

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
AUGUST 14, 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 AUGUST 14, 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 asked that the moment of silence be dedicated to Leon Specian, a lifelong resident and WWII Veteran who passed away last week.

**PRESENTATION BY SOMERSET COUNTY BUSINESS PARTNERSHIP**

Michael Kerwin gave a presentation regarding the benefits of a Chamber of Commerce and strong business participation. He also recognized Diana Sieberg, their Director of Business Services and a Manville resident, as well as Shirley Perlinski who was able to grow her business by participating in the Chamber of Commerce.

Shirley Perlinski stated that she began a cleaning business in 2001, and she joined the Chamber in 2005. In 2006 she was looking to relocate her business from her home and purchased a building on Brooks Boulevard. She stated with the help of the Business

Partnership, she learned how to network and make her business grow. She stated that she started with three people cleaning houses, and she now has 23 employees. She stated that she could not have done this without their assistance, especially after the flood. She stated that she can't wait to get other businesses involved.

Mayor Onderko stated that we are seeing a resurgence of community spirit in Manville with our excellent Recreation Program, and our Manville Arts Council. He stated that two business owners on Main Street have agreed to allow murals to be painted on the side of their buildings. He stated this will create a positive change rather than a blank wall.

Mr. Kerwin acknowledged that one of the opportunities for growth is through the arts.

Mayor Onderko also mentioned that he would like to draw businesses into our Community Day Event.

Mr. Kerwin stated that businesses are attracted to towns that have a positive vibe.

### **APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of July 10, 2017

Council President Szabo, seconded by Councilman Skirkanish, made a motion to approve the minutes of the Regular Meeting of July 10, 2017.

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

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

Mayor Onderko requested a motion to introduce Ordinance #2017-1191.

Councilman Petrock, seconded by Council President Szabo, made a motion to introduce Ordinance #2017-1191.

Ordinance #2017-1191

#### **AN ORDINANCE AMENDING ARTICLE 11 OF THE LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MANVILLE ENTITLED "FEES AND CHARGES; TRANSCRIPTS " TO REVISE THE PROCEDURES AND FEES CONTAINED THEREIN AND REPEALING ORDINANCE NO . 724**

**WHEREAS**, pursuant to the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq, a municipality may assess fees for certain land use applications and to deposit monies in escrow with the municipality to provide for the cost of the review of said applications by the Borough's professionals; and

**WHEREAS**, the Borough of Manville's Land Development Ordinance of 1987 made provisions for fees and escrows in accordance with N.J.S.A. 50:55D-1 et seq; and

**WHEREAS**, these fees and escrows were amended pursuant to Ordinance No. 724 as approved by the Borough Council on May 28, 1991; and

**WHEREAS**, the Borough of Manville wishes to update the amount to be assessed for application fees and escrows under the authority vested with the municipality pursuant to N.J.S.A. 40:55D-1 et seq; and

**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. 724 is hereby repealed; and

**BE IT FURTHER ORDAINED** by the Borough Council of the Borough of Manville in the County of Somerset and State of New Jersey that Article 11 of the Land Development Ordinance of the Borough of Manville, entitled "Fees and Charges; Transcripts," is hereby amended as follows:

**Section I.**

- A. Each such application or appeal before the Joint Land Use Board of the Borough of Manville shall be accompanied by payment of a fee as follows or shall be paid in a method to be determined by the Borough Council, in its sole discretion, including but not limited to payment in installments:
- 1) Escrow deposits. **In addition to the initial fees or charges as elsewhere set forth**, the municipal agency shall require escrow deposits in accordance with the **provisions of the fee and deposit schedule set forth in Article 11 hereof**. The Chief Financial Officer of the Borough shall make all of the payments to professionals for services rendered to the Borough or approving authority for review of applications for development, review and preparation of documents, inspection of improvements or other purposes under the provisions of N.J.S.A. 40:55D-1 et seq. The application review and inspection charges shall be limited only to professional charges for review of applications, review and preparation of documents and inspections of developments under construction and for review by outside consultants, when an application is of a nature beyond the scope of the expertise of the professionals normally utilized by the Borough. The only cost that shall be added to any such charges shall be actual out-of-pocket expenses of such professionals or consultants, including normal and typical expenses incurred in processing applications and inspecting improvements.
  - 2) Scope of reimbursed services. The Borough shall be entitled to be reimbursed for the review of applications, both as to completeness and as to content, for the review and preparation of documents such as, but not limited to, drafting resolutions, developer's agreements, and necessary correspondence with applicant or applicant's professionals.
  - 3) Deposit of escrow funds; refunds. Deposits received from any applicant in excess of \$5,000 shall be held by the Chief Financial Officer in a special interest-bearing deposit account, and upon receipt of bills from professionals and approval of said bills as hereinafter provided for, the Chief Financial Officer may use such funds to pay the bills submitted by such professionals or experts. Applications for **development fees are nonrefundable**. The Borough shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, the entire amount shall belong to the applicant and shall be refunded to him by the Borough annually or at the

time the deposit is repaid or applied for the purposes for which it was deposited, as the case may be, except that the Borough may retain for administrative **expenses a sum equivalent to no more than 33 1/3% of that entire amount, which** shall be in lieu of all other administrative and custodial expenses. All sums not actually so expended shall be refunded to the applicant within 90 days of the final decision by the appropriate municipal agency with respect to such application, upon certification of the Board Secretary that such application has been finally decided.

4) Payments.

a) Each payment charged to the deposit for review of applications, review and preparation of documents and inspection of improvements shall be pursuant to a voucher from the professional which voucher shall identify the personnel performing the service, and each date the services were performed, the hours spent to one-tenth-hour increments, the hourly rate and the expenses incurred. For Borough employees, the hourly rate shall be 200% of the employee's hourly base salary which shall be established annually by ordinance. All professionals shall submit vouchers to the Chief Financial Officer of the Borough on a monthly basis in accordance with **the schedules and procedures established by the Chief Financial Officer**. The professional shall send an informational copy of all vouchers or statements submitted to the Chief Financial Officer of the Borough simultaneously to the applicant and, the municipal agency for whom said services were performed.

b) The Chief Financial Officer shall prepare and send the applicant a statement which shall include an accounting of funds, listing all deposits, interest-earnings disbursements and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if monthly charges exceeded \$1,000. If an escrow account or deposit contains insufficient funds to enable the Borough or approving authority to perform required application review or improvement inspections, the Chief Financial Officer shall provide the applicant with a notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall within a reasonable time period post a deposit to the account in an amount to be agreed upon by the Borough or approving authority and the applicant. In the interim, any required health and safety inspections shall be made and charged back against the replenishment of funds.

