

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
FEBRUARY 27, 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 27, 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
CAPTAIN MARK SNISCAK, 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 February 13, 2017

Council President Szabo, seconded by Councilman Skirkanish, made a motion to approve the minutes of the Regular Meeting of February 13, 2017.

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

ORDINANCES - FINAL READING AND PUBLIC HEARING

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

Mayor Onderko opened the public portion on Ordinance #2017-1179.

All present were in favor.

When no one wished to comment on the Ordinance, 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 on Ordinance #2017-1179.

All present were in favor.

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

Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to adopt Ordinance #2017-1179.

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)

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 Amend Ordinance #2017-1180** as previously introduced to clarify that matters can be addressed by either the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer.

Councilman Petrock, seconded by Council President Szabo, made a motion to amend Ordinance #2017-1180 as previously introduced to clarify that matters can be addressed by either the Borough Administrator, Borough Engineer, Director of Public Works, and/or the Borough Zoning/Property Maintenance Officer.

Mayor Onderko requested a Roll Call on the amendment to the Ordinance.

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

Mayor Onderko requested a motion to open the public portion on Ordinance #2017-1180.

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to open the public portion on Ordinance #2017-1180.

All present were in favor.

Rudy Nowak, 100 Driscoll Street - requested clarification on the amendment to the Ordinance, and asked if the Ordinance needed to be re-advertised.

Attorney Maciag stated it was a technical amendment, which is not substantively changing the Ordinance.

When no one else wished to comment on the Ordinance, 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 on Ordinance #2017-1180.

All present were in favor.

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

Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to adopt Ordinance #2017-1180.

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 amend Ordinance #2017-1181 as previously introduced, re Snow, Ice and Sleet Removal, to provide that the Ordinance shall apply to any sidewalk or temporary sidewalk which, together, with adjacent sidewalks is 100-feet or more in length, shall within twelve (12) 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. (It is the intent of the 100-foot length requirement in this section that if, by way of example, a homeowner has less than 100-feet of sidewalk frontage and the neighbors on each side have no sidewalk at all, then that homeowner shall have no requirement to remove snow from that short isolated sidewalk that does not connect to any other sidewalks.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to Ordinance #2017-1181 as previously introduced, re Snow, Ice and Sleet Removal, to provide that the Ordinance shall apply to any sidewalk or temporary sidewalk which, together, with adjacent sidewalks is 100-feet or more in length, shall within twelve (12) 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. (It is the intent of the 100-foot length requirement in this section that if, by way of example, a homeowner has less than 100-feet of sidewalk frontage and the neighbors on each side have no sidewalk at all, then that homeowner shall have no requirement to remove snow from that short isolated sidewalk that does not connect to any other sidewalks.

Mayor Onderko requested a Roll Call on the amendment to the Ordinance.

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

Attorney Maciag stated that the intent to have a first reading of an Ordinance is to alert the public that the issue is coming up and allow two weeks to review the issue. He stated that in the case of the amendment to this Ordinance, it is not a substantive change, and actually reduces the burden on certain citizens.

Mayor Onderko requested a motion to open the public portion on Ordinance #2017-1181.

Councilman Petrock, seconded by Council President Szabo, made a motion to open the public portion on Ordinance #2017-1181.

All present were in favor.

Rudy Nowak, 100 Driscoll Street - stated that he objected to the time frame when the Ordinance was introduced, and he still feels that 12 hours is too short a time for senior citizens to clear their sidewalks. He asks that this be changed to 24 hours.

Mayor Onderko requested comments from Committee members regarding the request to change the time frame.

Council President Szabo, as Chairperson of the Public Safety Committee stated that they all agreed to keep the time frame at 12 hours due to freezing and the possibility of rain after the snowfall, which could turn the snow to ice.

Councilwoman Magnani stated that they discussed finding volunteers to assist seniors in the town. She suggested a donation be made to the Boy Scouts or whatever organization has agreed to provide the service.

