144 through #2016-154 and #2016-156 through #2016-159.

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

Resolution #2016-144

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:

**Current Account**

Account Number	Account Name	Amount
6-01-20-155-020	Legal, O/E	\$10,000.00
6-01-20-165-020	Engineering, O/E	\$10,000.00
6-01-21-180-010	Planning Board, S&W	\$250.00
6-01-21-180-020	Planning Board, O/E	\$3,000.00
6-02-21-185-010	Zoning Board, S&W	\$250.00
6-01-22-195-020	Construction Code, O/E	\$200.00
6-01-22-196-020	Property Maintenance, O/E	\$150.00
6-01-26-290-020	Public Works, O/E	\$75,000.00
6-01-26-310-020	Buildings & Grounds, O/E	\$3,000.00
6-01-28-370-010	Recreation, S&W	\$10,000.00
	Celebration of Events	\$5,000.00
6-01-31-446-020	Natural Gas	\$10,000.00
6-01-42-335-020	Health Services Contract, County	\$6,289.00
6-01-41-702-020	Clean Communities	\$26,681.89
<b>Total</b>		<b>\$159,820.89</b>

**Sewer Utility Account**

Account Number	Account Name	Amount
6-09-55-500-045	SRVSA Costs	\$150,800.00
6-09-55-506-020	Utility Electric	\$15,000.00
6-09-55-507-020	Utility Gas	\$1,000.00
<b>Total</b>		<b>\$166,800.00</b>

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

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

Resolution #2016-145

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
Nick Trilone	Adult Walking Program Supervisor	10-3-16 to 5-30-17	\$12.50 per hour

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

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-146

WHEREAS, #2013-178, the Mayor and Council adopted the following year-round hours:

- Monday - 9:00 a.m. to 7:00 p.m.
- Tuesday - 9:00 a.m. to 5:00 p.m.
- Wednesday - 9:00 a.m. to 5:00 p.m.
- Thursday - 9:00 a.m. to 5:00 p.m.
- Friday - 9:00 a.m. to 2:00 p.m.

WHEREAS, on weeks where Monday is a holiday, the Borough Hall hours will be:

- Monday - Closed for Holiday
- Tuesday - 9:00 a.m. to 7:00 p.m.
- Wednesday - 9:00 a.m. to 5:00 p.m.
- Thursday - 9:00 a.m. to 5:00 p.m.
- Friday - 9:00 a.m. to 2:00 p.m.

WHEREAS, these hours will be clearly posted on the front door of Borough Hall, and set forth on the website.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that they approve of the adoption of the hours of operation.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-147

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 #2016-148

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 #2016-147, 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 #2016-149

WHEREAS, the Borough of Manville Director of Public Works and the Borough of Raritan Director of Public Works have created an agreement to share public works department services which will be of great benefit to both Municipalities; and WHEREAS, the details of the Shared Services are set forth in the attached Agreement. 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, Director of Public Works, and Borough Clerk are authorized to sign the attached agreement.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-150

**RESOLUTION AUTHORIZING MUNICIPAL ALLIANCE GRANT  
FOR FISCAL YEAR 2016-2017**

WHEREAS, the Borough of Manville executes a yearly Contract with the Somerset County Board of Chosen Freeholders for Municipal Alliance Services; and WHEREAS, the Contract sets forth the amount of \$19,254.09 for the Borough to provide substance abuse prevention activities, which is derived as follows:

\$	9,627.05	from the Drug Enforcement Demand Reduction
\$	2,406.76	Municipal Cash Match
\$	7,220.28	In-Kind Match
Total	\$	19,254.09

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.) That the Borough Mayor and Clerk are hereby authorized to enter into an agreement with the County of Somerset for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.

2.) That a certified copy of this resolution shall be transmitted to the County of Somerset, together with a signed copy of the Agreement.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-151

WHEREAS, there is a vacancy in the position of Municipal Alliance Coordinator to work along with the Somerset County Municipal Alliance Committee on behalf of the Borough of Manville; and

WHEREAS, Wilhemina Allen is an experienced Municipal Alliance Coordinator who also holds the position in Franklin Township.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Wilhemina Allen is appointed as the Municipal Alliance Coordinator for the Borough of Manville; and

BE IT FURTHER RESOLVED, that this position will be compensated in the amount of \$20.00 per hour to be paid through the Municipal Cash Match portion of the Grant Agreement of \$2,406.76, and the Alliance Coordinator portion of the grant in the amount of \$1,444.05, for a total of \$3,220.28, payable upon receipt of invoice.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-152

