

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
MARCH 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 MARCH 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  
CAPTAIN MARK SNISCAK, POLICE DEPARTMENT

**SALUTE TO THE FLAG AND A MOMENT OF SILENCE**

**MAYOR'S APPOINTMENTS**

Mayor Onderko made the following appointments to the Shade Tree Commission:

Scott Merry, 1-year term expiring December 31, 2017  
Charles Truskowski, 2-year term expiring December 31, 2018  
Albert Foeri, 4-year term expiring December 31, 2020  
Philip E. Petrone, 4-year term expiring December, 2020

Mayor Onderko requested a motion to approve the appointments.  
Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to confirm the appointments to the Shade Tree Commission.

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

## **PROCLAMATIONS**

Councilman Skirkanish read a Proclamation for Colorectal Cancer Month.

Mayor Onderko read a Proclamation for Red Cross Month. He thanked Mike and Marilyn Fiure for their hard work with the Red Cross in our Borough. He also stated that they are a big part of our shelter operations, and he noted that he met with the Red Cross and members of the VFW to discuss a partnering agreement and MOU for our shelter operations. He further stated that the Red Cross would be giving a half-day seminar on shelter operations. He thanked the Red Cross for their assistance to our Borough.

## **APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of February 27, 2017

Council President Szabo, seconded by Councilman Petrock, made a motion to approve the minutes of the Regular Meeting of February 27, 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 #2017-1182.

Councilman Petrone, seconded by Council President Szabo, made a motion to introduce Ordinance #2017-1182.

Ordinance #2017-1182

## **DISCUSSION**

Councilwoman Camacho questioned the number of establishments.

Christopher M. Corsini, Esq., the Borough's Land Use and Board of Health Attorney, stated that they cannot be restricted and a cap cannot be put on the number of establishments, however, if the Master Plan and/or Zoning Ordinance is amended, the Borough can restrict the area where they are located. He stated that it gives the Borough more enforcement of the establishments, and he stated that our Health Officer will now have the power to do inspections.

Councilwoman Magnani asked if we are requiring therapists to be licensed and if the State performs inspections.

Mr. Corsini stated that the Ordinance does require licenses.

Chief Peltack stated that his office does annual inspections and investigations on the employers and employees of the establishment.

**AN ORDINANCE REGULATING MASSAGE ESTABLISHMENTS  
AND NON-CERTIFIED PRACTITIONERS THEREOF  
AND REPEALING ORDINANCE #2012-1119**

**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:

**SECTION 1. DEFINITIONS**

“Applicant” means any person who applies to the Borough of Manville for a permit to operate a Massage Establishment as defined herein.

“Committee” means the Massage, Bodywork and Somatic Therapy Examining Committee established pursuant to N.J.S.A. 45:11-53 et seq.

“Massage, bodywork and somatic therapies” or “massage, bodywork and somatic” means systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such application may include, but is not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, explaining and describing myofascial movement, self-care and stress management as it relates to massage, bodywork and somatic therapies. Massage, bodywork and somatic therapy practices are designed to affect the energetic system of the body for the purposes of promoting and maintaining the health and well-being of the client. Massage, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

“Massage, bodywork and somatic therapist” means a person certified pursuant to the provisions of N.J.S.A. 45:11-53, et seq. and N.J.A.C. 13:37A-1.1, et seq.

“Massage Establishment” means any establishment having a fixed place of business where massage, bodywork and somatic services are provided for a valuable consideration.

“Permit” means the document issued by the Borough of Manville authorizing an applicant to operate and maintain a Massage Establishment and render massage, bodywork and somatic therapy in accordance with the provisions of this ordinance.

“Permittee” means any practitioner who holds a permit from the Borough of Manville authorizing the operation of a Massage Establishment in the Borough of Manville in accordance with the provisions of this ordinance.

“Person” means a natural person, partnership, association, company, corporation, organization, legal entity, or managing agent, servant, officer or employee of any of them.

## **SECTION 2. PROHIBITED CONDUCT**

A. No person shall operate a massage establishment without first having obtained a permit therefor in accordance with the provisions of this ordinance.

B. A permittee shall require that the permit be prominently displayed so that same is clearly visible to any patron receiving such services from a permittee.

C. No person shall render massage, bodywork or somatic services unless such person is licensed pursuant to N.J.S.A. 45:11-53 et seq.

D. No licensed provider of massage, bodywork or somatic therapies as licensed pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq. shall perform massage, bodywork and somatic therapies of any kind unless they are supervised by the permittee in accordance with this ordinance.

E. All permittees and the associates, agents or representatives thereof shall adhere to all standards and regulations applicable to under state and federal law.

## **SECTION 3. PERMIT REQUIRED FOR OPERATION OF MASSAGE ESTABLISHMENT; PROCEDURE FOR PERMITTING**

A. A massage establishment license shall be granted to an applicant or other person only upon approval of an application therefor by the Mayor and Council. The application shall be filed with the Borough Clerk and a non-refundable application/license fee of \$250.00 shall be paid at the time of filing. The license shall be valid for the remainder of the calendar year, shall not be transferable, and shall be subject to annual renewal as of January 1 of each year. The non-refundable application/license fee shall not be pro-rated based upon the date of filing or date of approval. All applications shall be forwarded to the Borough agencies of Police, Health, Building, and Zoning for review and report to the Mayor and Council.