5) Payments required prior to issuance of permits. No zoning permits, building permits, certificates of occupancy or any other types of permits may be issued with respect to any approved application for development until all bills for reimbursable services have been received by the Borough from professional personnel rendering services in connection with such application and payment has been made.

6) Close-out procedures.

a) The following close-out procedures shall apply to all deposits and escrow accounts established under the provisions of N.J.S.A. 40:55D-1 et seq. and shall commence after the approving authority has granted final approval and signed the subdivision plat or site plan, in the case of application review

- escrow and deposits, or after the improvements have been approved in accordance with N.J.S.A. 40:55D-53, in the case of improvement inspection escrows and deposits.
- b) The applicant shall send written notice by certified mail to the Chief Financial Officer of the Borough and the approving authority and to the relevant municipal professional, that the application or the improvements, as the case may be, are completed. After receipt of such notice, the relevant professional shall render a final bill to the Chief Financial Officer of the Borough within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer of the Borough shall render a written final accounting to the applicant on the uses to which the deposit was put within 45 days of receipt of the final bill. Any balances remaining in the deposit or escrow account including interests, in accordance with N.J.S.A. 40:55D-53.1, shall be refunded to the developer along with the final accounting.
  - 7) **Scope of charges.** All professional charges for review of an application for development, review and preparation of documents or inspection of improvements shall be reasonable and necessary and in accordance with N.J.S.A. A. 40:55D-53(h), given the status and progress of the application or construction. **Review fees shall be charged only in connection with an application** for development presently pending before the approving authority or upon review of compliance with the conditions of approval, or review of requests for modification or amendment made by the applicant. A professional shall not review items which are subject to approval by any state governmental agency and not under municipal jurisdiction except to the extent consultation with a state agency is necessary due to the effect of state approvals on the subdivision or site plan.
  - 8) **Limitation of inspection fees.** **Inspection fees shall be charged only for work** shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work and such inspections shall be reasonably based on the approved development plans and documents.
  - 9) **Substitution of professionals.** If the Borough retains a different professional or consultant in the place of a professional originally responsible for development application review, or inspection of improvements, the Borough or approving authority shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the Borough or approving authority shall not bill the applicant or charge to the deposit or the escrow account for any such services.
  - 10) **Estimate of cost of improvements.** The cost of the installation of improvements for the purposes of N.J.S.A. 40:55D-53 shall be estimated by the Municipal Engineer, based on documented construction costs for the public improvements prevailing in the general area of the Borough. The developer may appeal the Municipal Engineer's estimate to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127.
  - 11) **Appeals.**

- a) An applicant shall notify, in writing, the Land Use Administrator with copies to the Chief Financial Officer, the approving authority and the professional whenever the applicant disputes the charges made by a professional for a service rendered to the Borough in reviewing applications for development, review and preparation of documents, inspection of improvements, or other charges made pursuant to N.J.S.A. 40:55D-53.2. The Land Use Administrator or their designee shall within a reasonable time attempt to remediate any disputed charges. If the matter is not resolved to the satisfaction of the applicant, the applicant may appeal to the County Construction Board of Appeals, established pursuant to N.J.S.A. 52:27D-127, any charge to an escrow account or deposit by any municipal professional or consultant or the cost of the installation of improvements estimated by the municipal engineer pursuant to N.J.S.A. 40:55D-53.4. An applicant or his authorized agent shall submit the appeal in writing to the County Construction Board of Appeals. The applicant or his authorized agent shall simultaneously send a copy of the appeal to the Borough, approving authority, and any professional whose charges are the subject of the appeal. An applicant shall file an appeal within 45 days from receipt of the informational copy of the professional's voucher required by N.J.S.A. 40:55D-53.2(c), except that if the professional has not supplied the applicant with an informational copy for the voucher, then the applicant shall file his appeal within 60 days from the receipt of the municipal statement of activity against the deposit or escrow account required by N.J.S.A. 40:55D-53.2(c). An applicant may file an appeal for an ongoing series of charges by a professional during a period not exceeding six months to demonstrate that they represent a pattern of excessive or inaccurate charges. An applicant making use of this provision need not appeal each charge individually.
- b) Appeals shall be taken in accordance with the rules and procedures established by the County Construction Board of Appeals.
- c) During the pendency of the appeal, the Borough or approving authority shall continue to process, hear and decide the application for development and to inspect the development in the normal course and shall not withhold, delay or deny reviews, inspections, signing of subdivision plats or site plans, the reduction or the release of performance or maintenance guarantees, the issuance of construction permits or certificates of occupancy or any other approval or permit because an appeal has been filed or is pending under this subsection. The Chief Financial Officer of the Borough may pay charges out of the appropriate escrow account or deposit for which an appeal has been filed. If a charge is disallowed after payment, the Chief Financial Officer of the Borough shall reimburse the deposit or escrow account in the amount of any such disallowed charge or refund the amount to the applicant. If a charge is disallowed after payment to a professional or consultant who is not an employee of a Borough, the professional or consultant shall reimburse the Borough in the amount of any such disallowed charge. A successful appellant may receive a refund of the appeal fee.

**B. Schedule of fees and escrow amounts.**

- 1) Each such application or appeal shall be accompanied by payment of a fee as follows or shall be paid in a method to be determined by the Borough Council, in its sole discretion, including but not limited to payment in installments:

### Schedule of Fees

Category	Application Fee	Escrow Fee
Minor subdivision, simple lot change (no variance)	\$250	\$1,500
Minor subdivision plat or minor site plan	\$200	\$1,500
Major subdivision		
a. Sketch plat	\$200	\$1,500
b. Preliminary plat	\$250 plus \$100 per lot	\$1,500
c. Final plat	\$200 plus \$50 per lot	\$1,500
Major Site Plan		
a. Preliminary approval	\$500 plus \$5 per one thousand square feet of lot area or part thereof, plus \$5 per one hundred square feet of proposed floor are or part thereof	\$3,000
b. Final approval	25% of preliminary approval fee	\$3,000
Conditional use applications	\$250 in addition to other applicable fees	\$1,500
Variances and appeals		
a. Appeals (N.J.S.A. 40:55D-70a)	\$200 for the first lot \$100 for each additional lot	\$1,500
b. Interpretation (N.J.S.A. 40:55D-70b)	\$200 for the first lot \$100 for each additional lot	\$1,500
c. Hardship/bulk (N.J.S.A. 40:55D-70c)	\$250 for the first lot \$100 for each additional lot, in addition to other applicable fees	\$1,500
d. Use (N.J.S.A. 40:55D-70d)	\$350 for the first lot \$100 for each additional lot, in addition to other applicable fees	\$1,500
e. Permit (N.J.S.A. 40:55D-34 & 35)	\$200	\$1,500
Simple variance (If the application involves nothing more than the erection of a fence)	\$75	\$750

