

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
APRIL 10, 2017**

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THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON APRIL 10, 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  
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 Ed Zujkowski, who passed away this week. He stated that he was a Manville Firefighter, and he asked that everyone remember him and his family.

**MAYOR'S APPOINTMENT**

Mayor Onderko appointed Susan Guarino to the Board of Health for a three-year term expiring December 31, 2019.

Since this was a Mayoral Appointment, no motion to confirm was necessary.

**PROCLAMATION**

Mayor Onderko read a Proclamation for the Adult Day Center of Somerset County.

## **ORDINANCE - FIRST READING AND INTRODUCTION**

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

Mayor Onderko requested that Administrator Bierwirth explain the changes to the Ordinance.

Administrator Bierwirth explained that the Ordinance has been adjusted to allow collection of bulk trash on adjacent properties and Borough properties.

Mayor Onderko requested a motion to introduce Ordinance #2017-1185.

Council President Szabo, seconded by Councilman Petrock, made a motion to introduce Ordinance #2017-1185.

Ordinance #2017-1185

### **AN ORDINANCE AMENDING ORDINANCES #2008-1073 and #2017-1180, TO REGULATE THE COLLECTION AND DISPOSAL OF BULK TRASH ITEMS, GARBAGE, MUNICIPAL WASTE AND SOLID WASTE WITHIN THE BOROUGH OF MANVILLE**

WHEREAS, the Mayor and Council find that abandonment of bulk trash items, garbage, municipal waste and solid waste is becoming an increasing problem within the Borough, including the dumping or abandonment of same on adjacent or Borough-owned properties, and

WHEREAS, the Mayor and Council by this ordinance intend to clarify Ordinances #2008-1073 and #2017-1180 to affirm that under the conditions and seven (7) days Notice as set forth in Section 13 of those prior Ordinances, the Director of Public Works may cause such dumping or abandonment to be removed and abated, now therefore:

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

1. Ordinance #2008-1073, as previously amended by Ordinance #2017-1180, shall be further amended by modifying same by amending Section 2, DEFINITIONS, to now add an additional definition as follows:

ITEMS NOT ACCEPTED - Any items listed on "Schedule B" as "Items Not Accepted", which items shall not be accepted for bulk trash pick-up by the Borough of Manville.

2. Ordinance #2008-1073, as previously amended by Ordinance #2017-1180, shall be further amended by modifying same by amending SCHEDULE B, by revising and replacing the section labeled ITEMS NOT ACCEPTED to now read as follows

#### **SCHEDULE B:**

## **Bulk items NOT ACCEPTED**

The following items shall not be accepted for bulk trash pick-up by the Borough of Manville, notwithstanding whether or not a sticker is affixed to same:

- **Automobiles or other Vehicles**
- **Abandoned automobiles or vehicles, car parts, tires, or batteries.**
- **Hazardous Waste - motor oil, anti-freeze, propane tanks, fluorescent tubes, oil-based paint or chemicals , or other hazardous waste .**
- **Masonry Items - concrete, cement, brick, block, stone, marble, granite, dirt or other masonry items.**
- **Medical Waste - contact a local hospital for information on the “Safe Syringe Program” .**
- **Recyclable Items - as outlined in the Annual County Recycling Schedule.**
- **Renovation/Remodeling Debris - lumber, tile, siding, masonry items, or roofing materials.**
- **Any household appliances containing Freon.**

2. Ordinance #2008-1073, as previously amended by Ordinance #2017-1180, shall be further amended by modifying same by amending SECTION 5. RESPONSIBILITIES FOR COLLECTION AND DISPOSAL to add a new Section 5.E, to read as follows:

E. DUMPING OR ABANDONMENT OF BULK TRASH ITEMS, GARBAGE, MUNICIPAL WASTE AND SOLID WASTE ITEMS:

(1) Any user who places on the street, or who places, dumps, or abandons on the user's own property, on adjacent property or properties, or on Borough-owned property, any bulk trash items, garbage, municipal waste, or solid waste, including but not limited to any item listed in Schedule B as ITEMS NOT ACCEPTED, shall at the user's own expense remove or cause same to be removed by a duly licensed and approved disposal service within thirty (30) days. Failure to do so shall subject said user to the provisions of Section 13 of #Ordinance 2008-1073 as amended by Ordinance #2017-1180, whereby the Borough of Manville may after notice, abate and remove same, upon which the property owner of the premises from which the items originated shall be subject to penalties and fines, or a charge for said abatement which charge shall be a lien against that property on the tax records, under the conditions of Section 13 as set forth in Ordinance #2017-1180.