B. Any person desiring a massage, bodywork or somatic therapy establishment permit shall file a written application with the Borough Clerk's office on a form to be furnished by the Borough Clerk's office. The completed application shall be returned to the Borough Clerk's office for processing with the established inspection fee as required above.

C. In addition to the completed application, the applicant, who shall be a principal of the business, may be required to submit additional documentation, including but not limited to a sketch, floor plan, and/or building layout as applicable to the application. The application form shall contain the following information:

(1) The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.

(2) The name, style and designation under which the business is to be conducted.

(3) The business address and all telephone numbers, including facsimile, where business is to be conducted.

(4) A complete list of the names and addresses of all massage, bodywork and somatic therapists, along with proof of certification by the State of New Jersey pursuant to the provisions of N.J.S.A. 45:11-53 et seq., and employees in the business and the name and residence address of the manager or other person principally in charge of the operation of the business. It shall be the responsibility of the owner/operator to maintain an updated employee list and provide same to the Borough Clerk's Office. The Borough Clerk shall be notified in writing within seven days,

transmitted by mail, email or facsimile, of any changes to the list. Said list shall also be made available during all inspections.

(5) The following personal information concerning the applicant, if an individual; concerning each stockholder holding more than 10% of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business:

(a) The name, complete residence address, residence telephone number, mobile telephone number and email address.

(b) The two previous residential addresses immediately prior to the present residential address of the applicant.

(c) Copy of current driver's license or other government-issued photo ID.

(d) Two front-face portrait photographs taken within 30 days of the date of the application and at least two inches by two inches in size (passport size).

(e) The massage therapy or similar business history and experience, including, but not limited to, whether or not such a person has previously operated in this or another municipality or state under a license or permit which was ultimately denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

(f) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a fingerprint and criminal background check by the Police Department.

(g) The submitted application must be accompanied by a copy of the signed lease for the property location where the proposed massage establishment will be in operation. The applicant must be listed as the lessee on the lease.

(h) The names and addresses of three adult residents of Somerset County, or the abutting counties of Hunterdon, Mercer, Middlesex or Union, who will serve as character references. These references must be persons other than relatives and business associates.

D. All initial applications for a massage, bodywork or somatic therapy establishment permit shall be accompanied by an application for a zoning permit or change of tenant occupancy. The Borough Clerk shall refer the application to the Construction Code Department, the Fire Prevention Department, the Police Department, the Health Department, and the Zoning/Planning Department, which departments shall inspect the premises proposed to be operated as a massage establishment and shall make written recommendations to the Borough Clerk concerning compliance with the codes that they administer.

E. No massage, bodywork or somatic therapy establishment shall be issued a permit or be operated, established or maintained in the Borough unless an inspection by the Health Department, Construction Code Department and Fire Prevention Division reveals that the establishment complies with the minimum requirements of the Building, Fire and Health Codes for businesses operating in the Borough of Manville. In addition, the establishment must comply with each of the following minimum requirements:

(1) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a

sanitary condition and regularly cleaned and disinfected by a method approved by the Health Department.

(2) Each massage, bodywork and somatic therapy area/room shall be equipped with a sink and an adequate area within each room for clients to store personal items.

(3) The owner or operator shall submit a disinfection/sterilization plan for non-disposable instruments and materials used in administering massages, bodywork and/or somatic therapies to the Health Department for approval and must operate in compliance with an approved plan. Such non-disposable instruments and materials shall be disinfected after use on each patron and stored in a clean and sanitary manner.

(4) A shower area for clients shall be provided within the facility; such area shall be maintained in a clean and sanitary condition at all times.

#### **SECTION 4. REVIEW AND APPROVAL OF PERMITS; VALIDITY/TRANSFERABILITY**

All permit applications under this chapter are subject to an administrative review. Upon completion of the administrative review, a written report shall be filed with the Borough Clerk. If all the requirements of this chapter have been fully satisfied, the Borough Clerk shall then approve said permit. Any permit granted under this chapter shall only be valid to the person to whom it was granted and shall not be transferable.

#### **SECTION 5. REGULATION OF BUSINESS**

Permittees shall be responsible for all activities conducted on the permitted premises. In the event any violation of the provisions of this ordinance or the provisions of applicable statutory, or other rules and regulations of the State of New Jersey referenced in this ordinance occur at a massage establishment, the license shall be subject to suspension by the Mayor and Council following notice and an opportunity for the licensee to be heard.

In the event of any violation of the provisions of this ordinance or the provisions of applicable statutory or other rules and regulations of the State of New Jersey referenced in this ordinance by a permittee, the permit shall be subject to suspension or revocation by the Mayor and Council following notice and an opportunity for the licensee to be heard.

Action against a licensee or permittee under this section shall be in addition to, and not in lieu of, the penalties provided for in Section 15, hereof.

