

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
SEPTEMBER 26 , 2016**

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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 SEPTEMBER 26, 2016 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 SUSAN ASHER  
COUNCILWOMAN DAYNA CAMACHO  
COUNCILMAN MICHAEL KASSICK  
COUNCILWOMAN MICHELE MAGNANI  
COUNCILMAN THEODORE PETROCK, III  
COUNCIL PRESIDENT STEPHEN SZABO

**ALSO PRESENT:**

THADDEUS R. MACIAG, BOROUGH ATTORNEY  
ANDREA L. BIERWIRTH, BOROUGH ADMINISTRATOR  
PATRICIA A. ZAMORSKI, BOROUGH CLERK  
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 Thaddeus S. Gluch, a former Councilman and Life Member of the Rescue Squad.

**PUBLIC HEARING ON AMENDMENTS TO BUDGET**

Mayor Onderko requested that Robert Swisher, our Auditor, briefly explain the 2016 Budget.

Robert Swisher explained the tax increase, Transitional Aid, and budget cuts.

Mayor Onderko requested a motion to open the public hearing on the Amendments to the 2016 Budget.

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

All present were in favor.

Brendt Carracino, 1154 Gress Street -commented that he is very unhappy with the tax increase.

Mayor Onderko explained the impact of tax appeals and reassessment on the current taxes. He also mentioned Governor Christie's Fair Funding Formula for schools.

Louise Niecikowski, 24 North 18<sup>th</sup> Avenue -stated her concerns regarding the property taxes.

Robert Swisher explained how tax bills are generated after the budget is adopted, and that the bills should be less than the August estimated bill.

John Mehalick, 1461 Dominic Street -questioned the new tax rate.

Robert Swisher stated that the new rate is 3.093 broken down as 1.678 for Schools, 1.017 Borough, and .398 for County.

Maria Janucik, 720 East Frech Avenue -questioned amendments and preparation of the Budget. She also questioned Bond Ordinance #2015-1162.

Mayor Onderko and Robert Swisher addressed her questions.

Bob Kaminski, 10 Liberty Street -stated his displeasure over the tax increase and School Board spending.

Dean Shepard, P.O. Box 222 -compared the increases of the Borough and School Board and asked if the School Board is bound to make cuts.

Mayor Onderko and Robert Swisher addressed his questions.

Maria Janucik, 720 East Frech Avenue -had additional questions regarding the Budget.

Robert Swisher continued to explain the budget process.

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

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

All present were in favor.

Mayor Onderko requested a motion to Adopt the 2016 Budget with Amendments.

Council President Szabo, seconded by Councilman Petrock, made a motion to Adopt the 2016 Budget with Amendments.

Resolution #2016-164

BE IT RESOLVED by the Governing Body of the Borough of Manville, County of Somerset, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes of the sums therein as set forth as appropriations, and authorization of the amount of (see sheet 39 of Budget document).

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

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

Mayor Onderko stated that the Council, Administrator, and Borough employees have done their part to help reduce the tax burden. He stated that we understand the issues, but have presented two balanced budgets in a row with a \$24 increase in 2015 and a \$9 increase in 2016. He stated we will continue to look for ways to save money. He stated that the school funding issue is another part of it, and he said we should all reach out to the Governor to fix the funding formula which is unfair to Manville.

## **PROCLAMATION**

Mayor Onderko read a Proclamation for Mesothelioma Awareness Day.

## **APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of September 12, 2016

Councilwoman Asher, seconded by Councilwoman Camacho, made a motion to approve the minutes of September 12, 2016.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

## **ORDINANCE 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 #2016-1174.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2016-1174.

All present were in favor.

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

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

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2016-1174.

Councilwoman Asher, seconded by Councilman Szabo, made a motion to adopt Ordinance #2016-1174.

Ordinance #2016-1174

**AN ORDINANCE OF THE BROUGH OF MANVILLE  
TO ESTABLISH A HANDICAPPED PARKING SPACE ON  
SOUTH 5<sup>th</sup> AVENUE**

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:

**ON STREET HANDICAPPED PARKING**

**1. Handicapped Parking on Streets**

In accordance with the provisions of N.J.S.A. 39:4-197.5, the following street locations are designated as handicapped parking spaces. Such spaces are for use by persons who have been issued special identification cards or plates or placards by the Division of Motor Vehicles, or a temporary placard issued by the Chief of Police. No other person shall be permitted to park in these spaces.