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

Councilman Skirkanish, seconded by Council President Szabo, made a motion to close the public portion on Ordinance #2017-1181.

All present were in favor.

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

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

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 curbline 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 #2017-37 through #2017-43.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - had questions regarding Resolution #2017-43, and asked what is different from the original agreement.

Attorney Maciag stated that he spoke to the Attorney for Hillsborough, and this amendment actually arose out of a request made by Mrs. Janucik for a copy of the Agreement. He stated that the copy of the Agreement that was pulled at the County had a missing paragraph stipulating that credit card fees for Manville fines go to Manville, and e-ticket fees go to Manville. He explained that it is a shared Municipal Court with Montgomery, Hillsborough and Manville, and although it everything has been done correctly, one paragraph was missing from the original agreement. He stated that Judge Ciccone from the Superior Court requested that the agreement be resigned and refiled at the County. Attorney Maciag also explained the difference between a Joint Municipal Court and a Shared Municipal Court, which keeps separate accounts for each town.

Mrs. Janucik asked if there was a record of all money received for Manville Municipal Court.

Ms. Zamorski stated that there was a record.

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 Petrock 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 #2017-37.

Councilman Skirkanish, seconded by Council President Szabo, made a motion to adopt Resolution #2017-37.

Resolution #2017-37

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

1. Current	\$209 ,195.48
2. Water/Sewer Utility	\$7,3 45.63
3. General Capital	0.00
4. Recreation Trust	\$4,9 26.80
5. Other Trust	0.00
6. Dedicated Dog	525. 00
7. Housing Trust	0.00
Total	\$221 ,992.91

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 #2017-38 to #2017-43 separately.

Councilman Petrone asked to take Resolutions #2017-40 separately.

Mayor Onderko requested a motion to adopt Resolutions #2017-38 through #2017-29 and #2017-41 through #2017-43 by consent.

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to adopt Resolutions #2017-38 through #2017-29 and #2017-41 through #2017-43 by consent.

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

Resolution #2017-38

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
7-01-25-240-999	Police Department	O/E	\$35,000.00
7-01-25-267-999	Uniform Fire Safety	O/E	\$1,250.00
7-01-28-370-999	Recreation	O/E	\$10,000.00
7-01-26-290-999	Public Works	O/E	\$165,000.00
7-01-31-447-020	Water	O/E	\$2,600.00
7-01-26-310-020	Public Buildings & Grounds	O/E	\$5,000.00
Total			\$218,850.00

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-39

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
137	27	Nowacki, R	\$ 675.62	Natu Patel
92	68	Banaskiewicz, A	\$ 1,165.54	Natu Patel
91	12	Banaskiewicz, A	\$ 1,300.14	Natu Patel
89	32	Bayview Loan SVCS	\$ 564.35	PC 6 Sterling
100	31	Petrone, R	\$ 1,479.30	Natu Patel
166	11	Chen, Min	\$ 928.21	FWDSL
196	27	Spera, J	\$ 1,032.23	ActLien
116	40	Valdemir, D	\$ 451.75	FWDSL
219.02 7		Mason, E & L	\$ 569.29	Natu Patel
279	23	Vecchio, Rebecca	\$ 945.47	4C's, LLC
170	22	Federal National Mtg.	\$ 502.95	FWDSL & Asso.
20	18	Tomko, P & R	\$ 1,195.14	Christian Trust
190	21	McFadden, et al.	\$ 809.25	US Bank
98	48	Hernandez, Carlos	\$ 813.64	Natu Patel
181	25	Saladin, B & M	\$ 947.65	Natu Patel

2.) WHEREAS, the following real property tax payers have overpaid their sewer charges, and the Tax Collector has received proof of such payments after correspondence with said property owner(s).

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 to refund said amount to the property owner(s).