#### **SECTION 6. OPERATING REQUIREMENTS**

A. Every portion of the massage, bodywork or somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

B. Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

C. All employees, including massage, bodywork or somatic therapists, shall be clean and wear clean, nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and be self-closing. If the dressing room is also used as the therapy/massage room, then adequate procedures shall be in place to safeguard the privacy of the client. In no case shall these doors be locked when both a client and any employee are present.

D. All massage, bodywork and somatic therapy establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, which shall be laundered after each use thereof and stored in a sanitary manner.

E. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.

F. It shall be unlawful for any person in a massage establishment knowingly to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person unless said therapy is prescribed by a licensed physician.

G. No massage, bodywork or somatic therapist, employee or operator shall perform, or offer to perform, any act which would require the touching of the patron's sexual or genital area unless said therapy is prescribed by a licensed physician.

H. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Wet- and dry-heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry.

I. Oils, creams, lotion and other preparations used in administering massage, bodywork or somatic therapies shall be kept in clean, closed containers or cabinets.

J. Animals, except for handicap service animals, or when they are clients, shall not be permitted in the massage work area.

K. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using proper soap or disinfectant, before administering a massage, bodywork or somatic therapy to each patron. All restroom and workstation hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall-mounted. Restroom hand wash sinks must have signs conspicuously displayed with the following language: "Employees must wash hands after using the restroom." If hand-washing facilities are not available, the therapist shall disinfect their hands with bactericidal agent.

L. No minors shall be allowed in the facility other than the waiting area which shall be physically separate from the therapy areas, except when the minors are clients and accompanied in all areas by a parent or guardian.

M. No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage, bodywork or somatic therapy, prescribing the conditions thereof.

N. A written disinfection plan for all linens, towels and reusable instruments used by the establishment must be approved by the Health Department, kept on site and available for review by the inspecting official at all times. The establishment must operate in conformance with the approved plan at all times.

O. Client records must be kept for each and every client who receives services from the massage establishment. These records shall include at a minimum an intake form filled out by each customer to include their name, address, phone number, date of birth, date of service, the specific service they've received, the licensed therapist's full name, their New Jersey State massage and bodywork therapist license number and the signature of the client. These records must be stored on the premises and available by

the Health Department at all times for a period of not less than three years of the date the service was performed.

P. Signage specifying the age restriction and the required record-keeping requirements must be posted in English, conspicuously displayed and clearly readable from the customer entrance of the establishment at all times.

Q. Employees shall at all times provide access to a sanitary restroom for clients of the massage establishment.

R. The massage establishment shall conform to and observe all applicable rules, regulations and prohibitions set forth by the New Jersey Board of Cosmetology.

#### **SECTION 7. ENFORCEMENT AGENTS; RIGHT TO INSPECT**

A. The enforcement agents for massage, bodywork and somatic therapy permits shall be the Health Officer, Police Chief, Fire Prevention Director and/or their designees.

B. The Health Department and/or the Zoning Inspector and/or Fire Inspector and Borough Police Department shall, from time to time, at least once a year, make an inspection of each massage, bodywork or somatic therapy establishment granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are complied with. Such inspections shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any permittee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

#### **SECTION 8. SLEEPING QUARTERS**

No part of any quarters of any massage, bodywork or somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters, nor shall any person sleep in such massage, bodywork or somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of a massage, bodywork or somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or club or residence if the same has been approved by the Zoning Department or granted a variance by the Manville Borough Zoning Board of Adjustment.

#### **SECTION 9. PROHIBITED ACTS**

A. No owner or manager of a massage, bodywork or somatic therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not exclusive of, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy; laws relating to the commission of adultery; and laws proscribing fornication; nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this chapter.

B. Any conviction of a bodywork or somatic therapy establishment, or any employee thereof, of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of the establishment, it being specifically declared that, following such a conviction, the owner or the manager of the establishment shall be prosecuted as an accessory to such a violation, and the required permits will be automatically revoked.

C. The owner or operator of the massage establishment shall not permit:

(1) Ear candling.



(2) All procedures and services that involve ear picks, ear scoops or ear spoons.

(3) Cupping or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.

(4) Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy, including but not limited to fish foot spas.

(5) Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.

(6) Colon cleansing.

D. Pest control chemicals or sprays are prohibited. Pest control services must be performed by NJDEP-licensed pest control contractors.

e. Laundering is restricted to only those linens and towels used within the operation. The laundering of personal clothing and/or items is prohibited. Personal clothing or other personal items may not be commingled with the linens or towels used in the operation nor shall personal clothing not specific to the operation be stored on the premises.