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
South 5th Avenue	West	Beginning at a point 413 feet south of the western curblineline of intersection of South 5th Avenue and West Camplain Road and extending to a point 23 feet south thereof

**2. EFFECTIVE**

This ordinance shall take effect upon enactment and publication in the manner prescribed by law and the appropriate signs shall have been placed pursuant to N.J.S.A. 39:4-198.

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

Attest:  
Patricia A. Zamorski, Clerk

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

## **ORDINANCE FIRST READING AND INTRODUCTION**

Mayor Onderko explained that this Ordinance is a very important one to be a member of the Community Rating System, which is a FEMA program that provides residents currently with 15% off on premiums, and our goal is to get to the next level of an additional 5% reduction. He stated there is work to do to get to that level, and this Ordinance is a first step in that direction.

Mayor Onderko requested the Clerk read the Ordinance by title.

Mayor Onderko requested a motion to introduce Ordinance #2016-1175.

Councilwoman Asher, seconded by Council President Szabo, made a motion to introduce Ordinance #2016-1175.

### **AN ORDINANCE REPEALING ORDINANCE #2007-1058 ENTITLED THE FLOOD DAMAGE PREVENTION ORDINANCE**

(60.3) D

#### **Section 1.0**

#### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### **1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Manville, of New Jersey does ordain as follows:

##### **1.2 FINDINGS OF FACT**

a) The flood hazard areas of Borough of Manville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

##### **1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a) To protect human life and health;
- b) To minimize expenditure of public money for costly flood control projects;
- c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) To minimize prolonged business interruptions;
- e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### **Section 2.0**

#### **IV. DEFINITIONS**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**AO Zone** - Areas subject to inundation by one-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**AH Zone** - Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**"Appeal"** means a request for a review of the Construction Code Official's interpretation of any provision of this ordinance or a request for a variance.

**"Area of shallow flooding"** means a designated AO, AH, or VO zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of special flood hazard"** means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**"Base flood"** A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** · –The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ( $BFE = SWEL + \text{wave effect}$ ) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**"Basement"** means any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** · †A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Coastal A Zone** · †The portion of the Special Flood Hazard Area (SFHA) starting from a Velocity (V) Zone and extending up to the landward Limit of the Moderate Wave Action delineation. Where no V Zone is mapped the Coastal A Zone is the portion between the open coast and the landward Limit of the Moderate Wave Action delineation. Coastal A Zones may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces. Construction and development in Coastal A Zones is to be regulated the same as V Zones/Coastal High Hazard Areas.

**Coastal High Hazard Area** · †An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**Cumulative Substantial Improvement** · †Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent [lower threshold – e.g.: replace 50 percent with 40 percent] of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

**"Development"** means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Elevated Building** · †A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor or, in the case of a building in a Coastal A Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In Areas of Coastal A Zones "elevated buildings" also

includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls.

**Erosion** · The process of the gradual wearing away of land masses.

**Existing Manufactured Home Park or Subdivision** · † A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**"Flood or flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

[1] The overflow of inland or tidal waters and/or

[2] The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Insurance Rate Map" (FIRM)** means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study" (FIS)** means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**"Floodplain Management Regulations"** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** · † Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** · † The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

**Freeboard** · † A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**"Highest adjacent grade"** means the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**"Historic Structure"** means any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

**Limit of Moderate Wave Action (LiMWA)** · -Inland limit of the area affected by waves greater than 1.5 feet during the Base Flood. Base Flood conditions between the V Zone and the LiMWA will be similar to, but less severe than those in the V Zone.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured home park or manufactured home subdivision"** means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**"New construction"** means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

**"Recreational vehicle"** means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Sand Dunes** · † Naturally occurring or man-made accumulations of sand in ridges or mounds landward of the beach.

**"Start of Construction"** for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of

a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

**Substantial Damage** · † Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial Damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.

