

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
MARCH 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 MARCH 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 THEODORE PETROCK, III
COUNCILMAN PHILIP E. PETRONE
COUNCILMAN RON SKIRKANISH
COUNCIL PRESIDENT STEPHEN SZABO

ALSO PRESENT:

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

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko dedicated the Moment of Silence to Matt Murphy, son of Firefighter from Company #1, Frank Murphy, who was tragically killed in a car accident last week.

AMENDMENT TO AGENDA

Mayor Onderko announced that the Agenda would be amended to change item #15 from Closed Session to a Proclamation, and asked for a motion to confirm that change.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to amend the Agenda.

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

INTRODUCTION OF 2017 BUDGET

Mayor Onderko requested a motion to introduce the Municipal Budget.

Council President Szabo, seconded by Councilman Petrock, made a motion to introduce the Municipal Budget.

Resolution #2017-52

Municipal Budget of the BOROUGH OF MANVILLE, COUNTY OF SOMERSET, for the Fiscal Year 2017

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2017; and

BE IT FURTHER RESOLVED that said Budget be published in the Courier News issue of March 31st; and

The governing body of the Borough of Manville does hereby approve the following as the Budget for the year 2017.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Manville, County of Somerset, on March 27, 2017. A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on April 24, 2017 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2017 may be presented by taxpayers or other interested persons.

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

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

Administrator Bierwirth gave a Power Point presentation which explained the 2017 Budget in detail. She announced that the public hearing on the Budget will be held on April 24, 2017.

Mayor Onderko thanked Administrator Bierwirth for her presentation, and thanked the Council for the hard work they put into the Budget. He also thanked the Department Heads and employees for hanging in during the challenging fiscal times. He stated that he is optimistic that the school funding will be brought under control to provide us with some relief.

ORDINANCE - FIRST READING AND INTRODUCTION

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

Mayor Onderko requested a motion to introduce Ordinance #2017-1184.

Councilman Petrock, seconded by Council President Szabo, made a motion to introduce Ordinance #2017-1184.

Ordinance #2017-1184

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE
AND TO ESTABLISH A CAP BANK
WHEN THE COLA IS EQUAL TO OR LESS THAN 2.5 PERCENT
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .50% or the Cost-of-Living Adjustment (COLA), whichever is less, over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.14 provides that a municipality may, in any year in which the COLA is equal to or less than 2.5% increase its final appropriations by a percentage greater than the COLA, but not to exceed the 3.5% rate as specified in the law, when authorized by ordinance; and,

WHEREAS, the COLA for 2017 has been certified by the Director of the Division of Local Government Services in the Department of Community Affairs as 0.5% and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, in any year in which the COLA is equal to or less than 2.5%, may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Manville in the County of Somerset finds it advisable and necessary to increase its 2017 budget by more than 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$352,883.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Manville, in the County of Somerset, a majority of the fully authorized membership of this governing body affirmatively concurring, that, in the 2017 budget year, the final appropriations of the Borough of Manville shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$352,883.97 and that the 2017 municipal budget for the Borough of Manville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

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

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of March 13, 2017

Council President Szabo, seconded by Councilman Skirkanish, made a motion to approve the minutes of the Regular Meeting of March 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 requested a motion to open the public portion on Ordinance #2017-1182.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1182.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - asked what zone Massage Establishments are permitted in, and asked how many are currently located in the Borough.

Mayor Onderko requested that Attorney Corsini come forward to address her questions.

Christopher M. Corsini, Esq., the Borough's Land Use Attorney stated that Massage Establishments are located in the Commercial Zone, and there is no mechanism to limit the number.

Mrs. Janucik stated that the Borough's Zoning Ordinance does not list a Massage Establishment as a permitted use.

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

Council President Szabo, seconded by Councilwoman Camacho, made a motion to close the public portion on Ordinance #2017-1182.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2017-1182.

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

Ordinance #2017-1182

**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.

Mayor Onderko requested a motion to open the public portion on Ordinance #2017-1183.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to open the public portion on Ordinance #2017-1183.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - questioned why the Borough was allowing liquor at the movie theater.

Mayor Onderko stated that the Reading Cinemas are planning a major renovation to include the sale of alcohol at the theater.