F. No bulk food storage or meal preparation is permitted on premises.

G. Personal effects of establishment owner(s) or employee(s) are not permitted on premises.

H. No one under 18 years of age shall be served unless accompanied by a parent or legal guardian.

I. Alcoholic beverages shall not be stored nor consumed on the premises.

## **SECTION 10. DENIAL, SUSPENSION OR REVOCATION OF PERMIT**

A. Establishment permits issued under this chapter may be denied, suspended or revoked by the Chief of Police, after notice and a public hearing. Reasons for denial, suspension and revocation of an establishment permit include but are not limited to:

(1) Fraud, misrepresentation or false statement in the application for the establishment permit;

(2) Fraud, misrepresentation or false statement made while operating the licensed business in the Borough;

(3) Any violation of this chapter;

(4) Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty;

(5) Conducting the permitted business within the Borough in an unlawful manner or in such a manner as to constitute a danger to the health, safety or general welfare of the public.

(6) The owner and/or operator or any employee refuses to permit any duly authorized Borough police officer or Health Official to inspect the premises or the operations therein.

(7) The conviction of any employee of the establishment for a violation of the prohibited acts set forth in § 230-12 shall create a rebuttable presumption that the owner/operator had actual or constructive knowledge of the violation resulting in the conviction and shall constitute cause for the suspension or revocation of the establishment permit.

B. Notice of the hearing for the denial, suspension or revocation of a permit shall be given in writing, setting forth specifically the grounds therefor and the date, time and place of the hearing. Such notice shall be given personally or mailed to the permittee at the address provided on the application or permit at least five days prior to the date set for the hearing. The Borough Administrator shall serve as hearing officer for any hearing pursuant to this subsection.

**SECTION 11. EXEMPTIONS**

The requirements of this Ordinance shall have no application and effect upon any physician, surgeon, chiropractor, osteopath, nurse, nurse practitioner, physician's assistant, or physical therapist duly licensed to practice such professions in this State or to any person performing massage, bodywork and somatic services under the supervision of such licenses person. This ordinance shall not apply to any school certified to teach massage by the New Jersey Department of Education.

**SECTION 12. CONSTRUCTION**

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

**SECTION 13. REPEALER**

The provisions contained herein supersede Ordinance No. 2012-1119 of the Borough Manville in the County of Somerset of the State of New Jersey of July 9, 2012. Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

**SECTION 14. SEVERABILITY**

In the event that any provision of this ordinance, or the application thereof to any person or circumstances 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.

**SECTION 15. PENALTY**

In addition to the suspension of the operating permit pursuant to Section 10, upon conviction for violation of any provision of this ordinance the maximum penalty shall be one (1) or more of the following: a fine not to exceed Two Thousand (\$2,000.00) Dollar, imprisonment in the County Jail for a period not to exceed ninety (90) days, and/or a period of community service not to exceed ninety (90) days. Each and every day upon which a violation of any provision of this ordinance exists shall constitute a separate violation.

**SECTION 16. PURPOSE OF CAPTIONS**

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 17. EFFECTIVE DATE**

This ordinance shall be effective upon final adoption, 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.

Ordinance #2017-1183

**AN ORDINANCE AMENDING SECTION 606 OF THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO PERMIT THEATERS AND MOVIE THEATERS PURSUANT TO SECTION 606.1(J) TO SERVE ALCOHOLIC BEVERAGES ON PREMISES WITHOUT CONDITIONAL USE APPROVAL PURSUANT TO SECTION 7 OF THE ZONING ORDINANCE AND IN COMPLIANCE WITH ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS**

**WHEREAS**, the Borough Council of the Borough of Manville, County of Somerset, State of New Jersey ("Council"), adopted Ordinance No. 643 ("The Zoning Ordinance of the Borough of Manville," hereinafter the "zoning ordinance") in 1987; and

**WHEREAS**, the Council amended the zoning ordinance by Ordinance 95-820 to, inter alia, created a new section of the prior ordinance entitled "Economic Development District," said district being designated Section 608.1 et seq of the zoning ordinance; and

**WHEREAS**, Ordinance 95-820 designates the permitted uses of the Economic Development District to be commercial uses as set forth in Section 606.1 of the zoning ordinance, in addition to Automobile Auction Markets and Medical Facilities, Medical Clinics and Day Care Facilities; and

**WHEREAS**, Ordinance 95-820 designates the permitted uses of the Economic Development District to be, inter alia, commercial uses as set forth in Section 606.1-1 of the zoning ordinance; and

**WHEREAS**, Section 606.1 of the zoning ordinance states that, pursuant to Subsection (j) thereof, theaters and motion picture theaters are permitted uses inside the Commercial District, and hence permitted uses in the Economic Development District pursuant to Section 608.1-1; and

**WHEREAS**, Ordinance 95-820 designates the conditional uses of the Economic Development District to the conditional uses as set forth in Section 606.3 of the zoning ordinance, the conditional uses applicable to the Commercial District; and

**WHEREAS**, pursuant to Section 606.3-7 it is a conditional use to operate a bar, tavern or other establishment for consumption of alcoholic beverages on the premises with the Commercial Zone, and hence the Economic Development District pursuant to Section 608.2; and

**WHEREAS**, it is the desire of the Borough Council to amend the zoning ordinance to amend Section 606.3 of the zoning ordinance to exclude Section 606.1(j) from the requirements of Section 7 of the aforementioned zoning ordinance (Conditional Use); and

