

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
FEBRUARY 13, 2017**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON FEBRUARY 13, 2017 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 DAYNA CAMACHO
COUNCILWOMAN MICHELE MAGNANI
COUNCILMAN PHILIP E. PETRONE
COUNCILMAN THEODORE PETROCK, III
COUNCILMAN RON SKIRKANISH
COUNCIL PRESIDENT STEPHEN SZABO

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY
PATRICIA A. ZAMORSKI, BOROUGH CLERK
ANDREA BIERWIRTH, BOROUGH ADMINISTRATOR
CHIEF MARK PELTACK, POLICE DEPARTMENT

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of January 23, 2017

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to approve the minutes of the Regular Meeting of January 23, 2017.

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

ORDINANCES - FIRST READING AND INTRODUCTION

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

Mayor Onderko requested a motion to introduce Ordinance #2017-1179.

Councilman Petrock, seconded by Council President Szabo, made a motion to introduce Ordinance #2017-1179.

Councilwoman Camacho requested that the phrase “not to exceed” be added next to each of the salaries.

Ordinance #2017-1179

**AN ORDINANCE OF THE BOROUGH OF MANVILLE
PROVIDING FOR AND DETERMINING THE ANNUAL RATES OF
COMPENSATION FOR SALARIES AND WAGES OF CERTAIN OFFICERS
AND EMPLOYEES OF THE BOROUGH OF MANVILLE,
AND AMENDING ORDINANCE # 2015-1160**

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

1. Ordinance #2015-1160 shall be modified to change the salary or wage limits for the following positions, to now read as follows:

As to Salaried Employees:

Chief Finance Officer	\$80,000.00 (not to exceed)
Borough Clerk	\$25,000.00 (not to exceed)

As to Temporary Seasonal Employees Not to Exceed Five (5) Consecutive Months:

Basketball Referee	\$50/game (not to exceed)
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2. All other salary or wage limits set forth in #2015-1160 shall remain in effect as set forth therein.

3. Effective Date: This ordinance shall be effective ten (10) days after final approval and publication in accordance with law.

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

Attest: Patricia A. Zamorski
Borough Clerk

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

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

Mayor Onderko requested a motion to introduce Ordinance #2017-1180.

Council President Szabo, seconded by Councilwoman Camacho, made a motion to introduce Ordinance #2017-1180.

Mayor Onderko stated that he was notified of several situations in town where people put trash and bulk waste at the curb, which sits for weeks and sometimes months. He stated that it makes the town look bad, and he feels this Ordinance will provide enforcement to keep the Borough clean.

Ordinance #2017-1180

**AN ORDINANCE AMENDING ORDINANCE #2008-1073
TO REGULATE THE COLLECTION AND DISPOSAL OF
BULK TRASH ITEMS, GARBAGE, MUNICIPAL WASTE AND SOLID WASTE
WITHIN THE BOROUGH OF MANVILLE**

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

1. Ordinance #2008-1073 shall be amended by modifying same by deleting the former Section 13, and replacing same with a new Section 13, which shall now read as follows:

SECTION 13. VIOLATIONS AND PENALTIES:

(A) Any person violating any provisions of this Article (Ordinance #2008-1073 and #2017-1180) shall first be sent a Notice of Violation via both Regular and Certified Mail noticing said person to promptly abate the violation and giving notice of the penalties set forth in this Section; if the violation continues without abatement for seven (7) calendar days after the mailing date of said Notice, then, at the discretion of the Borough Zoning/Property Maintenance Officer, the violator shall be subject to either:

(1) a fine not exceeding twenty-five hundred dollars (\$2,500.00) or imprisonment in the county jail for a term not exceeding thirty (30) days, or both. However, where the penalty for such offense may be limited by a state statute, then such limitations shall be applicable notwithstanding the provisions of this Article;

or, at the discretion of the Borough Zoning/Property Maintenance Officer,

(2) (a) the solid waste, trade waste, waste materials, construction debris, hazardous wastes or bulk items shall be removed under the direction of the Borough Zoning/Property Maintenance Officer; (b) the property owner of the premises in question shall be subject to a charge for said abatement in the minimum amount of \$300.00, or such larger sum as the Borough Zoning/Property Maintenance may document based on a higher cost of removal, after review and approval of said recommended higher charge by the Director of Public Works; (c) the Borough Zoning/Property Maintenance Officer shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.