## Schedule of Fees

Category	Application Fee	Escrow Fee
or shed on the property of a single- or two-family residence, construction of a swimming pool accessory to a single- or two-family residence, or construction of an addition to or an alteration of a single- or two-family residence not to exceed a total of 500 square feet.)		
Amended subdivision or extension of approval	<b>50% of initial fee</b>	50% of initial escrow
Amended site plan or extension of approval	<b>50% of initial fee</b>	50% of initial escrow
Informal review of a concept plan (In the event that the developer subsequently submits a preliminary application or master development plan application for the proposed development, the amount of any informal review shall be credited towards those formal application fees.)	\$50 for each meeting of Land Use Board  For review by Land Use Board engineer, one-third (1/3) of conventional preliminary fee or one-third (1/3) of master development plan fee, as appropriate.	\$750
<p>2) Payment is made in two checks. One check is to be identified as the <b>"application fee"</b> and the second check is to be identified as the <b>"escrow account."</b></p> <p>3) <b>If the fee schedule for application fees or escrow deposits is modified during the course of an application, the new application and escrow fee due and payable will be that fee which is in effect at the time the application is deemed complete.</b></p> <p>4) All fees shall be paid at the time of application.</p> <p>5) In the event the application is for more than one (1) category of relief or action, the fee shall consist of the total of the normal fees for each category of action.</p> <p>6) Applicant shall be required to pay any extraordinary costs relating to the site plan review of conditional use approval, including engineering or other expert fees.</p> <p>7) The Board may require the taking of testimony stenographically and having the same transcribed, the cost of which shall be borne and paid by the appellant or applicant. The Board may require a deposit to be made for such purposes as shall be reasonable under the circumstance.</p> <p>8) Applicant shall be responsible for the publication of a decision of the governing body on an appeal in a newspaper, and shall be responsible for the actual cost of publication of same.</p> <p>C. <b>If the fee schedule for application fees or escrow deposits is modified during the course of an application, the new application and escrow fee due and payable will be that fee which is in effect at the time of decision by the Board.</b></p>		

**Section II**

Any section or subsection of the Land Development Ordinance of the Borough of Manville not specifically addressed in this Ordinance is to remain unchanged and continue with full force and effect.

**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.

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

Attest: Pamela Borek, 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 #2017-128 through #2017-144.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - questioned #2017-131 regarding the Housing Administrative Plan.

Mayor Onderko and Administrator Bierwirth addressed her questions.

Mrs. Janucik also questioned Resolution #2017-140, regarding the full-time Tax Assessor. She asked if Mr. Stives will be performing the inspections and about his compensation and health benefits.

Mayor Onderko stated that Mr. Stives will be doing the inspections. He stated that he may be assisted from time-to-time by other Borough employees.

Administrator Bierwirth addressed her questions regarding compensation and benefits.

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

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

All present were in favor.

**RESOLUTION S (TO BE TAKEN SEPARATELY)**

Mayor Onderko requested a motion to adopt Resolution #2017-128.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Resolution #2017-128.

Resolution #2017-128

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

1. Current	\$1,9 59,902.37
2. Water/Sewer Utility	\$106 ,051.48
3. General Capital	\$79, 537.37
4. Recreation Trust	\$15, 451.53
5. Other Trust	\$5,8 64.14
6. Dedicated Dog	\$0.0 0
7. Housing Trust	\$0.0 0
<b>Total</b>	<b>\$2,1 66,806.89</b>

After being examined by each respective committee, are hereby ordered to be paid.

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

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

**RESOLUTIONS BY CONSENT**

Mayor Onderko asked if any Council Member wished to take any Resolution individually.

Council President Szabo requested that Resolution #2017-137 be taken separately.

Councilman Petrone asked that Resolution #2017-131 be taken separately.

Mayor Onderko requested a motion to adopt Resolutions #2017-129, #2017-130; #2017-132 through #2017-136, and #2017-138 through #2017-144.

Councilman Skirkanish, seconded by Councilman Petrock, made a motion to adopt #2017-129, #2017-130; #2017-132 through #2017-136, and #2017-138 through #2017-144.

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

Resolution #2017-129

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
157	23	Wyszkowski, Eric	\$258.11	Borough of Manville
157	1	Wyszkowski, Linda	\$1,070.70	HWCS LLC
64	10	Wedmore, Emma	\$23,516.41	Phoenix Funding
317	15	Galanda, Peter	\$960.72	FWDSL

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**, 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.

Block	Lot	Name of Owner	Amount	Year	Quarter
157	1.01	Wyszkowski, Linda	\$1,216.77	2017	3 <sup>rd</sup>

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

Sewer Acct #	Name of Owner	Amount	Year	Quarter
6129-0	Boland, Trudie	\$10.24	2017	1 <sup>st</sup>

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-130

**STATEWIDE INSURANCE FUND**

## **RESOLUTION TO JOIN (RENEW) THE FUND**

**WHEREAS**, a number of local units have joined together to form the Statewide Insurance Fund (“FUND”), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, et seq.; and

**WHEREAS**, the Borough of Manville (“LOCAL UNIT”) has complied with relevant law with regard to the acquisition of insurance; and

**WHEREAS**, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

**WHEREAS**, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

**WHEREAS**, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2018** terminating on **January 1, 2021** at 12:01 a.m. standard time; and

**WHEREAS**, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

**BE IT FURTHER RESOLVED** that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT will be afforded the following coverage(s):

Workers’ Compensation & Employer’s Liability

Comprehensive General Liability

Automobile Liability and Physical Damage

Public Officials and Employment Practices Liability

Pollution Liability

Property

**IV. Inland Marine, Boiler and Machinery**

**V. Crime-Faithful Performance and Fidelity**

**VI. Cyber Liability**

**VII. Non-Owned Aircraft**

**BE IT FURTHER RESOLVED** that **Andrea L. Bierwirth** is hereby appointed as the LOCAL UNIT’s Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

**BE IT FURTHER RESOLVED** that the LOCAL UNIT’s Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND’s Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT’s admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-132

**WHEREAS**, the existing network server located in Borough Hall is from 2005 and is outdated and does not meet the minimum requirements for the current version of Edmunds software and the MSI financial software program; and

**WHEREAS**, the Finance Committee discussed and approved the purchase of a new network server for the Finance Department in the 2017 budget; and

**WHEREAS**, the CFO has obtained three quotes for the replacement of the network server and has selected GovConnection, Inc. as the vendor with the lowest government contract pricing for the necessary equipment.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manville that they authorize the purchase of the server from: GovConnection, Inc., Merrimack, NH, in the amount of \$5,923.23.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-133

**WHEREAS**, the Mayor and Council of the Borough of Manville have named Franklin G. Whittlesey, Esq., of the law firm of Scholl, Whittlesey & Gruenberg, LLC as Labor Attorneys for 2017; and