**WHEREAS**, the Borough Council recognizes that this amendment is restricted to conditional uses approvals of the aforementioned uses pursuant to Section 7 of the zoning ordinance, and further recognizes that said uses would be subject to all other

local, state and federal regulations concerning, but not limited to, the consumption, sale and provision of alcoholic beverages; and

**BE IT ORDAINED**, by the Borough Council of the Borough of Manville in the County of Somerset and State of New Jersey that Section 606 of the Zoning Ordinance of the Borough of Manville, County of Somerset, State of New Jersey, entitled “C-Commercial District,” Section 606.1 entitled “Permitted Uses” and Section 606.3 entitled “Conditional Uses” be and is hereby amended as follows:

**Section I**

Section 606.1(j) (“Permitted Uses”) shall be amended as follows:

Theater or motion picture theater, including such theaters and motion picture theaters that serve alcoholic beverages on premises, subject to all applicable local, state and federal regulations including but not limited to those regulations concerning the consumption, sale and provision of alcoholic beverages.

**Section II**

Section 606.3.7 shall be amended as follows:

Bar, tavern or other establishment for consumption of alcoholic beverages on the premises, except uses pursuant to Section 606.1(j) shall be considered permitted uses pursuant to that subsection.

**Section III**

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Section IV**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**Section V**

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

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 #2017-44 through #2017-51.

Councilwoman Camacho, 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 Resolution #2017-46 as it relates to the annual reassessment program.

Mayor Onderko addressed her question.

Councilman Petrone stated that the Resolutions for annual reassessment were backup for the hiring of an Administrative Assistant.

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 #2017-44.

Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2017-44.

Resolution #2017-44

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

|                        |                            |
|------------------------|----------------------------|
| 1. Current             | \$1,3<br>46,733.76         |
| 2. Water/Sewer Utility | \$197<br>,995.19           |
| 3. General Capital     | 0.00                       |
| 4. Recreation Trust    | \$1,2<br>40.00             |
| 5. Other Trust         | 0.00                       |
| 6. Dedicated Dog       | 0.00                       |
| 7. Housing Trust       | 0.00                       |
|                        |                            |
| <b>Total</b>           | <b>\$1,5<br/>45,968.95</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, CAMACHO, MAGNANI, PETROCK, PETRONE, SKIRKANISH

## RESOLUTIONS BY CONSENT

Mayor Onderko asked if any Councilmember wished to take any of the Resolutions #2017-45 to #2017-51 separately.

Councilman Petrone asked to take Resolutions #2017-50 separately.

Mayor Onderko requested a motion to adopt Resolutions #2017-45 through #2017-49 and Resolution #2017-51 by consent.

Council President Szabo, seconded by Councilwoman Camacho, made a motion to adopt Resolutions #2017-#2017-45 through #2017-49 and Resolution #2017-51 by consent.

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

Resolution #2017-45

WHEREAS, due to the pending retirement of the Borough's Registered Municipal Clerk on April 1, 2017, the Borough is seeking to hire a part-time Registered Municipal Clerk; and WHEREAS, the Borough Administrator and the Policy, Planning, and Personnel Committee have interviewed applicants for the position and have determined that Pamela Borek is the best candidate for the position based upon Ms. Borek's overall experience and qualifications including meeting the requirements of N.J.S.A. 40A: 9-133 stating that the individual must hold a registered municipal clerk certificate in the State of New Jersey issued pursuant to section 3 or section 4 of P.L.1985, c.174 (C.40A:9-133.3 or C.40A:9-133.4);

WHEREAS, N.J.S.A. 40A:9-133 requires that in every municipality there shall be a municipal clerk appointed for a three-year term by the governing body of the municipality;

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

- 1.) Pamela Borek is hereby hired as the Municipal Clerk of the Borough of Manville effective April 1, 2017.
- 2.) Pamela Borek's employment will commence beginning the week of March 13<sup>th</sup> to work with the existing Borough Clerk in order for a seamless transition to occur;
- 3.) Pamela Borek will be considered "part-time" at an estimated 8-10 hours per week;
- 4.) Pamela Borek's salary will be \$20,000; pay increases will be evaluated annually, with pay increases to occur on a yearly basis, following exemplary performance reviews;
- 5.) There will be no benefits associated with this position nor paid-time off.
- 6.) The position is subject to the successful completion of a New Jersey background check.
- 7.) This hiring 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 #2017-46

WHEREAS, the Mayor and Council unanimously supported Resolution #2016-138 on August 8, 2016, agreeing with the Somerset County Tax Board's recommendation to move forward with an Annual Reassessment Program in the Borough of Manville; and WHEREAS, Resolution #2017-14 addressed the Tax Assessor's need for clerical assistance to begin to prepare for the transition to an Annual Reassessment Program and to assist with the increase in tax appeals resulting from the recent Borough-wide revaluation; in addition, to assist with records maintenance and increases in customer service requests; and

WHEREAS, Resolution #2017-14 authorized the Borough Administrator to advertise and interview for the position of Administrative Assistant to the Tax Assessor; and

WHEREAS, the Borough Administrator, the Tax Assessor, and the Policy, Planning, and Personnel Committee have interviewed applicants for the position and have determined that Mrs. Wendy Barras is the most qualified candidate for the position with experience in VITAL software in a local government tax office with extremely positive professional reference reports.