**Substantial Improvement** · † Any reconstruction, rehabilitation, addition, or other improvement of a structure during a 10-year period the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. Substantial improvement also means cumulative substantial improvement. · This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or repetitive loss : The term does not, however, include either:

1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Variance"** means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** · † The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR E (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

## **V. Section 3.0 GENERAL PROVISIONS**

### **3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Manville, Somerset County, New Jersey.

### **3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Borough of Manville, Community No. 340437, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions) dated November 4, 2016.

b) Flood Insurance Rate Map for Somerset County, New Jersey (All Jurisdictions) as shown on Index and panel numbers 161E, 162E, 163E, 164E; whose effective date is November 4, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 325 North Main Street, Manville, NJ 08835-1800.

### **3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Manville from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood Heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Manville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

## **Section 4.0 ADMINISTRATION**

### **4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Code Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Construction Code Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### **4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Construction Code Official shall include, but not be limited to:

##### **4.3-1 PERMIT REVIEW**

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3[a] are met.
- d) Review all development permits in the Coastal A Zone area of the area of special flood hazard to determine if the proposed development alters the terrain or sand dunes so as to increase potential flood damage.
- e) Review plans for walls to be used to enclose space below the base flood level in accordance with section 5.4-2 d).

##### **4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, Construction Code Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

##### **4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
  - b) For all new or substantially improved floodproofed structures:
    - i. verify and record the actual elevation (in relation to mean sea level);
- and
- ii. maintain the floodproofing certifications required in Section 4.1 (3).
  - c) In Coastal A Zone areas, certification shall be obtained from a registered professional engineer or architect that the provisions of 5.4-2 a) and 5.4-2 b) i. and ii. are met.
  - d) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**4.3-4 ALTERATION OF WATERCOURSES**

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

**4.3-5 SUBSTANTIAL DAMAGE REVIEW**

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

**4.3-5 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in SECTION 4.4.

**4.4 VARIANCE PROCEDURE**

**4.4-1 APPEAL BOARD**

- a) The Planning Board as established by the Borough of Manville shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Code Official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Somerset County, as provided in N.J.S.A. 40:55D.

d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- i. the danger that materials may be swept onto other lands to the injury of others;
- ii. the danger to life and property due to flooding or erosion damage;
- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. the importance of the services provided by the proposed facility to the community;
- v. the necessity to the facility of a waterfront location, where applicable;
- vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. the compatibility of the proposed use with existing and anticipated development;
- viii. the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Section 4.4-1(4) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Construction Code Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### **4.4-2 CONDITIONS FOR VARIANCES**

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in SECTION 4.4-1[4] have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- e) Variances shall only be issued upon
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in SECTION 4.4- 1[d], or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

## **VI. SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **5.1 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

#### **5.1-1 ANCHORING**

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

#### **5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

#### **5.1-3 UTILITIES**

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **5.1-4 SUBDIVISION PROPOSALS**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

#### **5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

#### **5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

##### **5.2-1 RESIDENTIAL CONSTRUCTION**

a) For Coastal A Zone construction see section 5.4 COASTAL A ZONE.

b) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;

c) Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus two (2) feet, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

##### **5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone (for Coastal A Zone construction see section 5.4 COASTAL A ZONE) shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:  
either

- a) Elevated to or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more; and
  - b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus two (2) feet, above the highest adjacent grade (at least three feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;
- or
- c) Be floodproofed so that below the base flood level plus two (2) feet or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
  - d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

### **5.2-3 MANUFACTURED HOMES**

- a) Manufactured homes shall be anchored in accordance with Section 5.1-1(2).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation.
  - i. Be consistent with the need to minimize flood damage,
  - ii. Be constructed to minimize flood damage,
  - iii. Have adequate drainage provided to reduce exposure to flood damage; and,
  - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

### **5.3 FLOODWAYS**

Located within areas of special flood hazard established in SECTION 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters

which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If SECTION 5.3[1] is satisfied, all new construction and substantial improvements must comply with SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated

development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

#### **5.4 COASTAL A ZONE**

Coastal A Zones are located within the areas of special flood hazard established in section 3.2. These areas may be subject to wave effects, velocity flows, erosion, scour, or a combination of these forces; therefore, the following provisions shall apply:

##### **5.4-1 LOCATION OF STRUCTURES**

a) All buildings or structures shall be located landward of the reach of the mean high tide.

b) The placement of manufactured homes shall be prohibited, except in an existing manufactured home park or subdivision.