(2) Where the items in question constitute dangerous or hazardous waste, or create a dangerous or hazardous condition, the Director of Public Works may with the concurrence of the Borough Engineer, certify to the Borough Administrator or Mayor that an emergent situation has arisen and may commence the abatement process described in the foregoing subparagraph on any date sooner than thirty (30) days, on such emergent schedule as the Director of Public Works at his or discretion may deem to be in the best interest of public safety.

3. Except as amended or modified herein, Ordinances No. 2008-1073 and 2017-1180 shall remain full force and effect.

4. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

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

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

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

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

Mayor Onderko requested that Administrator Bierwirth explain the additional provisions in this Ordinance.

Administrator Bierwirth explained that she and Chief Peltack discussed the Massage Ordinance that was recently updated, and the Chief requested that fingerprinting and background checks be included in the Ordinance.

Councilman Petrock had a small correction in Section 1. He requested that the word issues be amended to read issued.

Mayor Onderko requested a motion to introduce Ordinance #2017-1186.

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to introduce Ordinance #2017-1186, as amended.

Ordinance #2017-1186

**AN ORDINANCE AMENDING ORDINANCE 2017-1182 RELATING TO THE  
REGULATION OF MASSAGE PARLORS IN THE BOROUGH OF MANVILLE,  
COUNTY OF SOMERSET, STATE OF NEW JERSEY TO INCLUDE ADDITIONAL  
PROVISIONS THERETO**

**WHEREAS**, the Borough Council of the Borough of Manville adopted Ordinance No. 2017-1182 on March 27, 2017 concerning the operation of massage parlors in the Borough of Manville; and

**WHEREAS**, the Borough Council now desires to amend the aforementioned ordinance to include additional provisions;

**THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Manville in the County of Somerset and State of New Jersey that Ordinance No. 2017-1182 be and is hereby amended as follows:

**Section I**

Section 3, Subsection F shall be inserted therein as follows:

In addition to the requirements of Section 3, Subsection C, no permit shall be issued without the applicant, or any other individual required to submit personal information pursuant to Section 3, Subsection C, Subsubsection 5, submitting themselves to a background check and fingerprinting by the Police Department. For any subsequent

renewal of a license issued hereunder, the applicant or other individuals as described above shall likewise submit, at the discretion of the Chief of Police or his designee, to a background check and fingerprinting by the Police Department. In no event shall any massage establishment in the Borough of Manville conduct operations without any individual pursuant to Section 3, Subsection C, Subsubsection 5 submitting themselves to an initial background check and fingerprinting at the discretion the Chief of Police of his designee. Failure to comply with this subsection shall be considered a reason for denial, suspension or revocation of any permit issued hereunder pursuant to Section 10 of this ordinance.

**Section II**

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

**Section III**

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 IV**

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.

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

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 #2017-1184.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1184.

All present were in favor.

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

Councilwoman Camacho, seconded by Councilman Petrock, made a motion to close the public portion on Ordinance #2017-1184.

All present were in favor.

## **DISCUSSION**

Councilman Petrock stated that he doesn't think this is a good idea right now, unless the money available is for an emergency.

Mayor Onderko stated that he feels the same, and he does not want to increase expenditures since we are losing ratables. He stated that he would like to abide by the 2% cap put in place by Governor Christie.

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

Councilman Petrone, seconded by Councilman Skirkanish, made a motion to adopt 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:       PETRONE  
                  NAYES:      SZABO, CAMACHO, MAGNANI, PETROCK, SKIRKANISH

Councilman Petrone stated that he hopes everyone understands what they voted no on.