(3) Each and every violation of this article or each and every day that any provisions of this Article shall be violated, may at the discretion of the borough Zoning/Property Maintenance Officer be construed as a separate and distinct violation thereof.

2. Except as amended or modified herein, Ordinance No. 2008-1073 shall remain full force and effect.

3. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or

application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

4. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

5. Effective Date: This ordinance shall be effective ten (10) days after final approval and publication in accordance with law.

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

Attest: Patricia A. Zamorski
Borough Clerk

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

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

Mayor Onderko requested a motion to introduce Ordinance #2017-1181.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to introduce Ordinance #2017-1181.

Councilman Petrock stated that he is in favor of keeping sidewalks clean for safety purposes, but would like to see a program to assist seniors who cannot get outside to clean their sidewalks. He stated that there was such a program years ago. He further commented about the plows coming through after shoveling has been completed and push the snow back onto sidewalks.

Administrator Bierwirth stated that this Ordinance is primarily being updated to account for individuals who are throwing snow into the streets after it has been plowed.

Councilman Skirkanish commented that there are some houses in the Borough that do not have sidewalks, therefore, it may be difficult to determine who has a sidewalk and who doesn't have a sidewalk.

Mayor Onderko stated that it was a very good point, and noted that the Borough received a Community Block Grant for \$75,000 to complete some of the sidewalks near Weston School to prevent students from walking in the snow.

Attorney Maciag noted that this new Ordinance also increases the fee if the Borough must shovel from \$25 as set in 1965.

Ordinance #2017-1181

**AN ORDINANCE OF THE BOROUGH OF MANVILLE
PROVIDING FOR THE REMOVAL OF SNOW, ICE AND SLEET**

**FROM SIDEWALKS, TEMPORARY SIDEWALKS, AND ADJACENT ROADWAYS IN
THE BOROUGH OF MANVILLE,
AND REPEALING AND REPLACING ORDINANCE #1965-313**

WHEREAS, the Mayor & Council find that it is in the best interest and safety of the residents of the Borough to require property owners to remove snow, ice or sleet from properties in a timely manner, and to prohibit property owners from causing such snow, ice or sleet to be dumped into adjacent streets or roadways; 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 ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

1. The property owner of record of any building or lands abutting or bordering any street, avenue or highway in the Borough of Manville, upon which there is a sidewalk or temporary sidewalk, shall within twelve hours after snow, ice or sleet shall have stopped falling or accumulating thereon: shall remove or cause to be removed all snow, ice or sleet from the sidewalk or temporary sidewalk abutting said building or lands.
2. It is prohibited for any such property owner, or any tenant, employee or agent of same, when removing or causing to be removed, snow, ice or sleet in accord with section 1 of this Ordinance, to cause such snow, ice or sleet to be thrown or placed into any public roadway or right-of-way, whether by operation of a snowblower, plow, hand-shovel, or in any other manner, to a distance of more than 1 feet from the curblin e or roadway edge.
3. Upon any violation of Section 1 of this Ordinance, (a) the snow, ice or sleet on the sidewalk or temporary sidewalk shall be removed under the direction of the Borough Zoning/Property Maintenance Officer, and (b) said responsible party shall be subject to a charge for said abatement in the amount of \$100 for up to 100-feet of sidewalk or temporary sidewalk, plus \$1 for each additional foot of sidewalk or temporary sidewalk, and (b) the Zoning/Property Maintenance Officer shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.
4. Upon any violation of Section 2 of this Ordinance, (a) the snow, ice or sleet in the adjacent street or roadway shall be removed under the direction of the Borough Zoning/Property Maintenance Officer, and (b) said responsible party shall be subject to a charge for said abatement in the amount of \$250 (b) the Borough Zoning/Property Maintenance Officer shall certify said charge to the Tax Collector, which shall be a lien against that property on the tax records.
5. Repeal: Ordinance No. 1965-313 is hereby repealed and replaced by this Ordinance.
6. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent

jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

7. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

8. Effective Date: This ordinance shall be effective ten (10) days after final approval and publication in accordance with law.

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

Attest: Patricia A. Zamorski
Borough Clerk

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2017-24 through #2017-36.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - questioned the Resolution for Community Consultants.

Councilwoman Camacho stated that she may want to pull this Resolution, since the Policy, Planning and Personnel Committee has not determined if the Borough will continue this program.