##### **5.4-2 CONSTRUCTION METHODS**

###### **a) ELEVATION**

All new construction and substantial improvements shall be elevated on piling or columns so that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 4-1, whichever is more restrictive, and,

ii. With all space below the lowest floor's supporting member open so as not to impede the flow of water, except for breakaway walls as provided or in section 5.4-2 d).

###### **b) STRUCTURAL SUPPORT**

i. All new construction and substantial improvements shall be securely anchored on piling or columns.

ii. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse or lateral movement due to the effects of wind and water loading values each of which shall have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

iii. Prohibit the use of fill for structural support of buildings within Coastal A Zones on the community's FIRM.

###### **c) CERTIFICATION**

A registered professional engineer or architect shall develop or review the structural design specifications and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of section 5.4-2 a) and 5.4-2 b) i. and ii.

###### **d) SPACE BELOW THE LOWEST FLOOR**

i. Any alteration, repair, reconstruction or improvement to a structure started after the enactment of this ordinance shall not enclose the space below the lowest floor unless breakaway walls, open wood lattice-work or insect screening are used as provided for in this section.

ii. Breakaway walls, open wood lattice-work or insect screening shall be allowed below the base flood elevation provided that they are intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls shall be designed for a safe loading resistance of not less than 10 and

no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.

(i) breakaway wall collapse shall result from a water load less than that which would occur during the base flood and,

(ii) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water load acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards.

iii. If breakaway walls are utilized, such enclosed space shall be used solely for parking of vehicles, building access, or storage and not for human habitation.

iv. Prior to construction, plans for any breakaway wall must be submitted to the Construction Code Official or Building Sub-Code Official for approval.

### **5.4-3 SAND DUNES**

Prohibit man-made alteration of sand dunes within Coastal A Zones on the community's DFIRM which would increase potential flood damage.

## **SECTION 6.0 SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

## **SECTION 7.0 ENACTMENT**

### **7.01 ADOPTION**

This Ordinance shall be effective on October 10, 2016 and shall remain in force until modified, amended or rescinded by the Borough of Manville, Somerset County, New Jersey.

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

Attest:

Patricia A. Zamorski, Clerk

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

### **PUBLIC PORTION ON RESOLUTIONS**

Mayor Onderko requested a motion to open the public portion on Resolutions #2016-165 through #2016-169.

Councilwoman Asher, 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 - asked what the Current Budget includes.

Councilman Petrock and Administrator Bierwirth explained the current budget.

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 Councilwoman Asher, made a motion to close the public portion.

All present were in favor.

**RESOLUTION (TO BE TAKEN SEPARATELY)**

Mayor Onderko requested a motion to adopt Resolution #2016-165.

Councilwoman Asher, seconded by Councilman Petrock, made a motion to adopt Resolution #2016-165.

Resolution #2016-165

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

1. Current	\$ 00.21
2. Water/Sewer Utility	\$ 743.71
3. General Capital	\$
4. Recreation Trust	\$ 00
5. Other Trust	\$ 3.00
6. Dedicated Dog	\$
7. Housing Trust	\$
<b>Total</b>	<b>\$ 446.92</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, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

**RESOLUTIONS BY CONSENT**

Mayor Onderko requested a motion to adopt Resolutions #2016-166 through #2016-169.

Council President Szabo, seconded by Councilwoman Asher, made a motion to adopt Resolutions #2016-166 through #2016-169.

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

Resolution #2016-166

1.) WHEREAS, several real property tax payers have redeemed liens held against their property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Tax Collector to release the amount specified to the lienholders listed below.