## **APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of March 27, 2017

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to approve the minutes of the Regular Meeting of March 27, 2017.

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 #2017-63 through #2017-70.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - requested a copy of the Approval of Vouchers Resolution, and had a question regarding Resolution #2017-64. She asked if there was an individual from Montgomery being considered for the Shared Service.

Administrator Bierwirth introduced two individuals from Montgomery Township who were present at the meeting: Donato Nieman, Township Administrator and Michael Pitts, Township Chief Financial Officer. She explained that the Agreement is for all Financial Services of the Borough, including payroll, benefits, Chief Financial Officer, miscellaneous non-audit accounting, Qualified Purchasing Agent, and the ability to have individuals to assist with Financial Projects. She gave a quick curriculum vitae for Michael Pitts. She stated that he is highly qualified to provide services to the Borough.

Donato Nieman, Administrator of Montgomery Township also addressed questions from Mrs. Janucik regarding balances of services between the two municipalities.

Michael Pitts, Chief Financial Officer for Montgomery Township, explained how he will be automating the office and working remotely.

Dean Shepard, P.O. Box 222 - had questions regarding Resolution #2017-67 for auctioning of vehicles and other items, and questions regarding the leasing of vehicles.

Chief Peltack stated that we will be auctioning an older patrol vehicle, a motorcycle, and overhead racks that do not fit the current vehicles. He also addressed Mr. Shepard's questions regarding the leased vehicles.

Administrator Bierwirth, Councilwoman Magnani, and Mayor Onderko also discussed the leasing of vehicles and budget items.



Mayor Onderko requested a motion to close the public portion on Resolutions.

Council President Szabo, seconded by Councilman Petock, 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 #2017-63.

Councilman Petrone, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-63.

Resolution #2017-63

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

1. Current	\$1,3 38,106.73
2. Water/Sewer Utility	\$295 0.50
3. General Capital	\$0.0 0
4. Recreation Trust	\$1,1 86.00
5. Other Trust	\$2,1 39.03
6. Dedicated Dog	\$0.0 0
7. Housing Trust	\$0.0 0
<b>Total</b>	<b>\$1,3 41,727.26</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

Mayor Onderko requested a motion to adopt Resolution #2017-64.

Councilman Petrone, seconded by Council President Szabo, made a motion to adopt Resolution #2017-64.

Resolution #2017-64

**WHEREAS**, there exists a need for a Chief Financial Officer, Qualified Purchasing Agent, Payroll/Benefits & Pensions and Municipal Accounting / Treasurer related services within the Borough of Manville; and

**WHEREAS**, the Borough of Manville and the Township of Montgomery are interested in entering into a shared services agreement for the aforementioned Financial Services for the Borough of Manville; and

**WHEREAS**, the “Uniform Shared Services and Consolidation Act” **N.J.S.A.** 40A:65-1 through 40A:65-35, authorizes municipalities to enter into shared services agreements to provide or receive any service that each municipality participating in the agreement is empowered to provide or receive; and

**WHEREAS**, the Borough of Manville desires to enter into the attached Shared Services Agreement for a Shared Financial Services as outlined in the attached agreement; and

**WHEREAS**, the finalization of this agreement is contingent upon approval from the State of New Jersey.

**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 Mayor and Borough Clerk are hereby authorized to execute the attached Shared Services Agreement for Shared Financial Services between the Borough of Manville and the Township of Montgomery.

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 #2017-65.

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-65.

### **RESOLUTIONS BY CONSENT**

Mayor Onderko asked if any Council Member wished to take any Resolution individually. When no one wanted to take any Resolution individually, Mayor Onderko requested a motion to adopt Resolutions #2017-65 through #2017-70.

Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to adopt Resolutions #2017-65 through #2017-70.

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

Resolution #2017-65

**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; and

**WHEREAS**, the Director of Public Works recommends Nicholas Pusateri and Shawn Willis fill said positions.

**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 hire Nicholas Pusateri and Shawn Willis as temporary seasonal part-time employees for the Public Works Department at the rate of \$15 per hour, not to exceed 29 hours, for a period not to exceed 20 weeks, effective May 1, 2017.