Administrator Bierwirth explained that the Mayor and Council passed a Resolution transferring a liquor license to Reading Cinemas. She explained that at that meeting in December of 2016, they gave a detailed presentation of their renovation plans.

Dean Shepard, P.O. Box 222 - asked if the movie theater will still have to come before the Land Use Board for a change of use.

Attorney Corsini stated that the Ordinance changes a conditional use to a permitted use, however, he has not seen any specific plans.

Attorney Maciag stated that if it was a conditional use, they would have to go before the Land Use Board. However, they may have to apply for other permits.

When no one else 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 on Ordinance #2017-1183.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2017-1183.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Ordinance #2017-1183.

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 or 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 #2017-53 through #2017-62.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - commented that the public should have more time to review the Resolution prior to the vote. She asked about Resolution #2017-56 and why Section 8 Housing was being taken over by another company.

Mayor Onderko stated that the current Company will be leaving us at the end of June.

Administrator Bierwirth stated that members of the firm of Mullin and Lonergan were present and would be speaking about their services.

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.

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

All present were in favor.

RESOLUTION S (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2017-53.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-53.

Resolution #2017-53

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

1. Current	\$55, 550.82
2. Water/Sewer Utility	\$2,5 81.80
3. General Capital	\$0.0 0
4. Recreation Trust	\$2,5 60.00
5. Other Trust	\$138 .00
6. Dedicated Dog	\$0.0 0
7. Housing Trust	\$0.0 0
Total	\$60, 830.62

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

Mayor Onderko requested a motion to adopt Resolution #2017-54.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-54.

Resolution #2017-54

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

1. Current		\$23, 154.57
2. Water/Sewer Utility		\$0.0 0
3. General Capital	0	\$0.0
4. Recreation Trust		\$225 .00
5. Other Trust		\$0.0 0
6. Dedicated Dog		\$0.0 0
7. Housing Trust		\$0.0 0
Total		\$23, 379.57

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

Mayor Onderko requested a motion to adopt Resolution #2017-55.

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-55.

Resolution #2017-55

WHEREAS, the Township of Bridgewater, as lead agency for the Somerset Ambulance Shared Services Agency (SASSA) received proposals on March 8, 2017 for daytime weekday ambulance services for the years 2017, 2018 and 2019; and

WHEREAS, SASSA includes four Municipalities in Somerset County, New Jersey: Bridgewater, Manville, Raritan, and South Bound Brook; and

WHEREAS, RWJ Health Network, Inc., the previous vendor for the past 15 years, was the only bidder; and

WHEREAS, the evaluation committee, consisting of the Administrators of Bridgewater and Manville met and reviewed the proposal and determined that the proposal submitted fulfills all of the requirements of the RFP; and

WHEREAS, the evaluation committee therefore recommends awarding the contract to RWJ Health Network, Inc., based upon RWJ Health Network, Inc.'s excellent prior performance; and

WHEREAS, the Borough of Manville will be paying \$0 per year for daytime ambulance services, Monday through Friday, 6:00 a.m. to 6:00 p.m. for the years 2017, 2018, and 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Manville, County of Somerset, and State of New Jersey that the proposal submitted by the RWJ Health Network, Inc., hereto attached be accepted.

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

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

Mayor Onderko requested a motion to adopt Resolution #2017-56.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Resolution #2017-56.

Resolution #2017-56

WHEREAS, Community Consultants LLC, the Borough of Manville's Section 8 Housing Payments Program Consultant, will be dissolving due to the retirement of Ms. Paula Gibki, Housing Assistance Program Director, the Borough conducted research to find a replacement to replace Community Consultants LLC effective July 1, 2017;

WHEREAS, Mullin and Lonergan Associates, Camp Hill, PA has provided a detailed proposal to provide the necessary services; and

WHEREAS, the Policy, Planning & Personnel Committee met with Mullin and Lonergan on March 8, 2017 and met as a Committee to discuss the proposal on March 23, 2017;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the proposal of Mullin and Lonergan Associates, 3909 Hartzdale Drive, Suite 901, Camp Hill, PA 17011, be accepted as follows:

- 1) The Mayor and Borough Clerk are hereby authorized to execute a three-year contract beginning July 1, 2017 through June 30, 2020, with Mullin and Lonergan Associates;
- 2) Mullin and Lonergan's administrative fee is to be paid monthly by the Department of Housing and Urban Development;
- 3) Mullin and Lonergan shall pay the Borough of Manville \$350.00 per month for the rental of office space within the Borough Hall for the duration of the three year contract;
- 4) The Borough will further contract with Mullin and Lonergan to update the Borough's Section 8 Administrative Plan in the not to exceed amount of \$2,100 which will be compensated in exchange for \$0 monthly rental payments or 6 months free rental;
- 5) Mullin and Lonergan Associates have also provided a not-to-exceed amount of \$3,500 for its transitional services also to be paid by the Borough in \$0 monthly rental payments or not to exceed 10 months free rental;
- 6) This Resolution shall be advertised once in the Courier News.
- 7) The Chief Financial Officer shall provide a Certification of Funds.

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

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

RESOLUTIONS BY CONSENT

Mayor Onderko asked if any Councilmember wished to take any of the Resolutions #2017-57 to #2017-62 separately.

Councilwoman Camacho asked to take Resolution #2017-61 separately.

Mayor Onderko requested a motion to adopt Resolutions #2017-57 through #2017-60, and #2017-62 by consent.

Councilman Skirkanish, seconded by Council President Szabo, made a motion to adopt Resolutions #2017-57 through #2017-60, and #2017-62 by consent.

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

Resolution #2017-57

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1 and the adoption of the annual budget; and
WHEREAS, 26.25% of the total appropriations for the year 2016, exclusive of Public Assistance, Municipal Debt, and Capital Improvement Fund is \$3,178,610.71.
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville that the following appropriations shall be added to the Temporary Budget for the year 2017:

Account Number	Account Name	Account Type	Amount
7-01-20-100-010	Administrative & Executive	S&W	\$20,000.00
7-01-20-100-999		O/E	\$50,000.00
7-01-20-130-010	Financial Administration	S&W	\$10,000.00
7-01-20-130-999		O/E	\$7,300.00
7-01-20-120-010	Borough Clerk	O/E	\$10,000.00
7-01-20-155-999	Legal Services	O/E	\$38,000.00
7-01-20-165-999	Engineering	O/E	\$12,500.00
7-01-26-310-999	Public Buildings & Grounds	O/E	\$15,000.00
7-01-25-240-019	Police Department	S&W	\$900,000.00
7-01-26-290-019	Public Works	S&W	\$250,000.00
7-01-27-330-010	Board of Health	S&W	\$13,000.00
7-10-28-370-010	Recreation	S&W	\$44,000.00
7-01-23-220-999	Group Insurance - Employees	O/E	\$300,000.00
7-01-22-195-010	Construction Code	S&W	\$30,000.00
7-01-22-196-010	Property Maintenance	S&W	\$19,000.00
7-01-22-195-020		O/E	\$250.00

7-01-31-431-020	Postage	O/E	\$5,000.00
7-103-1-44-020	Telephone	O/E	\$20,000.00
7-01-31-446-020	Natural Gas	O/E	\$12,000.00
7-01-31-447-001	Gasoline and Fuel	O/E	\$20,000.00
7-01-31-447-020	Water	O/E	\$5,200.00
7-01-42-335-020	Health Services Contract	O/E	\$25,000.00
7-10-42-340-020	Animal Control Contract	O/E	\$11,000.00
7-01-43-490-020	Municipal Court	O/E	\$50,000.00
7-01-45-94-020	Improvement Authority Lease	O/E	\$20,000.00
7-01-20-201-073	Fire Hydrant Charges	O/E	\$45,000.00
Total			\$1,932,250.00

SEWER UTILITY

Water/Sewer	S&W	\$35,000.00
Total		\$35,000.00

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-58

1.) 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.