Administrator Bierwirth stated that this is for the next six months only, until June 30th.

Attorney Maciag stated that every town is required to have a Section 8 Housing Coordinator, although some towns designate a State Official who is located at the County. He stated that the decision will be made whether the Borough will have someone in Manville, or if we will opt to use a State Official located at the County.

Mayor Onderko stated that the Section 8 Housing Coordinator administers the program for individuals who register for the Federal program. He stated that the Coordinator is paid by the Federal Government.

Administrator Bierwirth and Attorney Maciag explained the Coordinator's job.

Dean Shepard, P.O. Box 222 - had questions regarding #2017-35 and #2017-36, and questioned the advertisements and salaries for the Borough Clerk and Chief Financial Officer.

Administrator Bierwirth explained that our current Chief Financial Officer is part-time for four hours per week, and her current salary is \$32,000. She stated that Chief Financial Officer, the Clerk, and the Treasurer are all part of the Finance Department at this time. She stated that she feels the Borough needs a CFO more than four hours per week. She explained that she arrived at a figure for a full-time CFO by combining the cost of the three positions and deducting the Clerk's salary. She stated that we would not be expending any more money in salary than we are presently.

Mr. Shepard also asked about Resolution #2017-25 and the transfer of funds from Group Insurance to Capital Improvement.

Ms. Zamorski stated that there was \$30,000 left in Group Insurance from 2016, which is being applied to the Capital Improvement Fund to build it up in the event of a purchase. She stated that we would be able to use cash rather than Bonds.

Mr. Shepard also had a question regarding the \$10,000 in the Buildings and Grounds account.

Ms. Zamorski stated that the line item is low right now in the budget, and it needed to be funded.

Scott McCloud, 1315 Louis Street - had questions regarding the Chief Financial Officer's salary.

Mayor Onderko stated that she is a tenured employee that has been here awhile.

A discussion was held regarding the salary of the CFO.

The Mayor, Administrator and Attorney explained that the new CFO would be taking on the duties of the Treasurer, such as payroll.

Rudy Nowak, 100 Driscoll Street - had questions regarding the duties of the Clerk and CFO.

Mayor Onderko and Administrator Bierwirth explained how the duties will be handled.

John Mehalick, 1461 Dominic Street - stated that when he was a Councilman, there was always backup. He stated that he doesn't feel the Borough will be able to find someone to perform three jobs.

The Mayor, Administrator and Attorney explained that there will be backup.

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

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

All present were in favor.

RESOLUTION (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2017-24.

Councilman Petrone, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-24.

Resolution #2017-24

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

1. Current	\$2,360,916.45
2. Water/Sewer Utility	\$3,771.11
3. General Capital	\$2,400.00
4. Recreation Trust	\$1,979.00
5. Other Trust	\$690.00
6. Dedicated Dog	\$430.00
7. Housing Trust	
Total	\$2,370,186.56

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, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

RESOLUTIONS BY CONSENT

Mayor Onderko asked if any Councilmember wished to take any of the Resolutions separately.

Councilman Petrone asked to take Resolutions #2017-29 separately.

Mayor Onderko requested a motion to adopt Resolutions #2017-25 through #2017-28 and #2017-30 through #2017-36 by consent.

Councilman Skirkanish, seconded by Councilman Petrock, made a motion to adopt Resolutions #2017-25 through #2017-28 and #2017-30 through #2017-36 by consent.

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

Resolution #2017-25

WHEREAS, there are unexpended balances in various 2016 appropriation accounts not required for the balance of 2016; and

WHEREAS, additional sums are required for the operating expenses of other Borough accounts.

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

CURRENT FUND

FROM:

Current Fund	Account Name	Amount
6-01-23-220-020	Group Insurance	\$30,000.00
Total		\$30,000.00

TO:

Current Fund	Account Name	Amount
6-01-44-900-020	Capital Improvement	\$30,000.00
Total		\$30,000.00

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-26

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

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 2017:

Account Number	Account Name	Account Type	Amount
7-01-20-110-010	Mayor & Council	S&W	\$8,700.00
7-01-20-130-010	Financial Administration	S&W	\$35,000.00
7-01-20-155-999	Legal	O/E	\$10,000.00
7-01-21-180-010	Planning Board	S&W	\$300.00
7-01-25-264-021	First Aid Payment	O/E	\$10,000.00
7-01-26-310-999	Buildings & Grounds	O/E	\$10,000.00
7-01-36-472-020	Police & Fire Retirement System	O/E	\$716,499.00
7-01-36-474-020	Public Employees Retirement	O/E	\$284,354.00
7-01-41-723-021	Competitive Grant Application	O/E	\$2,500.00
7-01-41-724-022	Art Connection	O/E	\$2,500.00
7-01-42-333-020	Animal Shelter - Bridgewater	O/E	\$5,505.50
7-01-26-290-020	Public Works	O/E	\$7,900.00

	Total		\$1,093,258.50
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Borough of Manville,
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-27

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
Jennifer Colucci	Art Camp Instructor	2-15-17 to 4-15-17	\$15.00 per hour

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

BE IT FURTHER RESOLVED that this Resolution is contingent upon approval from the State of New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-28

WHEREAS, there exists a Cooperation Agreement between the County of Somerset and the Borough of Manville for the Community Development Block Grant (CDBG) Program; and

WHEREAS, the Program provides that each year every participating municipality will appoint two (2) representatives to the CD Committee; and

WHEREAS, the CD Committee Bylaws state that one representative shall be appointed by the Mayor and one representative be appointed by the governing body; and

WHEREAS, the Mayor has appointed Vincenzo LoMedico as representative for 2017.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that the governing body hereby appoints Andrea L. Bierwirth as representative and Richard M. Onderko as Alternate representative to the Community Development Committee for the year 2017.

FURTHERMORE, that a copy of this resolution be forwarded to the Somerset County Development Office upon its adoption.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-30

WHEREAS, this agreement made this 13th day of February, 2017 by and between The Borough of Manville located at 325 North Main Street, Manville, New Jersey, (hereinafter referred to as "the Borough") and SAVO, SCHALK, GILLESPIE, O'GRODNICK & FISHER, P.A. whose address is 77 North Bridge Street, Somerville, New Jersey (hereinafter referred to as "Attorney").

WHEREAS, the Attorney desires appointment to render legal services to the Borough as its legal counsel in the position of Tax Appeal Attorney; and

WHEREAS, the Borough desires to engage the Attorney in the position of Tax Appeal Attorney to provide legal assistance, advice and services for the various matters which may, from time to time, affect the Borough.

NOW, THEREFORE, in consideration of the above intentions and the mutual promises' contained below, the Borough and the Attorney agrees as follows;

1. The Borough hereby appoints the Attorney and the Attorney accepts appointment as Tax Appeal Attorney, to provide such legal services as the Borough shall request the Attorney to provide, upon the terms and conditions contained in this Agreement.

2. The appointment of the Tax Appeal Attorney shall commence on January 1, 2017 and shall under December 31, 2017.

3. The Attorney shall perform necessary legal services in connection with and respecting all actives and operations of the Borough, including but not limited to the following actives;

A/ Advising the Mayor, Council and Administration concerning tax appeal matters in the Borough of Manville.

B/ Representing the Borough of Manville before the Council Board of Taxation, the New Jersey State Tax Court, and any other appropriate jurisdiction related to tax appeals.

C/ Such additional legal services as may be directed by the Mayor, a majority of the members of the Borough Council or the designee of wither.

4/ for such legal services rendered by the Attorney during the term of this Agreement, the Attorney shall be compensated as follows;

a/ The Attorney shall be compensated at the rate of \$145.00 per hour and paralegal time shall be paid at a rate of \$60.00 per hour for all Attorney work on matters related to projects, applications of litigation that are before or concern the Land Use Board.

B/ for all legal services as may be rendered by the Attorney, the Attorney shall submit the charges directly to the Borough. All payments for legal services shall be paid to Savo, Schalk, Gillespie, O'Grodnick & Fisher, and P.A.

5/ If, during the course of rendering legal services, the Attorney becomes aware of any conflict which in his professional judgement requires him to disqualify himself pursuant to the code of professional responsibility as adopted by the New Jersey

Supreme Court, then the compensation as set forth above shall be revised in a manner satisfactory to both parties so that alternate counsel may be provided to the Borough.

6/ The Borough shall not impose duties or constraints of any kind upon the Attorney which would require the Attorney to infringe upon or violate the rules of ethics governing the conduct of lawyers, any rule governing the Courts of the State of New Jersey, or any ordinance, administrative regulations or statute.