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

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

Resolution #2017-66

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).

Block	Lot	Name of Owner	Amount	Year	Quarter
159	1	Fiure/ Steffels	\$1,405.02	2016	4 <sup>th</sup>
53.01	44	Humphrey	\$425.91	2017	2 <sup>nd</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.

Block	Lot	Name of Owner	Amount	Lienholder
191	27	JP Morgan Chase	\$1,003.17	PC6 Sterling National
177	13	Minegar, Richard	\$9,844.09	Phoenix
190	34	Two Zero Zero Cooper	\$7,270.13	ActLien Holding
32	12	Fernandez, Luis	\$1,168.07	Natu Patel

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-67

**WHEREAS**, Chief Peltack of the Manville Police Department has deemed that certain vehicles and other items are no longer needed for Police use; and

**WHEREAS**, N.J.S.A. 40A:11-36 provides that any contracting unit, by resolution of its governing body, may authorize the disposition of its personal property; and

**WHEREAS**, the vehicles and other items are specified below:

One (1) 2006 Ford Crown Victoria, VIN #2FAFP71W86X122400

One (1) BMW Motorcycle, VIN #WB10418A2WZC63618

One (1) Federal Signal Corp. Mod. VC, Serial #73385

Two (2) Vista Light Rack, Red

Three (3) MX7000 Code 3 Light Rack

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manville, County of Somerset, New Jersey, that the above mentioned vehicles and other items are no longer needed for Police use and will be forwarded to Somerset County Vehicle Maintenance Department for auction.

**BE IT FURTHER RESOLVED** the Director of Public Works may arrange for the disposition of these vehicles as indicated above.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-68

**WHEREAS**, the Recreation Department is in need of personnel for their seasonal programs; and

**WHEREAS**, in accordance with Ordinance #2015-1160, these employees are now referred to as Temporary Seasonal Employees.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the following Temporary Seasonal Employees shall be hired by the Recreation Department:

Name	Title	Length of Service	Pay Rate
Lou Fisher	Softball Umpire	4-17-17 to 6-30-17	\$50.00 per game
Jeannie Lombardino	Camp Counselor	6-12-17 to 8-31-17	\$15.00 per hour

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

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

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-69

**WHEREAS**, there exists a vacancy in the position of Deputy Registrar within the Borough of Manville; and

**WHEREAS**, the Borough Administrator recommends Administrative Assistant to the Tax Assessor, Wendy Barras, to be appointed to fill said vacancy; and

**WHEREAS**, this appointment includes a stipend of \$650 to be paid to the Deputy Registrar.

**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 recommendation of the Borough Administrator be authorized.

**BE IT FURTHER RESOLVED** that Wendy Barras is appointed as Deputy Registrar, effective April 11, 2017.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-70

**WHEREAS**, there exists a vacancy in the position of Human Resources Coordinator within the Borough of Manville; and

**WHEREAS**, Borough Administrator, Andrea Bierwirth, shall assume that position, retroactively effective to April 1, 2017; and

**WHEREAS**, this appointment does not have any budget impact as there will not be any monetary compensation for 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that Andrea Bierwirth be appointed as the Human Resources Coordinator for the Borough of Manville.

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

ALL PRESENT IN FAVOR PER ROLL CALL

## **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Mayor Onderko thanked the Fire Department and Rescue Squad for their efforts at the scene of a house fire on Campbell Drive in Hillsborough. He also thanked our Police Department for saving a resident with Narcan. He also reported that he attended the first Green Team Meeting at the Coach Barn at Duke Farms. He stated that this is part of the Sustainable New Jersey participation which provides points. He stated that the focus will be making Manville a more flood resilient Community.