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
204 Louis Street	34	33

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 #2016-153

WHEREAS, on January 25, 2016, the Mayor and Council appointed the firm of Tetra Tech, Inc. as the Borough's Flood Mitigation Consultant; and

WHEREAS, the Borough is in need of consulting services with regard to the Community Rating System which has been designed by the National Flood Insurance Program to reduce flood losses, facilitate accurate insurance ratings, and promote the awareness of flood insurance; and

WHEREAS, Tetra Tech, Inc. has provided a satisfactory proposal for Floodplain Management Program Review and Community Rating System-Cycle Re-certification Support.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the proposal of Tetra Tech, Inc., 1000 The American Road, Morris Plains, NJ 07950 is hereby accepted, as follows:

- 1) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40A11-5(1)(a) of the Local Public Contracts Law, not to exceed \$16,400.00.
- 2) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 3) This Resolution shall be advertised once in the Courier News.
- 4) The Chief Financial Officer shall provide a Certification of Funds.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-154

WHEREAS, the Recreation Department is in need of a part-time Sports Coordinator to fill the position that was recently vacated; and

WHEREAS, the Recreation Director and the Borough Administrator have reviewed resumes and applications received and performed interviews; and

WHEREAS, the Recreation Director and the Borough Administrator have determined that Jean M. Weber (344 Huff Avenue, Manville) is the most qualified candidate for the position from the pool of applicants and, therefore, recommend she be hired for the position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Jean M. Weber is hired as part-time Sports Coordinator, with the following conditions:

- 1.) The salary for the position shall be \$12,000.00 per year. The position shall include work during nights and weekends when deemed necessary. The position shall be considered permanent part time and shall incur approximately 15 hours weekly. This position requires a minimum of six hours weekly "in-office".
- 2.) The position requires a successful background check.
- 3.) This position does not include health benefits, days off with pay, nor other such benefits offered to full-time permanent employees.
- 4.) Employment will be effective as of September 13, 2016.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-156

WHEREAS, the Borough of Manville has received a grant in the amount of \$75,000 from FEMA to apply to the purchase of a portable generator to be used at the VFW Building, and at other locations in the Borough during a power emergency; and

WHEREAS, Foley Power Systems, Piscataway, New Jersey has provided an acceptable proposal for the purchase of this generator, in the amount of \$173,759.00, the balance of which will be paid through Ordinance #2013-1134.

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 purchase of the generator from Foley Power Systems is hereby approved.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-157

WHEREAS, the Borough of Manville has been able to provide shelter to flood victims at the VFW Building on Washington Avenue for many years; and  
WHEREAS, both the Borough of Manville and the VFW concur that a formal agreement for use of the facility as a shelter should be executed.  
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 Borough Clerk are authorized to execute the attached Agreement.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-158

WHEREAS, an Agreement between the Borough of Manville and the VFW for shelter to flood victims was adopted by Resolution #2016-157; and  
WHEREAS, for the health, safety, and welfare of those sheltered at the VFW during a flood disaster, the shelter should be outfitted with a generator in the event of power failure.  
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 Borough Clerk are authorized to execute the attached Agreement for installation of an emergency generator.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-159

WHEREAS, Brian J. Pinto, of 153 South 4<sup>th</sup> Avenue has applied to become a member of the Manville Fire Department; and  
WHEREAS, all required criminal history background checks and fingerprinting has been completed; and  
WHEREAS, in accordance with Ordinance #2014-1153, the Mayor and Council must approve, by Resolution, membership to the Fire Department.  
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Brian J. Pinto is approved as a member of the Manville Fire Department.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2016-155

Council President Szabo, seconded by Councilman Kassick, made a motion to adopt Resolution #2016-155.

Resolution #2016-155

WHEREAS, the Borough of Manville is in need of Management Consulting Services to assist in the negotiation of three labor contracts; and

WHEREAS, Jersey Professional Management has provided a satisfactory proposal for Management Consulting Services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the proposal of Jersey Professional Management, 23 North Avenue East, Cranford, New Jersey 07016, is hereby accepted, as follows:

- 1) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40A11-5(1)(a) of the Local Public Contracts Law, not to exceed \$12,000.00.
- 2) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 3) This Resolution shall be advertised once in the Courier News.
- 4) The Chief Financial Officer shall provide a Certification of Funds.