**WHEREAS**, a previous Professional Services Agreement was accepted by the Borough through Resolution #2017-13; and

**WHEREAS**, there is now the necessity for authorization of increasing this amount by an additional \$7,000.00 for legal services provided by the Labor Attorney for 2017; and

**WHEREAS**, funds are available and have been certified as such by the Chief Financial Officer.

**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 Franklin G. Whittlesey, Esq., of the law firm of Scholl, Whittlesey & Gruenberg, LLC, 1 East Main Street, Suite 1, Victorian Plaza, Flemington, New Jersey, be continued.
- 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 \$145.00 per hour, not to exceed \$7,000.00.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-134

**RESOLUTION AUTHORIZING MUNICIPAL ALLIANCE GRANT FOR FISCAL YEAR  
2017-2018**

**WHEREAS**, the County of Somerset has prepared a contract which would provide \$9,627.05 to Manville Borough for the provision of Manville Municipal Alliance activities for prevention of alcoholism and drug abuse, and the Borough would provide a 75% match of \$7,220.29 in in-kind services, and a 25% cash match of \$2,406.76 will be raised by the Municipal Alliance Committee or provided by the municipality, and a copy of the proposed agreement is on file in the office of the Borough Clerk,

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, that it hereby authorizes the Mayor and Clerk to sign the original of this agreement.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-135

**WHEREAS**, in accordance with the Teamster's Local No. 469 contract, Article V, Section 5.4, Michael Cigler is eligible for promotion to the Road Maintenance Program, Step 3; and

**WHEREAS**, Vince LoMedico, Director of Public Works has recommended the step rate increase of Michael Cigler from Road Maintenance Step 2 to Road Maintenance Step 3 based on the following advancement elements: skill, effort and field work performance. In addition to the above, it is noted that Mike has trained and acquired skills associated with road maintenance including, but not limited to snow plowing, road repairs, grass cutting, grounds maintenance, and sewer utility work; and

**WHEREAS**, Michael Cigler has continued to demonstrate a willingness to advance his knowledge in the field of Public Works. Mike recently obtained a herbicide license to assist the Department with the weed control program and has also successfully completed a certified pool operators program; and

**WHEREAS**, Mr. Cigler's qualifications have been reviewed by the Policy, Planning and Personnel Committee on July 19, 2017 at which time they agreed to advance Mr. Cigler to the Road Maintenance Program, Step 3 based on the Borough Administrator's recommendation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that Mr. Michael Cigler be and is hereby advanced to the position of Road Maintenance Program, Step 3; and

**BE IT FURTHER RESOLVED** that in conjunction with the step rate increase, Michael Cigler's salary will be increased according to the Teamster Local Union No. 469 Agreement, Article V, Section 5.4 from \$25.51 to \$27.83 per hour.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-136

**WHEREAS**, an application for renewal was filed by Khushboo Palace, LLC, having an address of 729-731 South Main Street, Plenary Retail Consumption Liquor License Number 1811-33-020-007; and

**WHEREAS**, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

**WHEREAS**, no objections were filed and no appearances were made by the public opposing renewal, and the licensee has obtained a Tax Clearance Certificate.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manville that the Borough Clerk is hereby authorized to issue a license renewal for Khushboo Palace, LLC on August 14, 2017, with the terms and conditions set forth herein for the licensed premises, and place the seal of the Borough of Manville upon said license and to affix her signature thereon; and

**BE IT FURTHER RESOLVED** that this Resolution is subject to change or revision.

**TERMS AND CONDITIONS FOR ALL LICENSES**

1. The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
2. The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-138

**A RESOLUTION ADVISING THE SOMERSET COUNTY  
BOARD OF CHOSEN FREEHOLDERS OF THE MUNICIPAL  
PARTICIPATION IN THE SECOND UPDATE OF THE  
SOMERSET COUNTY MULTI-JURISDICTIONAL  
HAZARD MITIGATION PLAN**

**WHEREAS**, the current Somerset County All-Hazards Mitigation Plan approved by the Federal Emergency Management Agency (FEMA) includes a Jurisdictional Annex for the Borough of Manville, through which the municipality is eligible for potential pre- and post-hazard mitigation planning and mitigation funding; and

**WHEREAS**, in order to continue to reduce hazard risks, strengthen community resiliency, and remain eligible for potential FEMA funding, the Borough of Manville hereby commits to participating in the development of the second update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan; and

**NOW, THEREFORE, BE IT RESOLVED** on this 14<sup>th</sup> day of August, 2017, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that:

1.) The Borough of Manville agrees to participate in the update of the Somerset County Multi-Jurisdictional Hazard Mitigation Plan.

2.) The following two municipal representatives: Mayor Richard Onderko, Municipal Hazard Mitigation Officer and Vince LoMedico, Alternate Municipal Hazard Mitigation Officer are hereby authorized to serve on the Multi-Jurisdictional HMP Planning Committee, actively participate as requested through the process, and lead a Municipal Hazard Mitigation Planning (HMP) Committee tasked with carrying out local participation requirements.

3.) The following additional members are hereby named to the Municipal HMP Committee: Chairman of Buildings & Grounds Committee; Patrick Renaldi, Fire Marshal, Dave Kohler, Director of Emergency Management, Detective William Yankoski, Deputy Director of Emergency Management, John Tamburini, Construction Official, Stan Schrek, Borough Engineer, and the Borough Flood Mitigation Consultant.

4.) At the end of the project, when FEMA deems the updated plan approvable, the Borough of Manville will, as required, pass a resolution formally adopting the final updated Somerset County Multi-Jurisdictional Hazard Mitigation Plan, which will include an updated municipal annex. This Resolution will be provided immediately to the Somerset County Planning Division for submittal to FEMA, who requires the Resolution on file.

**BE IT FURTHER RESOLVED** that a signed copy of this Resolution will be provided to both the Somerset County Board of Chosen Freeholders and the Somerset County Planning Division.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-139

**WHEREAS**, Patrick Cano of 801 Raritan Avenue has applied to become a member of the Manville Fire Department; and

**WHEREAS**, all required criminal history background checks and fingerprinting has been completed; and

**WHEREAS**, in accordance with Ordinance #2014-1153, the Mayor and Council must approve, by Resolution, membership to the Fire Department.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Patrick Cano is approved as a member of the Manville Fire Department.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-140

**WHEREAS**, on July 10, 2017, the Borough of Manville agreed to dissolve the Interlocal Shared Services Agreement with the Borough of Raritan for a Shared Municipal Assessor; and

**WHEREAS**, the Borough of Manville, on August 8, 2016, committed by Resolution 2016-138, to enter into an Annual Reassessment Program whereby the Borough will keep property assessments adjusted to market value each year by inspecting every property in town over a five-year cycle (or 20% of the town per year); and