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that the Committee discussed the quotes for a new sound system for the Court Room. He stated that they will be approving one of the quotes at the April 24<sup>th</sup> meeting. He stated that the street light near Drewby's will be installed within the next few weeks. He

reported that Councilwoman Magnani had a request for a sign regarding cleanup of dog waste on the fields. He stated that the Director of Public Works contacted Somerset County, since it is their property. He also reported that the amendment to the Bulk Waste Ordinance was discussed in committee and introduced tonight. He also reported that the Public Works Department is power washing the parking lots and Main Street. He also reported that they are working on a Shopping Cart Ordinance regarding removal of Walmart shopping carts. He stated that the Mayor and Administrator met with the manager of Walmart to discuss the issue, and they will meet with him again prior to placing the Ordinance on the Agenda for April 24<sup>th</sup>. He also reported that they met with Ms. Burris from the Manville Arts Council regarding "Porchfest," however, they will be discussing this with Chief Peltack. He also commented that the Manville Seniors held their Senior Prom on Friday, hosted by the Manville High School Key Club and Recreation Committee. He stated that everyone had a very nice time. He thanked the Recreation Committee and the Key Club.

Councilwoman Magnani, as a member of the Buildings and Grounds Committee in charge of Recreation, thanked Sue Asher and Kim Fleming for the Bunny Trail and for chairing the event. She reported that there was over 115 pounds of food collected for the Food Bank. She thanked the ABIS Student Council, Rescue Squad, and Fire Department. She stated it was a very successful event. She suggested that if there is money available in the budget, a new bunny outfit be purchased, since the current one is a bit worn out. She reported that they are working on setting up T-Ball and rosters for Spring Sports. She also reported that the Memorial Day Parade starts at 1:00 p.m. on May 28<sup>th</sup>. She also reported that they will begin selling pool badges around April 30<sup>th</sup>. She reported that Summer Camp approvals are awaiting insurance company audits. She also reported that she has discussed the pet waste on Gerber Field with our Public Works Director. She further reported that pot holes are being patched and the Shade Tree Commission is planting trees. She stated that the water main connection in Weston is complete. She stated that Public Works prepared for the storm, and that the garbage truck broke down in the middle of pick-up, requiring the County to tow it. She also reported that the first stage of the County Bridge Project is underway, and the Recreation Department will be holding a Manville (Polish) night at the TD Bank ballpark on July 8<sup>th</sup>.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they did not meet, however, the Rescue Squad had 59 calls. He further reported that the wiring for the generator is completed.

Mayor Onderko added that the generator has been fully tested and it is working well.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they met on April 6<sup>th</sup> to discuss the Rustic Mall Redevelopment meeting with Joe Korn from Garden Homes. They discussed the PILOT Program and retail. He further stated that they would like to see Mayor and Council Resolutions in place prior to Planning Board approval. He reported that they discussed 220 rental units, with 15% set aside for Senior Citizens and Low-to-Moderate Income. They discussed parking, building height of one to three stories, and possibly a four-story with the Senior Citizen

component. He reported that they also discussed the eight lots owned which may be dedicated to Senior Housing, and they plan to have a meeting with the Developers next week. He stated that they discussed the Green Acres property by the Library, and Manville Avenue property. He stated that they discussed a water circus that would like to perform here this summer. He further reported that the MBPA meeting was cancelled due to lack of a quorum. He attended the Policy, Planning and Personnel meeting, and the Board of Health meeting will be held next Tuesday. He welcomed Pam Borek as our new Clerk, and he wished everyone a Happy Easter.

Mayor Onderko added that they have discussed preparation of a “Welcome to Manville” folder for businesses and residents with an information packet, contact numbers, and a copy of the Community News.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on April 5<sup>th</sup> with Donato Nieman and Michael Pitts from Montgomery Township to discuss the Shared Services Agreement. She reported that Montgomery has provided their employees with laptops to give them access to our financials when they are not present in the building. She further reported that they discussed Recreation programs and additional manpower for the Public Works Department for grass cutting and vacation coverage. She reported that they have not yet found a suitable candidate for Recreation Director, however, the job has been posted to the League of Municipalities website. She also reported that she attended the Land Use Board meeting and the two Agenda items were carried to the May meeting. She also reported that she attended the Buildings and Grounds meeting and the Annual Easter Egg Hunt on Saturday, April 8<sup>th</sup>. She thanked all the businesses that donated prizes and the Recreation Committee, volunteers, and all the organizers that coordinated this event and made it a success. She stated that there were 3,000 plastic eggs filled with prizes and/or candy, and the three grand prizes for each age group was a bicycle. She stated that the people from Kind Bars were there to provide Kind Bars and lunch boxes to everyone, and she thanked them. She wished everyone a Happy Easter or Passover.