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

- 1.) Mrs. Wendy Barras is hereby hired as the Assistant to the Tax Assessor, effective March 14, 2017, at a rate of \$13.50 per hour for 25 hours per week.
- 2.) The position will not include paid benefits or paid time off.
- 3.) There will be a six-month probationary period which will expire on September 14, 2017.
- 4.) Mrs. Wendy Barras will be reviewed on or before September 14, 2017, upon expiration of the probationary period. Her salary will be increased to \$14.00 per hour following a probationary performance review with exemplary results.
- 5.) The position is subject to the successful completion of a New Jersey background check.
- 6.) This hiring 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 #2017-47

**WHEREAS**, The Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to

municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, A resolution authorizing this municipality to apply for the **2016 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey hereby endorses the submission of the Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection; and

**BE IT FURTHER RESOLVED**, that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-48

1.) WHEREAS, the following real property tax payers have overpaid their real property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized to refund said amount to the property owner(s).

| <b>Block</b> | <b>Lot</b> | <b>Name of Owner</b> | <b>Amount</b> | <b>Year</b> | <b>Quarter</b>  |
|--------------|------------|----------------------|---------------|-------------|-----------------|
| 139          | 31.01      | Dixon, Sheila\$      | 4,433.24      | 2016        | 4 <sup>th</sup> |
| 139          | 31.01      | Dixon, Sheila\$      | 1,856.48      | 2017        | 1 <sup>st</sup> |
| 93           | 30.02      | Loftus, C            | \$ 631.95     | 2017        | 1 <sup>st</sup> |
| 101          | 25         | Ondish, J            | \$ 1,862.68   | 2017        | 1 <sup>st</sup> |

2.) WHEREAS, the following 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.

| <b>Block</b> | <b>Lot</b> | <b>Name of Owner</b> | <b>Amount</b> | <b>Lienholder</b> |
|--------------|------------|----------------------|---------------|-------------------|
| 308          | 20.01      | Baita, Esther        | \$ 987.19     | FWDS&L            |
| 109          | 39         | Gawel, Timothy       | \$ 620.98     | FWDS&L            |
| 297          | 7          | Castro, Gerardo      | \$ 925.93     | US Bank           |
| 159          | 22         | Marini, J & K        | \$ 677.52     | FWDS&L            |
| 176          | 21         | Bonifaz, Carlos      | \$ 960.51     | Natu Patel        |
| 287          | 19         | Hernandez, L & A     | \$ 629.76     | Natu Patel        |

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-49

WHEREAS, the Public Works Department has the need to hire two temporary seasonal employees due to summer vacation schedules and injuries; and  
WHEREAS, any temporary seasonal employees hired will be part-time with a maximum of 29 hours per week.

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 Director of Public Works is hereby authorized to advertise for and hire two temporary seasonal part-time employees for the Public Works Department at the rate of \$15 per hour, for a period not to exceed 20 weeks.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-51

WHEREAS, the Borough is in need of assistance to maintain a seamless operation of payroll, benefits, pensions and treasurer responsibilities upon the pending retirement of the Patricia Zamorski, who currently performs aforementioned duties; and

WHEREAS, between now and the date of Ms. Zamorski's retirement on April 1, 2017, the Borough will require PM Consultants to spend time with Ms. Zamorski to become familiar with the Borough's treasurer and payroll responsibilities until all interviews have concluded and a replacement can be hired; and

WHEREAS, PM Consultants, LLC, has provided a proposal to "shadow" the current Treasurer and provide a seamless transition until a replacement individual or shared service is agreed upon and approved; and

WHEREAS, PM Consultants LLC has on its staff multiple team members who specialize in payroll, NJ pensions and benefits and treasurer activities; and

WHEREAS, the proposal of PM Consultants has been approved by the Borough's Fiscal Manager at the State of New Jersey, Department of Community Affairs.

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 PM Consultants, LLC, 852 Hollyberry Lane, Brick, NJ 08724 is hereby accepted, as follows:

- 1) The Mayor and Borough Clerk are hereby authorized to execute an agreement with PM Consultants;
- 2) The compensation for the various team members are as follows: Account Clerk \$60.00/hour; Senior Account Clerk - \$80.00/hour; Payroll Supervisor - \$90.00/hour and Budgetary/Treasury officer - \$100.00/hour;
- 3) PM Consultants have provided a not-to-exceed amount of \$30,000.00 for the year ending 12/31/2017;
- 4) PM Consultants will assist with the training of the final replacement(s) for the positions noted above for a seamless transition of responsibilities;
- 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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2017-50.

Council President Szabo, seconded by Councilwoman Camacho, made a motion to adopt Resolution #2017-50.

Resolution #2017-50

DISCUSSION

Councilman Petrone noted that he is on the Buildings and Grounds Committee and Recreation, and he did not know about these improvements. He asked about the pool repairs and the area of the roof to be repaired. He asked to speak to Stan Schrek regarding the repairs and suggested that the same contractors be used for the projects.