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

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

## **OFFICIAL REPORTS**

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

- A/ Clerk's Report, August, 2016
- B/ Code Enforcement Report, July, 2016
- C/ Code Enforcement Report, August, 2016
- D/ Police Department Report, August, 2016

## **NEW BUSINESS**

A/ Request from Christ the Redeemer Parish for approval of their annual OktoberFest to be held from Friday, September 16<sup>th</sup> to Saturday, September 17<sup>th</sup>, and the closing of Msgr. Kryzstofik Lane for the duration of the OktoberFest.

B/ Request from Christ the Redeemer Parish for a recycling dumpster and garbage dumpster for September 15<sup>th</sup> in preparation for their OktoberFest.

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

All present were in favor.

## **COMMUNICATIONS**

A/ Letter from Timothy J. Cunningham, Director, Division of Local Government Services advising that the Borough of Manville has been awarded the sum of \$250,000 in Transitional Aid from the State of New Jersey for 2016.

Mayor Onderko stated that this communication will be placed on file.

## **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Mayor Onderko stated that although summer is over, we are still in Hurricane season, and he was very happy that Hurricane Hermine was not an issue for New Jersey. He stated that he has been working on modifying a grant for a trailer-based generator to be used at the shelter. He stated that we were recently notified that we can proceed with the purchase and installation. He stated that we have been granted \$75,000 to offset the cost of the generator. He stated that dealing with FEMA has been challenging, however, the Lieutenant Governor gave him her cell phone, and he was able to contact her. She assisted in the process by giving him contact information for a member of Homeland Security who got the process moving. He also reported that we applied for a FEMA non-disaster aid round of buyouts for repetitive loss homes, and the application has been approved to move into the funding phase next year. He stated that this is a National grant, and four homeowners are willing participants. He stated that one home is located in Lost Valley, and three others are on the north side. He stated that the Federal Government will provide 90% and the County will provide 10%. He stated that

we also received confirmation of a FEMA planning grant award to catalog our flood zones. He stated he is eager to get the work started, since there are 492 buildings located in our 100 year flood zone, and over 900 buildings in our 500 year flood zones, not including the 160 buyouts performed to date. He stated that the flood sirens were successfully sounded on the first Saturday of the month, and we will be applying for grants for two more sirens. He stated that we will also apply for a grant to move the DPW building out of the flood zone, along with moving Fire Company #1 and the Rescue Squad out of harm's way. He stated that they noticed on a windy day the sirens are more difficult to hear in different parts of town, therefore, he is hoping to get the siren grant approved as soon as possible. He stated that we are beginning our CRS Assessment work with our Mitigation Consultant, Tetra Tech to eventually get to the 20% reduction level for flood insurance premiums. He stated that we are at 15% now. He reported that he attended the 9-11 memorial in Somerville, and he is looking forward to marching with the Council in the Basilone Day parade on Sunday. He stated he was honored to be invited to Victor Bukovecky's 90<sup>th</sup> birthday celebration yesterday, and he feels he is a true patriot as a naval veteran and service to the community.

Councilman Petrock, as Chairman of the Finance Committee, reported that our Administrator explained the budget amendments, and the next step is contract negotiations.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on August 16<sup>th</sup> and discussed the hours of operation for Borough Hall. She stated that they will remain the same with the exception of Monday holidays. She stated that the following day after a Monday holiday, Borough Hall will remain open until 7 p.m. to provide residents with a late night. She stated that they also discussed contract negotiations and Jersey Professional Management assisting in the process. She stated they also discussed hiring college interns from a local university to assist in various programs. She stated that Rutgers has a public administrator program, and our Administrator will be researching an intern. She asked if we can also get an intern for Recreation. She stated that they also discussed health benefits and will be further discussing it with the Borough Attorney and Jersey Professional Management. She stated that they also discussed the Administrator's CFO classes, and recommended she be allowed to attend the necessary classes to possibly combine positions in the future. She stated that the State refused the request for classes, which will cost money in the future. She further reported that she attended the Board of Education meeting, and she reminded the public that the municipal portion of the tax increase was \$10.75, and the additional \$240 was due to the Board of Education budget. She also stated that we may not receive Transitional Aid next year, therefore, she is researching regionalization of our school system. She stated that there is a Board of Education meeting tomorrow and Assemblyman Ciattarelli will be there to discuss fair public school funding, and she urged everyone to attend.