**WHEREAS**, since the demand for Assessor services including annual inspections for the Annual Reassessment Program and increased resident interaction related to the annual reassessment program and an increase in tax appeals, it is in the best interests of the Borough to hire a Tax Assessor on a full-time basis; and

**WHEREAS**, the Policy, Planning & Personnel Committee met on July 19, 2017 and agreed that the Tax Assessor position should be "full-time" and that Mr. Glenn A. Stives be hired on a full-time basis to serve as the Borough Tax Assessor; and

**WHEREAS**, Mr. Glenn A. Stives is presently in the fourth year of a four year term appointment to be renewed July 1, 2018; it is agreed that Mr. Stives will be re-appointed at that time to a subsequent four year term unless there is a valid reason to be removed from office for cause before the renewal date; and

**WHEREAS**, Mr. Glenn A. Stives, be hired to serve as full-time Tax Assessor as of August 28, 2017 to include the following details:

1. Current Salary - \$70,757.44 (increases to be in conjunction with the remainder of the non-contractual pay increases)
2. Position to include full complement of health benefits
3. Eligible for Chapter 48 Health Benefits per Resolution 2004-91 (15 years of employment, 100% paid benefits )
4. Vacation - annual vacation allowance of 20 days, with 3 floating holidays and 1 personal day annually
5. Sick Days - to accrue at 15 accumulating days annually
6. Tax Assessor will provide personal transportation to accomplish duties and will be reimbursed for mileage on a quarterly basis upon submission of mileage reports to Finance Department.
7. The Assessor shall work Borough Hall business hours; the Tax Assessor holds an exempt position and is not entitled to overtime compensation. Any additional hours required to complete work related projects are considered part of the annual salary.

**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. Glenn A. Stives, be hired to serve as full-time Tax Assessor beginning August 28, 2017.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-141

**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
Kerrigan Johnston	Camp Counselor	8-14-17 to 8-25-17	\$15/hour
Jason Guevara	Camp Counselor	8-14-17 to 8-25-17	Up to \$15/hour
Adrian Cubero	Camp Counselor	8-14-17 to 8-25-17	Up to \$15/hour
Deven English	Camp Counselor	8-14-17 to 8-25-17	\$10/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.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-142

**WHEREAS**, the 2017 tax rate for the Borough of Manville was late in being certified and therefore, the Borough was late in printing tax bills; and

**WHEREAS**, Chapter 72 of the laws of 1994 provide you must provide 25 calendar days after the bills are mailed to be able to pay without penalty.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the grace period is hereby extended for the third quarter 2017 taxes to the 6<sup>th</sup> day of September, 2017, after which time interest will be assessed at the rate already adopted by the Borough from the due date of August 1, 2017.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-143

**WHEREAS**, Jean Weber has served as Sports Coordinator for the Recreation Department for one year on September 13, 2017; and

**WHEREAS**, the Borough Administrator, Recreation Director and the Policy, Planning, and Personnel Committee hired Ms. Weber in September 2016 at \$2,000 below her minimum salary requirement, with the understanding the Borough would provide a pay increase to \$14,000 after reviewing Jean's work performance and determining her work performance justified the \$2,000 increase; and

**WHEREAS**, the Borough Administrator and Recreation Director concur that Jean's performance over the past year has been exemplary, that Jean adds a great deal of value to the Recreation Department and **Jean routinely works well above the required 15 hours per week for her position** ; and

**WHEREAS**, the Policy, Planning & Personnel Committee met on July 19, 2017 and agreed that Jean is a valued employee deserving of the increase to bring her up to her requested salary at hire in 2016 if the Recreation Department could demonstrate a cost savings at least equivalent to the salary increase; and

**WHEREAS**, the Recreation Director and Sports Coordinator are able to show a cost savings for the Recreation Department in the amount of \$6,355 in 2017 with programming adjustments such as the reuse of soccer uniforms for returning players, the strategic selection of sports vendors, and a shifting of leadership for the Color Run and Halloween events to the school PTA's;

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

- 1.) Jean Weber will receive a \$2,000 salary increase as the Recreation Department's Sports Coordinator effective on her one year anniversary date of September 13, 2017.
- 2.) Jean will agree to chair one Recreation "event" each year she continues to serve as Sport Coordinator; it is understood that the event will be decided upon between the Recreation Director and Jean mutually.
- 3.) The Sports Coordinator position will remain a part-time position at a **minimum** of 15 hours per week; the position does not include health benefits nor paid time off.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-144

**WHEREAS**, in accordance with Ordinance #2012-1109, "An Ordinance to Regulate Unsafe Buildings" and Ordinance #2001-960, "Property Maintenance Code of the Borough of Manville", the Property Maintenance Officer has determined nuisances such as overgrown grass higher than 10" and rodent harborage in the way of trash and abandoned items in the yard exists at certain properties; and

**WHEREAS**, the Property Maintenance Officer has sent numerous notices to certain properties to abate high grass and rodent harborage nuisances, and those nuisances have not been abated to date; and

**WHEREAS**, Ordinance #2012-1109, **Section 8. Abatement of nuisance; correction of defect; lien against premises**, states:

The Borough Council, by resolution of its governing body, may abate a nuisance, correct a defect or put the premises in proper condition so as to comply with the requirements of any municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises.

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

**556 Harrison Avenue  
Block 228 - Lot 4**

have failed to abate nuisances on the property, despite being properly noticed by the Property Maintenance Officer to abate said nuisances; and

**BE IT FURTHER RESOLVED** that the Mayor and Council hereby authorize the Public Works Director to abate the nuisances at the listed property and to provide the cost of such minimal abatement to the Tax Collector, which shall be a lien against that property on the tax records.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Mayor Onderko requested a motion to adopt Resolution #2017-131.

Councilman Petrock, seconded by Council President Szabo, made a motion to adopt Resolution #2017-131.

Resolution #2017-131

**RESOLUTION OF THE BOROUGH COUNCIL  
OF THE BOROUGH OF MANVILLE  
ACTING AS THE HOUSING AGENCY**

**WHEREAS**, the Borough Council of the Borough of Manville, acting as the Housing Agency (the Agency), presently administers the Section 8 Housing Assistance Payments Program in the Borough; and

**WHEREAS**, the Agency has retained the firm of Mullin and Lonergan Associates, Inc. to provide administrative assistance in the day-to-day operations of the program; and

**WHEREAS**, Mullin and Lonergan Associates, Inc. has made revisions to the Administrative Plan to comply with the change in the regulations.

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

Acting as the Housing Agency hereby adopts the Administrative Plan dated August, 2017; and

**BE IT FURTHER RESOLVED** that the Administrative Plan is on file in the Clerk's office for review.

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

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

Mayor Onderko requested a motion to adopt Resolution #2017-137.