Mayor Onderko addressed his questions. He also mentioned that the roof on the building of Fire Company #1 also needs repairs.

WHEREAS, the Borough of Manville has annually applied for grants with Somerset County Community Development Block Grant Program; and

WHEREAS, a requirement of the grant is that the applications are discussed at a public meeting; and

WHEREAS, the Borough Administrator and Borough Engineer have determined the applications that have the best chance of success in receiving funding.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey, that the following application is endorsed:

Roof Repairs, Manville Public Library  
Municipal Pool Improvements

BE IT FURTHER RESOLVED that the Mayor and Council authorize the submission of the application of the Arc of Somerset County.

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

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

### **OFFICIAL REPORTS**

The Mayor announced that the following reports are on file in the Clerk's Office:

- A/ Clerk's Report - February, 2017
- B/ Police Department Report - February, 2017
- C/ Board of Health Report, Animal Control Transmittal - February, 2017
- D/ Board of Health Report, Animal Control - February, 2017
- E/ Board of Health Report, General Account Transmittal - February, 2017
- F/ Board of Health Report, Registrar Activities - February, 2017
- G/ Code Enforcement Report - February, 2017

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

Mayor Onderko reported that he has been asked to testify in front of Senator Sweeney's select committee for the study of the school funding formula. He stated that Manville is the eighth most underfunded school district in the State, and he questions how that can be possible. He stated that the meeting will be rescheduled due to the storm, and he is hoping that the Superintendent of Schools will be able to attend with him. He also reported that he met with a DEP representative, Carrie Pflueg, regarding his concerns on flood mitigation efforts, and he gave her a tour of the flood zones. He also attended a training session regarding Budgeting in Trenton and received a lot of good information. He stated that our Budget will be introduced on March 27<sup>th</sup>. He stated the Borough is approximately \$7.2 million in debt with outstanding Bonds and short-term notes, but it has been paid down the past few years and is moving in the correct direction. He further reported that our account balance carry over from 2014 through 2017 has increased each year indicating spending is being restrained. He also reported that pension, insurance, and debt service costs have increased slightly. He stated that he remains optimistic that the municipal tax increase will be low for this year.

Councilman Petrock, as Chairperson of the Finance Committee, reported that they are still in the process of meeting with the Department Heads. He stated that they are scrutinizing the itemized budgets, and they are making cuts and putting off purchases. He stated that they will have a better understanding of the budget after the meetings are concluded and they meet with the auditor on Wednesday.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on February 28<sup>th</sup> and March 8<sup>th</sup>. She stated that there is a lot going on personnel-wise and there has been a steady flow of resumes received which are reviewed and the interview process begins. She reported that they have found a few highly-qualified individuals to fill some of the vacant and soon to be vacant positions. She stated that the new hires will be shadowing the predecessors so the transitional will be smooth. She further reported that they also met with representatives from Muller and Lonergan who may be hired to handle the Section 8 Housing Program, and they have requested a proposal for an administrative plan. She further reported that they are working on a Shared Services Agreement with Montgomery Township for some of the positions that are crucial to the daily operations of the Borough. She further reported that contract negotiations will begin on March 28<sup>th</sup> with the Department of Public Works, and the PBA, and they are awaiting a date for the Clerical Workers who have affiliated with the Teamsters Local 469. She stated she will continue to provide reports as the interviews and negotiations progress. She further stated that she would like to schedule another Policy, Planning and Personnel Committee meeting prior to the March 27<sup>th</sup> meeting.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they met on March 1<sup>st</sup> to discuss the Land Use Ordinance for Reading Cinemas and the Massage Establishment Ordinance. He stated they also discussed mixed use in the former Rustic Mall, and they are still hoping to meet with Joe Korn regarding the Redevelopment. He also reported that he attended the Policy, Planning and Personnel Committee meeting and the Board of Health will meet on Tuesday, March 21<sup>st</sup> at 5:30.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they did not meet, however, he congratulated Nan Peterson, Library Director for her recognition by the Somerset County Freeholders for Exceptional Community Involvement. He stated that the Freeholders also voted to reduce the speed limit on South Main Street during the bridge construction. He reported that the Friends of the Library met on February 21<sup>st</sup>. He stated that the Library programs are Adult Computer Literacy on March 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>. Discover your Family's Past on March 11<sup>th</sup>; AARP Tax Assistance Program on Tuesdays, Thursdays, and Saturdays through April. He stated that the program is open to all Somerset County residents. He also reported that the Friends of the Library will be sponsoring a Spring Fund Raiser - Cupcake Competition on May 3<sup>rd</sup> and registrations can be completed at the Library or on line. He reported that the cupcakes will be sold after the competition. He further reported that the Rescue Squad met last night and they had 53 calls for February; 126 for the year. He reported that the Filet Mignon Dinner will be held on Sunday, April 30<sup>th</sup> at the VFW from 5 to 7 p.m. He further reported that the RWJ Emergency Entrance is under construction.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they did not meet. She reported that the utility lines are being moved for the bridge repair and it is a slow process. She also reported that they are still patching pot holes, and New Jersey American Water is replacing water mains on Marian Place and St. John