7/ The Attorney agrees to abide by the rules of ethics governing the conduct of lawyers and all State statues and administrative regulations relating to the duties of Tax Appeal At5torney.

8/ This document contains the entire agreement between the parties and may only be altered by a written amendment signed by both parties and approved by Resolution of the Borough.

FURTHERMORE, that a copy of this Resolution be forwarded to Savo, Schalk, Gillespie, O'Grodnick & Fisher, P.A. upon adoption of this resolution.

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

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK, PETRONE
NAYES: SKIRKANISH

Resolution #2017-31

WHEREAS, on January 7, 2017, the Mayor and Council appointed the firm of Tetra Tech, Inc. as the Borough's Flood Mitigation Consultant; and

WHEREAS, Tetra Tech, Inc. has provided a satisfactory proposal for Flood Mitigation Consultant services including grant application development and submission.

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) The Mayor and Borough Clerk are hereby authorized to execute a Contract in this matter.
- 2) This Resolution shall be advertised once in the Courier News.
- 3) The Chief Financial Officer shall provide a Certification of Funds.
- 4) This Resolution is contingent upon approval from the State of New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-32

WHEREAS, pending the recent resignation of Stephanie Cornelson, part-time Director of Recreation, as of April 30, 2017; and
WHEREAS, the Policy, Planning & Personnel Committee of the Borough of Manville was advised of this need by the Recreation Director on February 7, 2017 and the Committee agreed to advertise for a part-time Director of Recreation for the Borough of Manville; and
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 is hereby authorized to advertise for the position of a part-time Recreation Director.
BE IT FURTHER RESOLVED that this Resolution is contingent upon approval from the State of New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-33

WHEREAS, the governing body of the Borough of Manville, County of Somerset, State of New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and
WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 2016 in a manner prescribed by N.J.S.A. 54-5-19, and as amended by Chapter 99 Public Laws of 1997;
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 Tax Collector is hereby authorized and directed to sell municipal liens in accordance with New Jersey Law, and as stated above, on October 5, 2017 at 9:00 a.m.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-34

1.) WHEREAS, several real property tax payers have redeemed liens held against their property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to release the amount specified to the lienholders listed below.

Block	Lot	Name of Owner	Amount	Lienholder
294	48	Espinosa, M	\$ 1,057.23	FWDSL

282	12	Cordone, M	\$ 874.13	FWDSL
122	42.03	Salanma, K & F	\$ 2,447.11	Natu Patel
219.02	9	Kosensky, A	\$ 553.01	Natu Patel
315	9	Santana, C & M	\$ 787.33	FWDSL

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-35

WHEREAS, pending the retirement of Borough Clerk, Patricia Zamorski, as of April 1, 2017; and

WHEREAS, each municipality must hire a Borough Clerk to conduct the basic responsibilities associated with the municipal clerk position as directed by the State of New Jersey; and

WHEREAS, the Policy, Planning & Personnel Committee of the Borough of Manville was advised of this need by the Borough Administrator on February 7, 2017 and the Committee agreed to advertise for a part-time Borough Clerk for the Borough of Manville; and

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 is hereby authorized to advertise for the position of a part-time Borough Clerk.

BE IT FURTHER RESOLVED that this Resolution is contingent upon approval from the State of New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-36

WHEREAS, pending the retirement of Certified Financial Officer (CFO), Lori Majeski, as of July 1, 2017; and

WHEREAS, each municipality must hire a Certified Financial Officer to conduct the basic responsibilities associated with the CFO position as directed by the State of New Jersey; and

WHEREAS, the Policy, Planning & Personnel Committee of the Borough of Manville was advised of this need by the Borough Administrator on February 7, 2017 and the Committee agreed to advertise for a Certified Financial Officer for the Borough of Manville; and

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 is hereby authorized to advertise for the position of a Certified Financial Officer.

BE IT FURTHER RESOLVED that this Resolution is contingent upon approval from the State of New Jersey.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2017-29.

Councilman Skirkanish, seconded by Council President Szabo, made a motion to adopt Resolution #2017-29.