Councilwoman Magnani, reported that the Public Works Committee met on August 24<sup>th</sup>. She stated that roads are being patched, the pools have been closed, treated, and covered. She stated that they discussed the Kiddie Pool, which will be expensive to repair. She stated that Vince LoMedico will look into a grant for repairs. She stated that

PSE&G is still performing gas main replacements and they are continuing to patch the roads. She stated that in answer to questions about patching the road, they are only doing what is necessary to save funds. She further reported that she has received complaints regarding garbage on Main Street, and Mr. LoMedico went door-to-door on Main Street to address the issue. She further reported that the water mains on Garry Street, Rabens, and Fable Avenues are being repaired and the 2014 grant money is being used for the sidewalks. She stated that the 2015 grant money is being used for sidewalks and handicap ramps on North 6<sup>th</sup>, North 4<sup>th</sup> and North 5<sup>th</sup> at Knopf and Brooks. She stated that the Library received a grant for \$89,000 for lighting. She also reported that the DPW was ready for the Hurricane, and thank God it did not happen. She stated that she attending the unveiling of the Continental Encampment sign at the Library. She asked that residents report anything that needs to be repaired, and she will bring it to the attention of the DPW.

Councilwoman Asher, reported that she attended the Public Works Committee meeting. She personally thanked Vince LoMedico for his hard work in obtaining the grants for the sidewalks and the lighting at the library, and creating the Shared Services Agreement with Raritan. She also thanked him for a great pool season. As Chairperson of the Public Safety Committee she reported that all Council members have toured the OEM building and the grant for the generator for the VFW has been awarded, and the sirens were activated on Saturday, September 3<sup>rd</sup>. She also reported that the fingerprint machine was installed at the Police station. She stated that OEM was prepared for the Hurricane, and luckily they did not have to active. She stated that the boats have been moved from the Fire Department to the Police station. She stated that the OEM building signage has been ordered, and they currently have nine applications for CERT, and they are looking for at least six more. She reported that she attended the Rescue Squad meeting and stated they had 60 calls for August, and 580 to date. She stated that the Foodfest is scheduled for October 23<sup>rd</sup> from 5:30 to 7:00 p.m. She reported that the Squad will be offering introduction adult CPR classes on Community Day. As Liaison to Recreation, she reported that they have been very busy with registrations for the Art Connections Camp, which is funded by a competitive grant from the Friends of Somerset County for \$2,500 and takes place four times per year. She stated that they are also taking registration for the Adult Walking Program which is held inside Manville High School, as well as Senior Chair Aerobics, low impact Aerobics, and Zumba classes held at the Library. She reported that Fall Instructional Soccer began last Friday. She reminded everyone that Community Day is Saturday, September 24<sup>th</sup>, and a lot of time and effort has been put in for the event. She thanked Stephanie Cornelson, the Recreation Director for her hard work, and she reported that Stephanie has received grants from Adesa and PSE&G for \$1,000 each to help cover the food for the event. She stated that Mayor Onderko has donated food from Applegate Farms, and the Manville Credit Union and Wegman's have also made donations. She stated that Nittoli's Deli will provide the food at cost and will cook free of charge. She further reported that they will be partnering with Weston and Roosevelt PTA for one Halloween event - the Manville Harvest Fair on Saturday, October 22<sup>nd</sup> from 2 to 5 p.m.

Council President Szabo, Chairman of the Progress and Development Committee reported that they met with the Rustic Mall Developers, and progress was made. He

stated that they conceded with some of the changes requested. He asked that Administrator Bierwirth check with PSE&G for lights for snowplowing. He further reported that he attended the Rescue Squad meeting.

Mayor Onderko agreed that additional lighting at the Rustic Mall is a good idea.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that they met on August 24<sup>th</sup>, and they also met with representatives from the VFW regarding the Agreements for the Shelter and Generator. He also reported that he spoke with Vince LoMedico regarding his department wearing vests and hard hats. He also attended the Policy, Planning and Personnel Committee meeting to discuss the hiring of the Sports Coordinator for Recreation. He further reported that 12 additional homes are in the process of being demolished, which brings the total demos to 72.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

Attorney Maciag set forth the rules for Public Portion.

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

All present were in favor.

Mike Fiure, 13 North 16<sup>th</sup> Avenue - asked about the railroad ties that have been dropped off near the tracks. He asked if they have been coated with creosote. He also commented about moving the Fire Department and the Rescue Squad and stated that there is vacant Borough property available.

Mayor Onderko stated that he has been trying to get in contact with them regarding the underpass and will ask.

Ray Walsh, 26 North 11<sup>th</sup> Avenue - asked if Resolutions can be made available on Friday before the meetings. He also discussed the Board of Education increase.