Block	Lot	Name of Owner	Amount	Lienholder
12	16	Drevnak, Claudia	\$21,944.94	FWDSL

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

ROLL CALL: AYES: SZABO, ASHER, CAMACHO, KASSICK, MAGNANI, PETROCK

Resolution #2016-167

**AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL  
TO RENEW MEMBERSHIP THEREIN FOR THE  
PERIOD OF OCTOBER 1, 2016 THROUGH SEPTEMBER 30, 2021**

**WHEREAS**, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Borough of Manville desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

1.) The Mayor and Council of the Borough of Manville hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for **renewal** of membership in the MCCPC for a five-(5-) year period from October 1, 2016, through September 30, 2021.

2.) The Borough of Manville Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3.) This Resolution shall take effect immediately upon final passage according to law.

4.) All appropriate Borough of Manville officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-168

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE  
A GRANT CONTRACT WITH THE  
NEW JERSEY DEPARTMENT OF TRANSPORTATION  
FOR THE LOST VALLEY TRAIL PLAN

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that they formally approve the grant application for the above-stated project; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as (number to be supplied) to the New Jersey Department of Transportation on behalf of the Borough of Manville; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manville, and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-169

WHEREAS, due to the resignation of a full-time employee who served in both the Tax/Utility office and Recreation Department, it is desirable to assess the necessity to fill the position; and

WHEREAS, the position was assessed by the Borough Administrator and it was determined to replace the full-time position with a part-time position in the Tax/Utility office and a part-time position in the Recreation Department; and

WHEREAS, the Policy, Planning and Personnel Committee discussed the issue of replacing a full-time employee with full benefits with two part-time employees with no

benefits performing two different positions and concurred with the concept in order to save costs; and

WHEREAS, the Borough Administrator reviewed resumes and has interviewed candidates for the part-time Tax/Utility Clerk position; and

WHEREAS, the Borough Administrator has determined that Candice Figliolo be hired as part-time Tax/Utility Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Candice Figliolo is hired as part-time Tax/Utility Clerk with the following conditions:

- 1) The hourly rate for the position shall be \$12.50/hour. The days and hours for the position will be Monday through Friday 10AM - 2PM and other hours as deemed necessary during Tax Collector office staff absences; the position shall be considered part-time and shall incur 20 hours weekly except during Tax Collector office staff absences when additional hours may be necessary to keep the office "covered";
- 2) The position requires a successful background check;
- 3) The position does not include health benefits, days off with pay, nor any such other benefits as offered to permanent full-time employees.
- 4) Employment will be effective as of September 28, 2016.

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

ALL PRESENT IN FAVOR PER ROLL CALL

### **OFFICIAL REPORTS**

Mayor Onderko stated that the following reports will be placed on file in the Clerk's Office:

- A/ Board of Health Report, General - August, 2016
- B/ Board of Health Report, Animal Control - August, 2016
- C/ Board of Health Report, Registrar - August, 2016
- D/ Fire Department Report, June, 2016

### **NEW BUSINESS**

- A/ Request from the MYAL to hold the annual Fall Tag Day on Saturday October 15, 2016.

Mayor Onderko requested a motion to approve the item under New Business.

All present were in favor.

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

Mayor Onderko stated that there has been some concern over the budget surplus, and stated that the surplus has not been spent, but saved for future emergencies. He noted the surplus numbers: 2013 - \$234,000; 2015 - \$249,000; and 2016 the surplus is \$331,000.

Councilman Petrock, as Chairman of the Finance Committee, reported that the budget has finally been adopted, and he stated he understands the residents' concerns, however, they have done their best to make cuts. He stated that many Departments will be making sacrifices, and they will continue to scrutinize the budget to save as much as possible.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they have not met, but will be scheduling a meeting. She reported that she attended the Somerset County Planning Partners Forum on September 14<sup>th</sup> and they were updated on Wastewater rules and County Housing Elements. She stated that the guest speaker was Ann Brady, the Executive Director of Plan Smart New Jersey who discussed the repurposing of stranded assets which seeks to have developers purchase large corporate complexes and campuses left behind when a business leaves the State or County and turning them into mixed use buildings. She stated that the next Forum topic is Revitalizing Downtown Areas, and she is looking forward to attending. She reported that she attended the Governing Officials Dinner on September 14<sup>th</sup>, and Community Day on Saturday, September 24<sup>th</sup>. She stated that there were 1,000 hot dogs served, and in all it was a tremendous success. She thanked Stephanie Cornelson, the Recreation Director, and all of her volunteers for months of planning and coordination. She also reported that she attended the POW/MIA Ceremony at the VFW on September 25<sup>th</sup> and stated she would like to see more people attend these ceremonies to support our Veterans. She reminded everyone to vote in November.