Resolution #2017-29

WHEREAS, the Mayor and Council of the Borough of Manville have named Community Consultants, LLC as the Borough's Section 8 Housing Administrator according to the Pay-to-Play Regulations, at their Regular Meeting on January 1, 2017;
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, as follows:

- 1) The proposal from Community Consultants, LLC, 4 Sloan Street, South Orange, NJ 07079, for the period January 1 to June 30, 2017 be accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law.
- 3) The Housing Agency will pay to the Consultant the monthly administration fee as allocated by the Department of Housing and Urban Development for program administration; and the consultant will be responsible for all of the costs incurred in administering the program.
- 4) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 5) This Resolution shall be advertised once in the Courier News.
- 6) The Chief Financial Officer shall provide a Certification of Funds.

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

ROLL CALL: AYES: SZABO, CAMACHO, MAGNANI, PETROCK,
SKIRKANISH
ABSTAIN: PETRONE

OFFICIAL REPORTS

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

- A/ Clerk's Report - January, 2017
- B/ Police Department Report, January, 2017

- C/ Board of Health Report, January, 2017
- D/ Registrar Report, January, 2017
- E/ Animal Control Report, January, 2017
- F/ Fire Board of Engineer Report, January, 2017

NEW BUSINESS

Mayor Onderko requested approval the following items under New Business:

A/ Letter from Christ the Redeemer Parish requesting permission to hold their annual Holy Day Processions.

B/ Letter from North End Volunteer Fire Company #3, Ladies Auxiliary requesting permission to utilize the site where the produce vendor's stands are set up on South Main Street for the Annual Easter Flower Sale Fundraiser. April 14, 15 and if necessary on April 16th, 2017. On the 14th from noon to 6 p.m. and on the 15th 8 am to 6 pm.

All present were in favor.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko gave the following report:

In the past couple of weeks, I have had the opportunity to attend several important meetings looking out for the best interests of our Borough. I would like to give everyone a brief update on what was discussed and communicate the importance of each meeting.

I attended the New Jersey Association of Floodplain Managers' (NJAFM) meeting held on January 24th in Trenton to address the impacts of a new federal administration and what impact it will have on our Federal Emergency Management Agency (FEMA). Interesting questions were **raised: Will President Obama's Executive Order 13690 dated January 30th, 2015, establishing the Federal Flood Risk Management Standard and influencing Federal investment in projects be repealed outright? What regulatory processes exist that lengthen rollback? Will the new Administration strengthen funding requests for flood mitigation and infrastructure?**

I remain hopeful that projects can be undertaken to help lower flood water levels in our Borough. I refuse to accept nothing can or will be done to help us. The very next day I attended the reorganization meeting of our regional, multi-town flood Commission, the Raritan & Millstone Flood Control Commission. I spoke passionately to the Commission about considering smaller projects and to work with New Jersey's Department of Environmental Protection (NJDEP) to make progress. It has been over 60 years without any flood mitigation efforts in Manville after two hurricanes hit NJ in August of 1955 and major flooding occurred.

In the weeks ahead, I will be inviting representatives of NJDEP to Manville. I believe it is important for them to see first-hand the adverse effects flooding has had on our neighborhoods and discuss ideas for projects and a path forward in 2017. I remain hopeful President Trump, who wants to put “America first”, will put more funding toward flood mitigation to help us eliminate the constant flooding threat we face.

I recently attended a Conference of Mayors’ meeting in Trenton held on January 26th to specifically address the school funding formula. The meeting was sponsored by the New Jersey League of Municipalities. I had the opportunity to address the panel, which included Senate President Sweeney and Assembly Speaker Prieto, to ask how can Manville’s school district be one of the most underfunded districts in our State after the loss of rateables due to Blue Acre buyouts and the reduction in our town’s overall value? We receive less in school aid today than we received in 2010 even with enrollment up over 100 students. **This** is further proof that the existing complex funding formula is simply “unfair” or does not accurately account for economic conditions within our Borough. Fighting for more school aid for Manville is a fight worth taking on in my opinion. Any amount of additional aid, whether it is State or Federal, will help stabilize our property taxes and allow for a quality education to be offered to our students **without** cutting curriculum and teachers.

I attended the 25th Annual Mayors’ Legislative Day in Trenton held on February 8th that covered a wide variety of topics facing New Jersey taxpayers. **Discussions** evolved around how funds were distributed from the NJ Transportation Trust to providing affordable housing requirements with the recent court ruling on COAH obligations. In addition, the NJDEP commissioner stated that a 2017 priority of the DEP is to help reduce localized **flooding**. There’s no better place to start than right here in the Borough of Manville.