Administrator Bierwirth stated that most Resolutions are completed on Friday, however, there are times such as today, when preparation takes longer.

Attorney Maciag also addressed his comments.

Ed Jankowski - 313 North 5<sup>th</sup> Avenue - mentioned the yard waste schedules and asked if there can be a second one for fall yard cleanup. He also asked about a noise or curfew ordinance.

Mayor Onderko addressed his comments, and he stated they will revisit the bulk and yard waste schedule. He also stated that yard waste can be brought to the DPW building on Saturdays along with grass clippings.

Chief Peltack answered his questions regarding the noise ordinance, and suggested he call the police department when noise is an issue.

Maria Janucik, 720 East Frech Avenue - had questions regarding the revaluation and reassessment of sections of town.

Mayor Onderko and Attorney Maciag addressed her questions.

Sheila Lessing - 1133 Dukes Parkway - mentioned tall grass and weeds growing behind the Post Office.

Mayor Onderko stated he would try to get it rectified.

Mary Marsicano, 235 South 14<sup>th</sup> Avenue - mentioned she could not hear in the back of the room.

Mayor Onderko stated he will look into a different speaker system.

Rudy Nowak, 100 Driscoll Street - stated there are big pot holes in the middle of the underpass, and stated he knows it is not a Borough road. He also asked if comment will be allowed after closed session. He also spoke about the service road near the Rustic Mall site and how dark it is there.

Mayor Onderko stated that there may be a project to change the configuration of Main Street in 2019, but he will contact Freeholder Walsh to see if something can be done.

Ray Walsh, 26 North 11<sup>th</sup> Avenue - mentioned changing the grade on Main Street and how it will affect the fire vehicles.

Maria Janucik, 720 East Frech Avenue - questioned the labor contracts and who used to handle negotiations.

Mayor Onderko addressed her question.

Mike Fiure, 13 North 16<sup>th</sup> Avenue - questioned the legality of bonuses given by the Board of Education

Attorney Maciag addressed his questions.

Dean Shepard, P.O. Box 222 - mentioned the Board of Education bonuses.

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

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

All present were in favor.

When no one else wished to comment, Mayor Onderko requested a motion to go into Closed Session.

Councilman Petrock, seconded by Council President Szabo, made a motion to go into Closed Session.

### **CLOSED SESSION**

Resolution #2016-161

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:

#### Personnel Matters

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 8:30 p.m.

Mayor Onderko called the meeting back to order at 8:49 p.m.

Mayor Onderko stated that they discussed an issue which he brought up after reviewing the Borough payroll concerning the permanent, part-time Recreation Director. He stated that she has never been given any salary adjustment in three years. He stated that he felt it was wrong, and that she should have been given the same increase as other employees. They have considered a Resolution granting a one-time stipend of \$2,000.

Mayor Onderko requested a motion to open the public portion.

Councilman Petrock, seconded by Councilman Kassick, made a motion to open the public portion.

All present were in favor.

Rudy Nowak, 100 Driscoll Street - expressed his disagreement with the decision made in Closed Session.

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.

Mayor Onderko requested a motion to adopt Resolution #2016-162.

Councilman Petrock, seconded by Councilwoman Asher, made a motion to adopt Resolution #2016-162.

Resolution #2016-162

WHEREAS, the Borough of Manville has recommended that a salary increase be given to Recreation Director, Stephanie Cornelson; and

WHEREAS, Stephanie Cornelson is a Part Time Recreation Director hired in May 2013 and has directed all programs in the Recreation Department including but not limited to, Splash Camp, Baseball, Soccer, Senior exercise programs, Borough Pool management as well as special Borough events with exceptional performance results; and

WHEREAS, Stephanie Cornelson has shown her abilities to perform her job with professionalism; and

WHEREAS, Stephanie Cornelson has not received a pay increase since her hiring in 2013.

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

1.) Stephanie Cornelson will receive a performance stipend in the amount of \$2,000.00 to be paid September 15, 2016, resulting from an oversight and to account for three years of a non-increase; and

2.) This Resolution shall be construed in accordance with the Ordinances of the Borough of Manville, the Laws of the State of New Jersey, and the Laws of the United States.

3.) This Resolution shall take effect immediately upon enactment of same.

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

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

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

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

All present were in favor.

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

ATTEST:

A handwritten signature in cursive script that reads "Patricia A. Zamorski".

Patricia A. Zamorski  
Borough Clerk