Councilman Skirkanish, seconded by Councilman Petrock, made a motion to adopt Resolution #2017-137.

Resolution #2017-137

**WHEREAS**, the Chief of Police has requested that the School Crossing Guards be provided with a raise to their hourly rate; and

**WHEREAS**, Chief Peltack's request has been reviewed by the Finance Committee, and has been approved and the funds have been appropriated in the 2017 Police Budget.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that a salary increase of \$.50 per hour be added to the hourly rates of the School Crossing Guards.

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

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

## OFFICIAL REPORTS

- A/ Clerk's Report - July, 2017
- B/ Police Department Report - July, 2017
- C/ Board of Health Report, Animal Control - June, 2017
- D/ Board of Health Report, General - June, 2017
- E/ Board of Health Report, Registrar - June, 2017
- F/ Board of Health Report, Animal Control - July, 2017
- G/ Board of Health Report, General - July, 2017
- H/ Board of Health Report, Registrar - July, 2017
- I/ Code Enforcement Report - June, 2017

## NEW BUSINESS

A/ Request from Friends of the Manville Library - Letter requesting permission to hold their second Town-Wide Yard Sale to benefit the Library on Saturday, October 7<sup>th</sup>, with a rain date of Sunday, October 8<sup>th</sup>.

Mayor Onderko requested a motion to approve Item A under New Business.

All present were in favor.

B/ Application for Solicitor's License - Power Home Remodeling  
Matthew P. Montemurno, Matthew J. Keiper, Christopher K. Eagle  
Mayor Onderko requested a motion to approve Item B under New Business.

All present were in favor.

C/ Request from Boy Scout Troop and Pack 193 for camp-out at Royce Brook on Friday, September 15<sup>th</sup> to Sunday, September 17<sup>th</sup>, as well as a request for access to portable toilet facilities.

Mayor Onderko requested a motion to approve Item C under New Business.

All present were in favor.

D/ Request from Roosevelt School PTA to hold a Roosevelt Run on April 28, 2018.

Mayor Onderko requested a motion to approve Item D under New Business.

All present were in favor.

E/ Request from Manville Public Schools to hold their Homecoming Parade for 2017-2018 on Friday, October 6<sup>th</sup> at 9:30 a.m.

Mayor Onderko requested a motion to approve Item E under New Business.

All present were in favor.

## **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Mayor Onderko reported that on July 29<sup>th</sup> he was invited to Maine to honor our Veterans at Wreaths Across America in Columbia Falls, Maine. He stated it was a once-in-a-lifetime event. He stated that the people are very Veteran-friendly, and this year's theme was "I'm an American; Yes, I am", which was very fitting during these times. He stated he is looking forward to them coming here in November and hopefully spotlight our VFW Post #2290 to get them some much-needed assistance. He also reported that he attended our first annual National Night Out, and he was moved by the turnout. He stated it was a great event. He read a statement made by a little boy who is his neighbor. The little boy told his Mom he knows he cannot be Batman, but he wants to be a Policeman like the ones he saw so he can put bad guys away. He noted that the event has an impact on our youth and brings out the community to interact with our Police Force. He thanked Chief Peltack and his Department for holding the event.

Mayor Onderko also stated that he attended Movie Night at Memorial Park Pool, which was a really great evening. He stated that Recreation and Manville-Hillsborough Elks and other organizations were there. He stated that the theme was Drug Awareness, which is in keeping with the Governor's pledge to assist people with opioid addiction. He also reported that he watched the breach of the Weston Mill Dam this morning. He stated that this is positive for the river and for Manville, and he hopes a boat launch can be installed so people can use the river without obstruction. He stated that more work needs to be done to remove the dam that was installed in 1730.

Mayor Onderko stated that they will be attending the 100<sup>th</sup> Anniversary of St. Mary's on Brooks Boulevard. He wished Victor Bukovecky a speedy recovery from a fall in his home. He announced that Community Day will be held on September 23<sup>rd</sup> and the Basilone Parade on Sunday the 24<sup>th</sup>. He asked the Council to march with him in the parade.

Mayor Onderko stated that he is extremely proud of the Manville Rocks Facebook Group and Bree Gilday who started the group. He stated that both kids and adults have been looking for painted rocks all summer, and he displayed a few of the rocks that he has received. He stated that this movement is very special to the community. He read a quote, "Never doubt that a small group of thoughtful, committed citizens can change the world. It's the only thing that ever has." - Margaret Mead. He stated he is seeing a lot of positives for Manville, and he hopes it continues. He agreed with Michael Kerwin that it will be contagious, and he sees a lot of good in our future, and he is looking forward to the murals on Main Street.

Councilman Petrock, as Chairman of the Finance Committee reported that he attended the Board of Education meeting, and they are giving back \$100,000 of the \$700,000, plus to the Borough, however, it will be divided as \$50,000 this year and \$50,000 next year. He stated it helps, and he thanked them. He stated that the tax bills have been mailed, and the rate is about 3.24, which is about one-third of the bill. He stated that the other two-thirds are Board of Education. He reported that we are getting an updated network server, and it was budgeted in anticipation of the need. He also reported that they will be providing quarterly reports shortly. He stated that they reviewed all Departments, and all are within their budgetary restraints. He stated that the Police budget was slightly over due to injuries and classes, which was expected.

Mayor Onderko added that he reached out to our Auditors. He stated that in 2014 we had a surplus of \$274,000; in 2015 \$331,000; and 2017 \$505,000 for 2018. He stated that he receives a lot of complaints regarding property taxes, and he wants to stabilize and hopefully lower property taxes in the future, but it will take some time. He stated that our school district is \$9 million underfunded, and he feels that it is time for the State to contribute.

Councilwoman Camacho, as Chairwoman of the Policy, Planning and Personnel Committee reported that met on July 19<sup>th</sup> with Tom Lonergan, the Program Administrator for Section 8 Housing and updated the Committee with the successful transition from Community Consultants to Mullin and Lonergan. She stated that they have updated the website with their hours of operation: Tuesday, Wednesday, and Thursday 9 a.m. to 3 p.m. She reported that the Borough's Administrative plan has been update for new regulations. She reported that the Teamsters met today for contract negotiations, however, she has not received an update yet. She also reported that they discussed the Tax Assessor status, and the necessity as set forth by the Somerset County Tax Board that 20% of the town must be revaluated by the end of this year. She stated that they have accelerated the standards stating it must be done immediately, and if it is not done this year, we will use the opportunity for the annual reassessment program. She stated that the Tax Assessor will begin his new role on