Sewer Acct #	Name of Owner	Amount	Year	Quarter
83-0	Kiser, Margaret	\$59.74	2016	3 rd

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-41

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:

FROM:

Current Fund	Account Name	Amount
6-01-26-290-020	Public Works, O/E	\$7,500.00
Total		\$7,500.00

TO:

Current Fund	Account Name	Amount
6-01-25-265-020	Fire Department, O/E	\$7,500.00
Total		\$7,500.00

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-42

WHEREAS, James E. Lukac is an employee of the Borough of Manville, and has applied to become a member of the Manville Fire Department; and

WHEREAS, James E. Lukac is a New Jersey Certified Firefighter and can provide additional manpower in the daytime hours since he works for the Borough; and

WHEREAS, because he is already a certified firefighter, all required criminal history background checks and fingerprinting were previously 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 James E. Lukac 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

Resolution #2017-43

**RESOLUTION SUPPLEMENTING RESOLUTION #2015-95,
APPROVING AN AGREEMENT
FOR A SHARED MUNICIPAL COURT
WITH THE TOWNSHIP OF HILLSBOROUGH , NEW JERSEY**

WHEREAS, the Township of Hillsborough and Borough of Manville entered into a Shared Services Agreement for a Shared Municipal Court, effective as of January 1, 2016, as authorized by Manville Borough Resolution #2015-195, adopted November 23, 2015; and

WHEREAS, the two municipalities have been satisfactorily operating in accord with that Shared Services Agreement (“the Agreement”) since January 1, 2016 and will continue to do so; and

WHEREAS, N.J.S.A. 2B:12-1.c allows for the establishment of Shared Municipal Courts and provides that:

[t]wo or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts, and agree to appoint judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process; and

WHEREAS, Hillsborough and Manville received approval from the Somerset County Superior Court Vicinage 13 Assignment Judge the Hon. Yolanda Ciccone, A.J.S.C., for a Shared Municipal Court pursuant to New Jersey Court Rule 1:33-4(a) which provides that “[t]he Assignment Judge shall be the chief judicial officer within the vicinage and shall have plenary responsibility for the administration of all courts therein”; and

WHEREAS, the approval from Assignment Judge Ciccone requires the insertion of language re conditions regarding court signage (as set forth at Article I.G of the Agreement) and regarding the manner of accounting for credit-card processing and e-ticket fees (as set forth at Articles IV.A and IV.B of the Agreement) and the maintaining of records in accord with standard New Jersey Judiciary Directive #3-01 (as set forth at Article V.B of the agreement); and

WHEREAS, the Shared Municipal Court has confirmed that, notwithstanding that required language being absent from the form of Agreement previously signed between Hillsborough and Manville in December 2015, that in actual practice the Court has in fact already been complying with those technical conditions, but for purposes of accuracy the Assignment Judge has directed that each municipality sign a corrected and updated Agreement at this time; and

WHEREAS, the attached corrected and updated Agreement otherwise leaves all conditions of the Agreement previously signed between Hillsborough and Manville in December 2015 unchanged, and in full force and effect;

NOW, THEREFORE, BE IT RESOLVED by the Mayor & Council of the Borough of Manville, Somerset County, New Jersey, that: (1) that the attached Shared Services Agreement with Hillsborough Township for a Shared Municipal Court (as including the additional language required by the Assignment Judge as described at the fifth Whereas clause hereinabove) is hereby approved and may be executed by the Mayor and Borough Clerk; and (2) the Borough Clerk is directed to forward a copy of this Resolution and the signed Shared Services Agreement to the Hillsborough Township Clerk for execution by the Mayor and Township Clerk of Hillsborough Township.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2017-40.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2017-40.