I also recently had a meeting with Somerset County’s Office of Emergency Management to discuss various topics of importance concerning our emergency operations plan, in addition, to inquire about available OEM **grants**. I look forward to helping update the Somerset County hazard mitigation plan this year from a Manville perspective. All municipalities will participate in this work effort and update their own local plans to remain eligible for FEMA grant money.

Providing better communication during times of emergencies is a top priority. The Nixle messaging service is used by our police department and by surrounding towns to communicate more effectively with residents. Simply text our zip code 08835 to 888777 to start receiving mobile phone alerts sent from our police department. You can visit www.nixle.com and sign up for all the notification options available. I find this to be a valuable service being notified of weather events, traffic accidents and road closures in our local area as they occur.

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that he met with Mayor Onderko, Administrator Bierwirth and Councilman Skirkanish. He stated that they discussed their new appointments to the Committees and they were brought up to date on issues that occurred last year. He thanked both the Mayor and

Administrator for their time that day. He further reported that his Committee met on February 7th with Administrator Bierwirth and John Tamburini, the Construction Official. They discussed his office and inspections performed as well as the numbers of permits issued and revenue collected last year, which was \$160,000. He stated that they are awaiting information on the number of permits issued. He further reported that they discussed illegal discharge of sump pumps into the sewer lines, and they will be reaching out to other communities to see what Ordinances they have to correct the problem. He further reported that they discussed some property maintenance issues, illegal businesses and illegal additions. He further reported that they discussed street lighting, and he will be reaching out to a contact he had at PSE&G to meet with Administrator Bierwirth and Director of Public Works, Vince LoMedico. He specifically stated that a light must be constructed at the crosswalk on South Main Street and South Street. He reported that they appointed the liaison for Recreation, Councilwoman Magnani, and Councilwoman Camacho will be liaison to the Code Enforcement Office. He stated that they will also be reviewing Ordinance dealing with Zoning, and addressing areas of improvement in the Borough.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they met and discussed the snowstorm which the Department was preparing for. She further reported that the generator at the VFW is not completed, but should be ready by February 15th, and the sign on the OEM building is ready and installed, with only a \$33 cost to the Borough. She reported that they are still working on the bid for the switch at the OEM Building. She also reported that Vince LoMedico is working on a Community Development Block Grant application for repair of the Kiddie Pool at Memorial. She also reported that the new time clocks have been installed, and the information goes directly to payroll. She also reported that protective glass has been installed at the Public Works Building, and residents must now entire through the main door, since the back door is an employee entrance, and guests will be buzzed in. She further reported that New Jersey American Water is working on Marian and St. John's Place replacing water mains. She further reported that the construction of the bridge on South Main Street has begun, and they are asking for the public's patience as the project is scheduled to run for 18 months. She explained the complexity of the project and the re-routing of gas and water mains underground. She further reported that the Director has discussed liability issues with the construction crew. She also reported that a tree has been taken down at 355 Green Street, and the stump has been removed. She also reported that she attended the Vietnam Vets Memorial Service at the VFW and thanked our service men and women, and the Rescue Squad installation dinner. She thanked Sheila Lessing for doing a great job organizing the dinner and for her love and regard for the members of the Squad. She asked that residents consider donating to the Rescue Squad. She also reported that she attended the Boy Scout Anniversary luncheon, which was a very nice event. She also reported Assemblyman Andrew Zwicker's office reached out to her looking for assistance in working with the Veterans Administration to explain benefits and claim submission. She asked that anyone willing to help see her for additional information.

Council President Szabo, as Chairperson of the Public Safety Committee reported that reported that they did not meet. He reported that he participated in the Vietnam