August 28<sup>th</sup>. She congratulated Ron Cefalone, our Recreation Director and Mike Cigler from our Department of Public Works who both passed the Certified Pool Operators Course. She stated that we are required to have at least one employee certified to run the pools. She hoped everyone would enjoy the rest of their summer.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they met on August 9<sup>th</sup> and Shirley Perlinski also attended the meeting and spoke about her experience as a member of the Somerset County Business Partnership. He stated she credits much of her success to her location in Manville. He stated that Administrator Bierwirth will be in touch with Michael Kerwin regarding our involvement with the Business Partnership, and Ms. Perlinski will help as well. He also reported that there are Borough-owned lots on Valerie Drive that will be for sale, and the Engineer has prepared a site plan of 25 townhomes in 5 buildings. He stated that they are reviewing the Ordinance, however, the anticipated tax value can be as much as \$150,000 annually on the eight properties alone. He also reported that they discussed exchanging the property next to the Library with property on Manville Avenue in Lost Valley. He stated that the committee will discuss development of that property. He reported that the New Jersey Department of Community Affairs Local Planning Services has agreed to assist Manville with our redevelopment, including the Rustic Mall, Main Street properties, and the Library Property. As Liaison to the Board of Health he reported that they met on July 18<sup>th</sup> and discussed that only 18 cat licenses were sold this year. He stated that they may not sell cat licenses next year, since many area towns do not license cats, however, rabies will be enforced. He reported that they also discussed updating the Ordinance for fowl birds, and will continue the discussion at tomorrow's meeting. He reported that he also attended the Policy, Planning and Personnel meeting, the Public Safety Meeting, and the National Night Out. He asked that everyone attend the VFW picnic on Saturday from noon until 5:00 p.m.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they met on July 20<sup>th</sup> and discussed stop signs and traffic control. He stated that two four-way stops were identified on Knopf Street and 10<sup>th</sup> and Knopf and 7<sup>th</sup>. He stated that they will be reviewed with the Borough Engineer for the traffic study and reporting. He reported that they discussed solar radar signs, for which Vince LoMedico provided quotes from \$2,700 to \$4,700. He reported that they also discussed speed bumps. He stated that he asked Administrator Bierwirth to look into the Ridewise Program. He also reported that a three-way stop sign was discussed at the intersection of 13<sup>th</sup> and Washington, with the traffic flow to continue southbound. He stated they also discussed gang sightings, however, the Chief noted that they have had no reports of gang sightings, and the Administrator requested an increase in police presence. He also reported that the Mayor and Council have requested parking and speed violations to be provided by the Police Chief: June 137 traffic enforcement actions (9 speeding at 4 radar posts); July 118 traffic enforcement actions (5 speeding), and there were 34 radar posts for the month. He also reported that Detective Sheffrin and Administrator Bierwirth submitted a COPS Grant for an additional police officer. He reported that the circus that was interested in performing in Manville canceled when they were told they needed a Temporary Use Permit. He reported that they discussed parking and enforcement on Main Street, and Chief Peltack explained that they receive complaints

on both sides of the issue. He stated that Committee will discuss it further. He reported that the first National Night Out was held on August 1<sup>st</sup> and considered to be a great success. He stated that planning will begin for next year's event. He also reported that Chief Peltack reported that the new Superintendent of Schools Robert Beers and the Board of Education are happy to bring the DARE Program back to the schools. He stated that Detective Dave Sheffrin will be attending a class at the end of September to take over the program. He also reported that a training program for opioid addiction will be attended as well. He reported that the Rescue Squad had 81 calls in July, and the Squad Auxiliary is sponsoring a Vendor Fair on September 9<sup>th</sup> at the VFW from 9 a.m. to 2 p.m. with over 40 vendors selling various items. He also thanked Detective Dave Sheffrin for organizing National Night Out, stating that the community had the opportunity to meet members of the Police Department, Fire Department, Rescue Squad, OEM, and Public Works. He stated that each Department brought equipment and gave handouts. He stated that McDonald's supplied hamburgers and Walmart donated water, Gatorade and juice boxes. He also reported that Derek Nittoli donated hundreds of free ices, and a local band Heritage provided entertainment. He reported that hundreds of residents of all ages attended and participated. He thanked Chief Peltack, Captain Sniscak, and the entire Police Department; Vince LoMedico from Public Works and his department; Chief of the Fire Department and the firemen who attended; Chief Kohler of the Rescue Squad and Sheila Lessing and Auxiliary members who made the event a huge success. He also thanked Administrator Bierwirth and Recreation Director Ron Cefalone for attending, as well as the members of Mayor and Council that attended. He reported that the Fire Department had 18 calls for July, and year to date 164.

Mayor Onderko informed the public that our Main Street pedestrian crossings are very dangerous, and he is frustrated that the project is not moving ahead as quickly as he would like, therefore, he wrote a letter to Lieutenant Governor Kim Guadano, who responded with contact information. He stated that he reached out and was informed that we are waiting for Federal money of \$3 million, and he sent another letter to President Trump to ask him to free up the money so we can have this project underway to prevent future injuries. He stated that he remains hopeful that we can make this project a priority to eliminate the merge under the underpass and give pedestrians a safe passage.

Councilman Petrone asked Council President Szabo about the solar radar signs, and what Committee approved them.

Mayor Onderko stated that nothing has been purchased yet, however, we are getting a lot of complaints of speeding throughout the town. He stated that he contacted the Chief regarding permanent solar signs he saw in Bridgewater that records speed.

Councilman Petrone asked which Committee approved the lighted stop signs.

Councilwoman Camacho stated that Director LoMedico received a grant for those signs.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that the Department is maintaining the ball fields and the pools. She also reported that the tree trimming has been completed and New Jersey American Water mains on Marion Place and St. John Street have been completed and will be paved in late August. She reported that they are performing milling, patching, and pavement striping on Washington Avenue, Bridge Street, and North 13<sup>th</sup> Avenue. She reported that they are mowing all the Borough properties as well as the lien properties, parks, and Blue Acres lots. She reported that 2,000 feet of sewer main was jetted on Main Street, the force main and trunk lines were inspected on South 5<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup>, North 7<sup>th</sup>, 10<sup>th</sup>, and Colorado Avenue. She stated that the pools are checked every day, and stated that they made a site visit to Memorial Pool with the Borough Administrator, Borough Engineer, and Vince LoMedico and Scott Merry from the Department of Public Works. She stated that the pools are beautiful, however, one is in need of repair. She reported that the grass drop-off program is continuing. She also reported that she gets a lot of questions about the bridge replacement on South Main Street, and she asked residents to be patient since it is a big project, and they have had weather issues. She reiterated that we applied for a grant for our pools, but were denied because they feel the pools should pay for themselves with badge fees. She stated that there is no doubt that the pool needs to be repaired, and it cannot be patched up anymore. She stated that she feels it should be a priority to fix the pool for the benefit for all our residents. She stated that they will be reviewing the pool badge fees. She noted that this is not to make money but to be able to make the necessary repairs to the pools. As Liaison to the Recreation Department, she thanked Ron, Jean and Kim from their Department for the evening at Memorial Park for Movie Night. She stated that there was a free swim, snow cones and popcorn from CJ's, and the Manville-Hillsborough Elks were the main staple of the event and provided the food and bracelets. She stated that Cindy Britt worked along with Ron, and the Manville Arts Council did chalk court. She also mentioned the Manville Rocks program that is getting children out of the house and interacting with their parents and others. She also reported that Middle Earth provided the Corn Hole game, and Rutgers provided food and had information on canning which she had available for residents. She also mentioned that the Library did Monsters, Inc. hats. She thanked Ron Cefalone for all his work, and stated that he wants positive change. She reported that Aqua Aerobics is ongoing, and new equipment was purchased at the request of Sue Asher. She also reported that pool parties are being booked and badges are being checked. She stated that they have a Swim Night for Special Needs Children. She also reported that the camps are running well, sports programs are running, and Fall Registrations have begun. She expressed her pride in how everyone worked together for Movie Night. She requested information regarding trucks, buses, and RV's parking from the Chief. She also stated that she would like an Ordinance requiring Board members to attend meetings.