Street. She stated that catch basins were cleaned and inspected, and approximately 30 catch basins are in need of repair. She stated that the street sweepers have been out, and they are getting the mowers ready for the spring. She stated that the first bulk pickup was on March 7<sup>th</sup>, and the ballfields and parks are being prepared for spring sports. She reported that the snow event on March 10<sup>th</sup> resulted in less than 2 inches of grassy surface snow. She stated that the roads have been brined in anticipation of tonight's storm, and all personnel will be working between midnight and 3 a.m. in shifts. She asked all residents to not throw snow back in the road after plowing, and stated there is a fine involved. She stated that cars must be cleaned before driving including roof and bumpers, and the Highway Traffic Safety Division will charge between \$20 and \$75 as fines for not cleaning. She stated ice falling from a car could be fined \$1,000. She also reported that she attended the Recreation Department meeting and she was very impressed with the number of parents who work together and donate toward the program. She reported that they are keeping the youth and seniors busy. She stated there are 252 seniors enrolled in sessions, and an Art Connection from a competitive grant. She stated that they will be holding an Easter Parade and Bunny Hop on April 8<sup>th</sup> at 11:30, or April 9<sup>th</sup> as a Rain Date. She stated there will be three groups: Pre-K, Kindergarten, and 1<sup>st</sup>-3<sup>rd</sup> grade. She stated there will be a parade after the Egg Hunt. She stated that there are flyers in the lobby regarding the Coloring Contest. She stated that all prizes have been donated by local merchants. She thanked everyone who is helping with the event. She asked that people attending bring a canned item for the pantry. She also reported that they will be holding the Senior Citizens' Prom on April 8<sup>th</sup>; PBA luncheon, and Summer Movies. She also reported that the pools will open on June 24<sup>th</sup>; Wrestling is being wrapped up, and Public Works is getting ready for Baseball, Softball and T-ball. She stated that Mayor Onderko will be throwing out the first pitch on April 22<sup>nd</sup> to set off the season. She also reported that there is Family Yoga on Thursday at the Library. She also reported that they are taking applications for Summer employment. She also reported that United Way has a program backed by the IRS for assistance with Tax Returns for income restricted residents.

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that they did not meet but have been in communication regarding the street light for the pedestrian crossing at South Main Street and South Street. He also reported that Ms. Bierwirth and Councilwoman Camacho have received quotes for the sound system. He stated that they need copies of the manuals for the building. He further reported that they are reviewing Property Maintenance and Shopping Cart Ordinances. He thanked the Mayor for the appointments to the Shade Tree Commission, and thanked Nan Peterson for working on Arbor Day along with the School District. He also reported that he attended the Dr. Seuss Day at Weston School. He also reported that they will be meeting on March 16<sup>th</sup>.

Mayor Onderko stated he was approached by one of the students at Weston School during Dr. Seuss Day who asked if he voted for Donald Trump and if he was a millionaire.

Mayor Onderko welcomed Pam Borek as our new part-time Municipal Clerk. He further stated that he is very proud of our Recreation Program and he is sponsoring a team in

honor of his classmate, Steve Mortensen who passed away last year. He stated that the team will be named Team Mortensen in his honor. He stated that he started every year in Varsity and was one of the best players in Manville. He stated that he looks forward to April 22<sup>nd</sup> and throwing out the first pitch.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

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

All present were in favor.

Attorney Maciag set forth the rules for Public Portion.

Councilman Petrock stated it was brought to his attention that there are times when the five-minute rule is not followed. He stated that they want to hear everyone's comments, but asked that they be kept constructive and concise.

Bob Kaminski, 10 Liberty Street - stated he is the President of Fire Company #1 and noted that 60% of their building is used to house the Borough's equipment.

Maria Janucik, 720 East Frech Avenue - stated that she would like to see more information about the meeting agenda prior to the meeting; why minutes are number consecutively; and when will Ms. Borek have time to be in Manville.

Mayor Onderko and Administrator Bierwirth addressed her questions. Mayor Onderko asked that Councilwoman Camacho address the issues at her next meeting.

Rudy Nowak, 100 Driscoll Street - complimented the Mayor's efforts to receive more aid from the State for our schools. He also mentioned the five-minute rule and asked that the limit be extended for comments on the Budget.

Mayor Onderko and Councilman Petrock addressed his comments.

Dean Shepard, P.O. Box 222 - thanked the Mayor for the cleaning of Main Street and asked Chief Peltack about the restriction of left turns onto Kyle Street. He also questioned the generator and where it is stored.

Mayor Onderko and Chief Peltack addressed his questions.

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 stated that he hoped the Public Works, Police, Emergency Management, Rescue Squad and other personnel will be safe during the storm. He asked residents to be patient since it is a large storm.

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 8:13 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Patricia A. Zamorski". The signature is written in black ink and is positioned above the printed name.

Patricia A. Zamorski, Borough Clerk