Resolution #2017-40

WHEREAS, on January 7, 2017, the Mayor and Council appointed Michael P. O'Grodnick, Esq. of the law firm of SAVO, SCHALK, GILLESPIE, O'GRODNICK & FISHER, P.A., whose address is 77 North Bridge Street, Somerville, New Jersey, as the Borough's Tax Attorney to assist with the handling of Tax Appeals; and

WHEREAS, Michael P. O'Grodnick has provided a satisfactory proposal for Tax Attorney 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 Michael O'Grodnick, of the law firm of SAVO, SCHALK, GILLESPIE, O'GRODNICK & FISHER, P.A. is hereby accepted, as follows:

- 1) The Mayor and Borough Clerk are hereby authorized to execute a Contract in this matter, at the rate of \$145 per hour for Attorney Services and \$60 per hour for paralegal services, not to exceed \$40,000.
- 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

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

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko reported that he attended a meeting at Duke Farms on February 23rd sponsored by the Rutgers Sustainable Raritan River Initiative which focused on water quality of our rivers. He stated that representatives of the New Jersey Department of Environmental Protection were in attendance, and they mentioned a grant program called the Non-Point Source Pollutions Control Grant, which is a 319 Grant Program. He stated that Rutgers will be applying for a Grant to help control flooding of the Royce Brook under this program. He stated that there is \$8 million in grants available to be awarded, and based on the work of green infrastructure designs, he is optimistic a grant will be awarded to us. He further reported that he sent a letter to the Department of Environmental Protection, Bureau of Dam Safety expressing his support for the removal of the Weston Mill Dam from the Millstone River. He stated that the work is planned to begin in May or June of this year. He stated that the dam serves no purpose, and should be removed to improve fish migration and boating. He further stated that the Island Farm Weir is a concern and he asked if that could also be removed. He further reported that he wrote a letter to Lt. Governor Kim Guadano concerning the existing school funding formula. He stated that he questioned why Manville was the eighth most under-funded school district in the State. He stated that the existing formula should take into account the value of the town to determine equalization aid. He stated that as Manville uses ratables and our overall town value dropped, we should be receiving more aid. He stated that he did receive a response, which he read in which Lt. Governor Guadano thanks him for his concerns of the fair funding formula for Manville, and states that a copy of his letter was walked to the Governor's office for further consideration and review by the Governor's budget team as they work on the Governor's proposal and any legislative initiatives that may come forward. She thanked him for his summary of Manville's situation and the funding history. Mayor Onderko stated that he will be keeping a close eye on the amount of equalization aid we receive this year, and he stated that there is a proposal before our Legislatures to provide Manville with \$1 million more in State aid each year for the next five years, which would bring it over \$10 million in that time period. He stated that Governor Christie will be giving his final budget address tomorrow, which he hopes will include information regarding the school budget problem. He further reported that he hoped we would be able to keep any Municipal increase to a minimum and still fund important projects for the Borough.

Councilman Petrock, as Chairperson of the Finance Committee, reported that they met on February 22nd. He stated that Administrator Bierwirth designed a line-by-line budget for each Department so that the Committee can see where money is going. He stated that some Departments were concerned that their budgets were cut, and he stated that they will continue to make cuts. He stated that they will continue to meet with Department Heads to review their itemized budgets and make additional cuts. He further reported, as a quarterly report, that at the end of December the current fund expenditures total \$12 million, and he has an itemized list of the expenditures. He invited the public to speak to him after the meeting, and he will provide them with all the numbers.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they will be meeting tomorrow morning at 11:00 a.m. and will provide a detailed report of that meeting at the next meeting.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they are meeting on Wednesday at 6:00 p.m. and he will have a full report at the next meeting. He further stated that he attended the Board of Health meeting, and they discussed the Massage Ordinance which will also be discussed on Wednesday. He also reported that they would like to create a rating system for food establishments that will be posted in the window. He further reported that they would like to create an Ordinance to provide for a certified food preparer on staff at all times. He further reported that they discussed the dog barking Ordinance, and they are seeking a veterinarian for Rabies Shots on May 6th or May 20th. He further reported that he also attended the Fire Board of Engineers meeting on February 21st, and the Finance Committee meeting on February 22nd. He further reported that he attended the Public Safety Meeting.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they met on February 22nd and discussed new tires for the fire truck. He further reported that the Fire Marshal will be providing month reports. He also reported that the Police Department is considering hiring a Class 2 Specialist to save money on benefits and salary, who would work up to 48 hours per week without benefits. He stated that it is only in discussion right now. He further reported that the Police Department received a high rating from their State audit.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they have not met, however, she reported that there is a spring road audit underway, and temporary patching is ongoing. She reported that PSE&G has completed water main work in Little Weston and paving is set for when the weather clears. She reported that catch basin cleaning has been completed on the Northside, Southside, and Little Weston, and County Bridge Replacement on South Main is still in progress. She reported that utilities have been relocated and they are still hoping to meet the 18-month deadline. She reported that she attended the Public Safety meeting, and there should be a Recreation Department meeting sometime this week. She reminded residents to see her if they have problems to discuss.