Councilman Petrone, as Chairman of the Buildings and Grounds Committee reported that they met this evening and discussed two properties in Lost Valley with the Construction Official, who will follow-up with letters to the owners. He stated a resident contacted him regarding construction work at a Brooks Boulevard home where no permits were obtained, and there was an open well in the backyard. He stated that the Somerset County Board of Health has been notified, and the Construction Official will

follow-up on that. He stated that they discussed sight triangles, and they will be working along with Mr. Wilczek and Mr. LoMedico regarding that issue. He further reported that they discussed sight triangles on Main Street, which will be referred to the County Engineer. He also reported that the Shade Tree Commission met last Thursday and they are getting ready for fall planting on the North side of Main Street. He reported that they have a workshop coming up in October. He also reported that the Friends of the Manville Library will be holding their Town Wide Yard Sale on October 7<sup>th</sup>. He also thanked Councilwoman Magnani for her thorough report.

Mayor Onderko stated that he is looking forward to working with the Buildings and Grounds Committee as part of the Countywide Hazard Mitigation Plan Update. He stated it is important for the Borough to focus on our flood mitigation needs and requesting more FEMA funding.

## **PUBLIC PORTION**

Mayor Onderko requested that Mr. Maciag provide the rules for Public Portion.

Attorney Maciag set forth the rules for Public Portion.

Mayor Onderko requested a motion to open the public portion.

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

All present were in favor.

Tina Lazzeri, 211 North 3<sup>rd</sup> Avenue - stated she is the President of the Roosevelt PTA and thanked the Mayor and Council for approving their request. She stated that the Principal, Mr. Maroun was also present at the meeting.

Rudy Nowak, 100 Driscoll Street - stated he was told at a previous meeting that he would be giving answers regarding an accident that occurred with a Borough vehicle. He asked if the truck has been repaired and if a ticket was issued.

Administrator Bierwirth stated that the truck has been repaired.

Mayor Onderko stated that the person was suspended for two days without pay, and that is all that he can comment on. He advised Mr. Nowak that he can OPRA the ticket and accident report.

Chief Peltack stated that a summons was issued.

Attorney Maciag stated that the incident can only be discussed in general, without RICE noticing the employee.

Ray Walsh, 26 North 17<sup>th</sup> Avenue - spoke about Wreaths Across America, and stated that Mark Nipps is also involved with this organization to recognize our veterans. He stated that they travel across the Country and end up at Arlington National Cemetery where they place a wreath on every grave. He also stated that they ask for volunteers to remove the wreaths on December 31<sup>st</sup>, and he suggested we may want to try to provide volunteers for that.

Maria Janucik, 720 East Frech Avenue - referred to an article in the Community News regarding the annual reassessment program. She asked several questions regarding this program.

Mayor Onderko and Administrator Bierwirth addressed her questions.

John Mehalick, 1461 Dominic Street - mentioned that the removal of the Weston Mill Dam was a good thing, however, the detriment to the Borough was New Jersey American Water's Dam, Zarephath's walls, the dams upstream in Raritan and other areas being removed causing flooding in our town, and construction being done around the town. He also commented on the increase in his tax bills and stated that the Mayor's letter was informative, however, it was not factual due to the Library tax. He also mentioned the Grant property on South Main Street and asked how much the trucks are paying to park there. He noted that this is a private company making a profit on the bridge work, and they should be paying for parking.

Patrick Cano, 801 Raritan Avenue - requested that the Mayor and Council vote to allow him to attend the Somerset County Fire Academy.

The Mayor and Council stated that he was voted in earlier in the meeting, and they thanked him for his service to our community.

Maritza Stern, 311 Pope Street - commented that she and her husband and two children frequent the pool often, and both her children learned to swim there. She commented that if they are going to charge more, she thinks things should be addressed: lock on the men's bathroom has been damaged for three years, and people and children are getting locked in there; the large pool is starting to decay, and she has cut her feet on the bottom. She also commented that adult classes are needed for parents that cannot swim, and there are food crumbs and bugs and flies around the pool.

Bob Kaminski, 10 Liberty Street - stated that he has put his name in for School Board, and commented regarding the increase in school funding. He also commented on maintenance of the lawns by Banks. He also commented on traffic on Main Street.

Dean Shepard, P.O. Box 222 - asked about Walmart shopping carts.

Administrator Bierwirth explained the procedure for picking up cars. She also noted the assistance Walmart has given the Borough.

Mayor Onderko stated that he will follow-up with Walmart.

Mr. Shepard commented on Public Works employees driving around town.

Brandon Agans, 27 South 11<sup>th</sup> Avenue - commented on the Board of Education funding and the recommendation by Assemblyman Ciattarelli's on a class action suit against the State of New Jersey. He asked Attorney Maciag's opinion. He also commented on the poverty level in the schools and senior citizens. He mentioned that the Land Use Ordinances and the Master Plan need to be brought up to date. He also stated that the Borough should make the town more attractive to millennials. He also commented that Adesa, Walmart, and selling of the water department caused long-term consequences.

Attorney Maciag and Mayor Onderko addressed his comments.

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.

All present were in favor.

## **CLOSED SESSION**

Mayor Onderko requested a motion to go into Closed Session.

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

Resolution #2017-145

**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:

Contract negotiations - Potential Sale of Land

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 approximately 9:07 p.m.

Mayor Onderko called the meeting back to order at approximately 9:23 p.m.

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 9:23 p.m.

ATTEST:

A handwritten signature in black ink that reads "Pamela Borek". The signature is written in a cursive, flowing style.

Pamela Borek, Borough Clerk