Memorial Services, and he attended the Rescue Squad installation, the Public Works Committee meeting, the Fire Chief Retirement Dinner, and the Boy Scout Dinner. He reported that the Library is offering free assistance through the Somerset County Office of Volunteer Services who can be reached at 908-541-5710. He further reported that the Library has several programs for February including: Presentation on Jackie Robinson on February 18th and Harry Potter Event on February 25th. He also reported that the Recreation Committee met and they are sponsoring Senior Fitness, Chair Aerobics, Zumba Gold, and Low-Impact Aerobics. He also reported that they will be accepting applications for Summer Employment on March 13th, and the Easter Egg Hunt will be held on April 8th at 12 noon at the Weston School playground. He further reported that their next meeting is March 7th. He reported that the Rescue Squad had 73 calls in January, and they will be covering the Christ the Redeemer Stations of the Cross on March 28th. He reported that they will be offering CPR classes beginning in March, and if any Council person is interested they can contact Sheila Lessing. He also reported that their All You Can Eat Filet Mignon Dinner will be held on April 30th at the VFW for \$37.50 per person and tickets can be obtained from Sheila Lessing. He further reported that Chief Kohler will be teaching CPR at the Public Works building on February 21st and 28th.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they have not met, but are hoping to set up a meeting with Rustic Mall representatives and Frank Banish. He reported that he attended the MBPA meeting with Administrator Bierwirth and they discussed the bridge construction and the Planning Board meeting. They also discussed the Shop Local Program that Hillsborough is utilizing. He also reported that he attended the Policy, Planning and Personnel meeting, the Planning Board meeting, the Rescue Squad Installation Dinner, the Fire Chief Retirement Dinner, the Boy Scout Dinner and Pack 193 Dinner, and the Vietnam memorial service. He also reported that the next Board of Health meeting is scheduled for February 21st.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on February 7th and discussed retirements and reorganization of departments. She stated that they will begin the process of advertising and interviewing for a part-time Municipal Clerk. She further reported that the Recreation Director will be leaving on April 30th, and they must advertise and interview for that position. She stated that they must move quickly on this position with Spring Sports Programs and Pool Season coming soon. She noted that it is a part-time position, but requires organization and planning of many activities, and they are hoping for a smooth transition in order to avoid affecting activities and programs. She noted that there is a great support team for Recreation. She also reported that she is liaison to the Building and Zoning Department, and thanked Councilman Petrone for the position. She has requested copies of all reports filed recently by the Zoning Officer and permit amounts and numbers. She also reported that she attended the Buildings and Grounds Committee meeting and the Planning Board meeting.

Councilman Petrock, as Chairperson of the Finance Committee reported that they have scheduled a meeting for next Wednesday, and asked Administrator Bierwirth to supplement his report.

Administrator Bierwirth stated that they will be meeting with Suplee, Clooney to discuss the budget, and they have prepared the Annual Financial Statement. She reported that all Departments have submitted their budget needs in detail for the Finance Committee. She stated that they will be meeting over the next few weeks to put together a budget.

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.

Bob Kaminski, 10 Liberty Street - commented that he called the Board of Health regarding barking dogs as directed by Council, and he was told to call the police.

Councilman Skirkanish stated he would discuss it at the Board of Health meeting.

Mr. Kaminski also made a comment regarding the snow removal Ordinance, the revisions to the bulk Ordinance, and suggested that a flyer regarding the Nixel system be sent to the schools.

Maria Janucik, 720 East Frech Avenue - had questions regarding the part-time CFO position, tax assessor salary and benefits, tax maps and the four buyouts.

Mayor Onderko and Administrator Bierwirth addressed her questions.

Ray Walsh, 26 North 11th Avenue - commented on the Mayor's report regarding flooding and school funding. He also commented regarding free programs available through Duke Farms.

Administrator Bierwirth informed Mr. Walsh that she will be meeting with Duke Farms regarding Community Outreach Programs.

Rudy Nowak, 100 Driscoll Street - expressed his objections to the Ordinances for clearing sidewalks, fines, and fee per game for basketball referees.

Administrator Bierwirth and Attorney Maciag addressed his concerns.

Dean Shepard, P.O. Box 222 - commented that he attended the Planning Board meeting on Tuesday, and he suggested that Attorney Maciag instruct the Council members on their conduct when attending the meetings as members of the public. He also commented that there should be a back-up Attorney for Planning Board, and stated that the roads were plowed well, but there are three employees that drive the equipment too fast.

Louise Niecikowski, 24 North 18th Avenue - commented regarding abandoned homes and buyouts and asked what is being done to replace those homes.

Mayor Onderko addressed her comments.

John Mehalick, 1461 Dominic Street - commented on removal of the Weston Dam.

Mayor Onderko stated that removing man-made obstructions from a waterway is a good thing, as it allows the rivers to flush themselves at times of high flow.

Ray Walsh, 26 North 11th Avenue - discussed the tax increase by the School Board.

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

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

All present were in favor.

Mayor Onderko requested a motion to adjourn the meeting.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 8:50 p.m.

ATTEST:



Patricia A. Zamorski
Borough Clerk