Councilman Petrock, Chairperson of the Financial Committee reported that they did not meet, but will be meeting on Thursday. He wished everyone a Happy Easter and God’s blessings.

Councilwoman Camacho added that a resident asked about an “RCA” Coordinator. She explained that municipalities in the past were allowed to enter into an RCA which is a Regional Contribution Agreement which allows them to pay a fee to another municipality that agrees to provide affordable housing units to fulfill up to one half of the sending municipality’s COAH obligations. She explained that COAH is the Council on Affordable Housing.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

Attorney Maciag set forth the rules for Public Portion.

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

All present were in favor.

Ruth Slovik, 1321 Green Street - had questions regarding the collection of food for the food bank and asked about the gate in the Courtland Development on the border of Manville and Hillsborough.

Councilwoman Magnani, Chief Peltack and Councilman Petrone addressed her questions.

Maryanne Shoaf, 144 South 19<sup>th</sup> Avenue - asked if the Mayor and Council could enact an Ordinance to prevent residents from renting out rooms in their homes.

Mayor Onderko stated that he would like to investigate this further, however, the State Supreme Court is very liberal with regard to rentals and it is difficult to enforce. He stated that he will follow-up on the issue.

Attorney Maciag explained the laws regarding rentals to related and non-related tenants.

Rudy Nowak, 100 Driscoll Street - had questions regarding Attorney Maciag's explanation.

Attorney Maciag explained the laws further.

Maria Janucik, 720 East Frech Avenue - requested a written copy of Councilwoman Camacho's explanation of RCA Housing and Councilman Skirkanish's report. She also asked if a Board of Education official recently resigned. She also had questions regarding the hiring of PM Consultants.

Mayor Onderko, Administrator Bierwirth, and Council people addressed her questions.

Ray Walsh, 26 North 17<sup>th</sup> Avenue - spoke about the Green Team and grant money that can be received.

Administrator Bierwirth spoke about the first Green Team meeting on Saturday, April 8<sup>th</sup> and future goals.

Mayor Onderko also commented on the Nature Park and putting the floodplain back into its natural state. He also spoke about flood mitigation.

Dean Shepard, P.O. Box 222 - commented regarding the rental situation and suggested limiting approvals at the level of the Land Use Board. He also commented regarding



enforcement of the Zoning Ordinance for violations. He also commented regarding the Shared Service Agreement with Montgomery.

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.

## **CLOSED SESSION**

Mayor Onderko requested a motion to go into Closed Session.

The Clerk read the Closed Session Resolution.

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

Resolution #2017-71

BE IT RESOLVED by the Mayor and Council of The Borough of Manville, that an Executive Session of the Mayor and Council, from which the public will be excluded will be held upon adoption of this resolution for the purpose of discussing:

- \* Personnel and Contract Matters related to the Recreation Director and potential Shared Services
- \* Contract Negotiations Sale of Borough owned real estate

Exclusion of the public for this purpose (s) stated is expressly permitted by the provisions of the "OPEN PUBLIC MEETINGS ACT", N.J.S.A. 10:4-6, et. seq. It is not anticipated that the contents of the discussion will be made known until it has been determined that disclosure of the subject matter will not adversely affect the public interest and until the Mayor and Council have adopted a Resolution so concluding.

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

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

Closed Session began at 8:48 p.m.

Mayor Onderko called the meeting back to order at the end of Closed Session at 9:46 p.m.

Mayor Onderko wished everyone a Happy Passover and Happy Easter.

When no one else wished to comment, 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 9:48 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Pamela Borek". The signature is written in black ink and is positioned below the "ATTEST:" text.

Pamela Borek, Borough Clerk