Block	Lot	Name of Owner	Amount	Lienholder
316	18	Pietrucha, Robert	\$ 26,309.60	Phoenix
305	1	Alpizar, Christopher \$	1,027.48FWDSL	
109	5	Davis, Susan & Mark	\$ 1,000.34	PC Sterling
167	24	Shepard, Dean	\$ 3,100.89	FWDSL
153	12.01	Citi Mortgage \$	1,996.34	Christiana Trust
178	10	Fannie Mae	\$ 632.27	FWDSL
287	23	Federal Nat'l Mtg.	\$ 388.71	Natu Patel

2.) 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 that the Mayor and Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to refund said amount to the property owners.

Block	Lot	Name of Owner	Amount	Year	Quarter
159	1	Fiure/ Steffels	\$1,405.02	2016	4 th

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-59

WHEREAS, the Borough is in need of assistance for Non-Audit Accounting Services, including preparation of the FY2017 Annual Financial Statement and FY2018 State of NJ required budgetary documentation and consulting services; and

WHEREAS, according to the Borough's Memorandum of Understanding with the State of New Jersey, two separate firms must be hired to handle Audit Services and Non-Audit Accounting Services; and

WHEREAS, PM Consultants, LLC, has provided an acceptable proposal to provide the necessary Non-Audit Accounting Services stated above; 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; and

WHEREAS, the Borough's audit firm, Suplee, Clooney and Company have reduced their 2017 audit service fees by the non-audit fees presented below;

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) PM Consultants have provided a not-to-exceed amount of \$10,000.00 for the year ending 12/31/2017 for the above stated non-audit accounting services.
- 3) This Resolution shall be advertised once in the Courier News.
- 4) The Chief Financial Officer shall provide a Certification of Funds.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-60

WHEREAS, the Borough is required by law to have a Municipal Auditor and to have an annual audit performed; and

WHEREAS, Suplee, Clooney & Company, our Borough Auditors, have the necessary qualifications to perform the audit, and have provided the Borough with a satisfactory proposal.

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

- 1) The proposal from Suplee, Clooney & Company, 308 East Broad Street, Westfield, New Jersey 07090-2122, be accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law, not to exceed \$63,250.00.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 4) This Resolution shall be advertised once in the Courier News.

- 5) The Chief Financial Officer shall provide a Certification of Funds.
Borough of Manville,
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-62

**RESOLUTION AUTHORIZING THE EXECUTION OF MUNICIPAL CERTIFICATION
FOR THE ARC OF SOMERSET COUNTY 2017 COMMUNITY DEVELOPMENT
BLOCK GRANT APPLICATION**

WHEREAS, the Somerset County Community Development Block Grant Applications are due on March 31, 2017; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Manville to endorse the submission of said grant by The Arc of Somerset County, requesting funds to provide subsidized childcare for children with developmental and intellectual disabilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the application requesting funds for subsidized childcare for children with developmental and intellectual disabilities be and hereby is endorsed and that the Mayor and Clerk are hereby authorized to execute the Municipal Certification for the ARC of Somerset County 2017 Community Development Block Grant Application.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2017-61.

Councilman Skirkanish, seconded by Council President Szabo, made a motion to adopt Resolution #2017-61.

Resolution #2017-61

WHEREAS, the Borough's Plumbing Sub Code Inspector, Michael Resetar, will be taking a temporary medical leave as of April 4, 2017; and

WHEREAS, the Borough's Construction Code Official, John Tamburini, recommends the temporary hiring of Mr. Basil Kulick, to assume the duties of the Plumbing Sub Code Inspector during the medical absence of Michael Resetar; and

WHEREAS, the Policy, Planning and Personnel Committee discussed the vacancy and approved Mr. Basil Kulick's temporary hiring on March 23, 2017; and

WHEREAS, Mr. Basil Kulick holds the certification of Construction Official; Plumbing Sub Code effective 02/01/2016 through 01/31/2019, from the State of New Jersey, Department of Community Affairs, Uniform Construction Code;
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Mr. Basil Kulick is hereby hired as the Borough's Plumbing Sub Code Inspector, beginning April 4, 2017 and continuing until such time as Michael Resetar is able to return to his position; and
WHEREAS, Mr. Basil Kulick will be compensated at the rate of \$36.60 per hour, which is the equivalent to the hourly rate currently paid to the Plumbing Sub Code Inspector.

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

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

Mayor Onderko introduced the members of the firm of Mullin and Lonergan who gave a presentation regarding the Section 8 Housing Program.