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that his report is a follow-up from the last meeting: They have made progress with the lighting on the pedestrian cross-walk at South Main Street and are in contact with PSE&G. He further reported that they spoke to the underground wiring specialist as well. He also reported that he is working with the Administrator on Property Maintenance Ordinances and enforcement of those Ordinances. He also reported that he has compared our Ordinances with the New Jersey State League of Municipality Ordinances. He further reported that they will be meeting with the Zoning and Property Maintenance Officer at their next meeting to discuss Ordinances. He further reported that he spoke with Stephanie Cornelson and the next Recreation meeting is scheduled for March 7th. He further reported that he would like to meet with the staff members

responsible for maintenance of parks, pools, and ballfields to discuss the maintenance and repair budget for those areas. He further reported that they will be reviewing maintenance of the FEMA acquired properties to determine time spent for grass cutting. As a member of the Shade Tree Commission he reported that they met last week and discussed the trees which were purchased at the end of 2016 and the plantings. He reported that they are working along with Library Director, Nan Peterson for Arbor Day, for which they hope to involve the schools as well. He further reported that he filled in for Councilman Petrock at the Board of Education meeting, and he stated that there was a report on HIB (harassment, intimidation, and bullying) findings from September 1, 2016 through December 31, 2016 which appeared to be in good shape. He also reported that the Schools will be holding a Safety Day on March 7th with the staff.

PUBLIC PORTION

Mayor Onderko requested a motion to open the Public Portion.

Attorney Maciag set forth the rules for Public Portion.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - had questions regarding the annual reassessment, and questioned Mr. Stives' hours and whether he will become a full-time employee.

Mayor Onderko stated that they have discussed with the County Tax Board the need to postpone it for one year to allow the tax appeal process to proceed this year, and start the reassessment next year. He stated that Mr. Stives has been inundated with questions regarding assessed values due to last year's revaluation. He stated that he is behind on some of his work, and they felt it would be more efficient if he was here three days rather than two and one half days.

Mrs. Janucik also asked if Walter Wilczek would become an Assistant Tax Assessor, and asked about the Assistant to the Tax Assessor.

Administrator Bierwirth stated that they are trying to come up with solutions to help Mr. Stives with inspections and field work, and they have spoken to Mr. Wilczek about assisting with inspections during the heavy appeal time. She stated he would not be an Assistant Tax Assessor. She also stated that they are currently interviewing for a part-time Administrative Assistant to the Tax Assessor to replace the position that was vacated last year.

Mrs. Janucik also asked how many FEMA-owned properties there are in Manville, and asked about the impact of more buyouts.

Mayor Onderko addressed her comments.

Dean Shepard, P.O. Box 222 - commented on the failure of the recording system at the Planning Board meeting on February 7th and stated that the Courtroom sound system should be upgraded.

Mayor Onderko and Councilwoman Camacho stated that they are currently receiving quotes for a new system.

Mr. Shepard also stated that he witnessed Public Works employees picking up Walmart carts, and discussed the MBPA meeting.

Mayor Onderko and Administrator Bierwirth addressed his comments.

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.

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

All present were in favor.

The meeting was adjourned at approximately 8:02 p.m.

ATTEST:



Patricia A. Zamorski, Borough Clerk