OFFICIAL REPORTS

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

A/ Fire Department Report - February, 2017

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that the Library roof had a leak which has been repaired. He stated that the Borough has applied for a Community Development Block Grant through Somerset County for repairs to the Library roof. He also reported that they are discussing the Shopping Cart Ordinance and Property Maintenance Ordinance. He also reported that the Committee has property issues to discuss with the Borough Attorney. He asked that Councilwoman Camacho provide her report as it relates to the Zoning Office.

Councilwoman Camacho, as a member of the Buildings and Grounds Committee in charge of the Zoning Office reported that she has been reviewing the quotes for the recording system in the Court Room. She stated that any quote must first be approved by the State. She further reported that they have been checking the legal status of vehicles parked in various locations in the Borough to make sure they are registered. She also reported that they are reviewing a Shopping Cart Ordinance which they hope to have ready for the next meeting.

Councilwoman Magnani, as a member of the Buildings and Grounds Committee in charge of Recreation reported that they will be meeting on April 7th.

Councilman Petrone reported as a member of the Shade Tree Commission that they are working along with Nan Peterson, the Library Director, on an Arbor Day Celebration. He stated that they are also working along with the school district on the project.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they met on March 22nd and they discussed the storm of March 14th. She explained that the plows have a rubber blade and when the ice is hard, it is difficult to remove. She stated that the roads had to be plowed three times, since they had to wait until there was some melting, which caused some residents to complain that their driveways were blocked from subsequent plowing. She stated that this could not be avoided in order to keep the roads clear of ice. She also reported that the school sidewalks were not done, and therefore, schools were closed. She also reported that the Fire Department is aware of the placement of hydrants, so residents need not worry about them not being found. She also reported that the roof at the Library sustained damage due to the storm, and he created a garbage can sump pump to prevent water damage. She also reported that Gerber Field is being prepared for MYAL spots, and power washing of pavers is being done. She stated that they are also assessing roads, and if any curbs are damaged, they should let her know. She explained that it is difficult for plows to get close to the curbs.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they met and discussed the SASSA Agreement with Robert Wood Johnson, which was adopted by Resolution tonight. He explained that they will cover the Borough of Manville from 6 a.m. to 6 p.m. at no charge to the Borough, and this contract was supported by the DCA because there is no cost. He further reported that the Fire Department had 18 calls in February, 12 calls for March, and a year-to-date total of 56 calls. He also reported that new tires were installed on the fire truck. He also reported that they discussed having increased Police presence behind the Rustic Mall. He also reported that during a break-in, an ipad was stolen from an autistic boy, and the PBA purchased a new ipad for the boy. He reported that he also attended the Public Works Committee meeting. He also reported that Administrator Bierwirth is looking into the PATCH program with Hillsborough, which provides news. He also reported that the Police have 2-3 patrol cars out all day and all night, and the Chief agreed to concentrate patrol efforts on specific areas of town. He also reported that they discussed a program to reward children who wear bicycle helmets. He stated that they also discussed vests, and an officer who will be assigned to the Narcotics Force at the County in July. He reported that they also discussed Class 2 Special Police Officers who work up to 48 hours per week with the same powers as regular Officers, but without benefits.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they have not met, however, they are hoping to set up a meeting with Joe Korn regarding the Rustic Mall.

Mayor Onderko stated that he has spoken to Joe Korn, and there will be a meeting within the next week or so.

Councilman Skirkanish continued his report as liaison to the Board of Health. They are still looking for a veterinarian to provide rabies vaccines, and the County Shelter is considering performing micro-chipping for pets. They hope to provide the services at Firehouse #3 on April 29th or May 20th. He reported that he attended the Fire Board of Engineers meeting, the Public Safety meeting, and the Policy, Planning and Personnel Committee meeting. He thanked Pattie Zamorski for all her years of service at the Borough Hall, and said she will be missed very much.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they have met several times regarding the positions in town that will be becoming vacant which need to be filled. She reported that they have been diligently working on finding the right person in the time frame required. She stated that they found a great candidate for the Recreation Director position, however, she was not able to accept the position. She stated that they may utilize her grant writing skills in the future. She stated that there is another interview scheduled for tomorrow for the position. She welcomed Mullin and Lonergan Associates for our Section 8 Housing Program. She stated that they will be working along with the current Program Director for a smooth transition. She further reported that they have been in discussion with Montgomery Township regarding a Shared Service Agreement, which is being reviewed by the Borough Attorney. She also reported that our plumbing sub-code official will be having surgery and be out for a few weeks, and she wished him a speedy recovery. She also reported that they Mayor asked her to look into a question from Mrs. Janucik at the last meeting regarding the Minutes of the meetings. She reported that the Minutes of the meetings are kept in a book and the book begins on Reorganization Day which goes forward from there, and the pages run consecutively from there. She explained that each Council meeting is considered a chapter in the book. She also explained that it is almost impossible to get information out to the public prior to the meeting because changes can be made and put together hours before the meeting. Councilwoman Camacho thanked Pattie for her years of service to the Borough and the citizens of Manville. She stated she will be missed but never replaced.

Councilman Petrock, thanked Pattie for her years of service, and noted he has known her a very long time and graduated with her. He stated she has been a great asset to the Borough, and a friend as well, and she will be deeply missed. He wished her the best. As Chairperson of the Finance Committee, he apologized to Councilman Petrone and Councilwoman Camacho for the oversight of a meeting he attended of which they were not informed. He stated that from now on, he will be sure all members are informed. He thanked Administrator Bierwirth for her excellent presentation of the Budget, and thanked the Department Heads. He stated that as Chairman of Finance, he has to say "No" a lot. He explained that he understands the need for new vehicles, however, he also hears the complaints of the taxpayers. He explained that they have balanced the budget this year, and the only reason there is an increase of \$14 is because of the loss of revenue. He stated that they have cut as much as they could, however, many things are needed to sustain our vehicles and roads. He further reported that they have requested that Department Heads be sure to advise mandatory expenses, such as training on their requests. He thanked the public for their patience

with regard to the Budget, and reminded everyone that if they find an item does not have to be purchased, the money will not be spent and will go to surplus.

Mayor Onderko also commented regarding the Budget and stated that in the last three years, the surplus has grown, which shows that we are being diligent.

PUBLIC PORTION

Mayor Onderko requested a motion to open the Public Portion.

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

All present were in favor.

Attorney Maciag set forth the rules for Public Portion.

Marie Janucik, 720 East Frech Avenue - had questions regarding the Section 8 Housing Program.

Mr. Lonergan addressed her questions.

Dean Shepard, P.O. Box 222 - had questions regarding the Section 8 Housing Program, whether an elected official can have a Section 8 Housing unit, and mentioned snow plowing and speed of certain Public Works employees.

Mr. Lonergan addressed his questions regarding Section 8; Administrator Bierwirth and Mayor Onderko addressed his other comments.

Bob Kaminski, 10 Liberty Street - mentioned the Budget and had a question regarding contracting of lawn cutting.

Administrator Bierwirth and Mayor Onderko addressed his question.

Rudy Nowak, 100 Driscoll Street - asked why the Borough needs a Section 8 Program. He also mentioned that he needs curbs, and he thanked Administrator Bierwirth for her budget presentation.

Mr. Lonergan addressed his question.

Ray Walsh, 26 North 17th Avenue - mentioned "Real Green" on television every Saturday morning, which is a program that discusses plants that will help in flood zones.

John Mehalick, 1461 Dominic Street - had questions regarding Ordinance #2017-1184.

Mayor Onderko, Administrator Bierwirth and Attorney Maciag explained the Cap bank.

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.

PROCLAMATION

Mayor Onderko praised Municipal Clerk Patricia Zamorski for her years of service to the Borough, and summed up her employment as the “ultimate professional” and read a Proclamation in honor of her retirement.

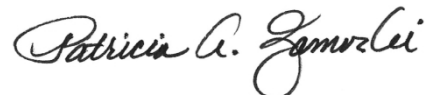
Mayor Onderko requested a motion to adjourn the meeting.

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 9:10 p.m. Mayor Onderko invited all to stay for cake.

ATTEST:

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

Patricia A. Zamorski, Borough Clerk