Councilwoman Magnani, reported that the Public Works Committee, they have not met, but will be scheduling a meeting. She reported that roads are being repaired. She stated that PSE&G has trimmed trees below the power lines, however, there are several that are being removed by Public Works. She stated that anyone who has a tree with branches near wires to contact Public Works so they can inform PSE&G. She stated that 134 North 9<sup>th</sup>, 254 North 4<sup>th</sup>, and 1150 Green Street have been cleared of stumps. She stated that gas main replacement is ongoing, and PSE&G will be paving after work is completed. She stated that water mains were replaced in Little Weston. She also reported that there are seals which need repair on two sewer pumps, and they are obtaining quotes for their repair. She also reported that she attended Community Day, and it was a great event. She also attended the Basilone Parade and the POW/MIA Ceremony at the VFW. She stated she also attended the Board of Education meeting, but was disappointed that there was no public portion. She further reported that she is receiving anonymous letters regarding truck traffic to Klein's. She asked that whoever sent her the letter can come to her in person. She stated she spoke to the Chief about the trucks coming and going from Klein's, and they need to be tarped. She asked that the Clerk send a letter to those businesses stating the Borough will be enforcing tarping of loads.

Councilwoman Asher, reported that she attended the Basilone Parade and Community Day. She stated that it was a wonderful day, and she thanked Stephanie Cornelson for all her hard work, Public Works for the set-up and clean-up, the Rescue Squad, the Police Chief and Captain, the Fire Department, the businesses that donated, the volunteers, and Nan Peterson from Manville Public Library. She reported that anyone interested in participating in the Townwide Yard Sale must register by October 5<sup>th</sup>. She stated the event will be held on Saturday, October 8<sup>th</sup> from 9 a.m. to 3 p.m. She reminded everyone that the Food Fest will be held on October 23<sup>rd</sup> from 5:30 to 7:00 p.m. and tickets are \$25. She requested a Public Safety Committee meeting for Tuesday, October 4<sup>th</sup>.

Council President Szabo reported that he attended the Basilone Parade, Community Day, and the POW/MIA Ceremony. As Chairman of the Progress and Development Committee he reported that they had a Special meeting regarding Redevelopment, and there has been a great deal of progress. He stated that there will be another meeting with the Rustic Mall shortly.

Councilman Kassick reported that he attended the Governing Officials Meeting. As Chairperson of the Buildings and Grounds Committee, he reported that they are progressing on the hook-up of the generator at the VFW. He further reported that he attended the Basilone Parade, the POW/MIA Ceremony. He further reported that he is very happy with the new Administrator and the progress that he is seeing since she took over.

Mayor Onderko commented that Community Day was a perfect day, and he thanked the many contributors such as Wegman's, Applegate Farms, Adesa, PSE&G, and several others. He stated that the generosity shows a strong sense of community. He thanked the Recreation Director and the Recreation Committee and all the volunteers. He thanked Heritage Three, the Band that played and it was very enjoyable.

## **PUBLIC PORTION**

Mayor Onderko requested a motion to open the Public Portion.

Attorney Maciag set forth the rules for Public Portion.

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

All present were in favor.

Rudy Nowak, 100 Driscoll Street - asked about Contract negotiations.

Mayor Onderko and Administrator Bierwirth addressed his questions.

Attorney Maciag commented regarding contract negotiations.

Mr. Nowak also commented about rumors of the Board of Education building a new school and the paving of roads.

Mayor Onderko addressed his comments and stated that we will not be paving any roads in the near future, however, the Public Works Department is patching problem areas.

Maria Janucik, 720 East Frech Avenue - commented regarding the difference between a revaluation and a reassessment, and asked if the Tax Maps were revised before the revaluation.

Mayor Onderko and Attorney Maciag addressed her comments, stating that the phrases “reassessment” and “revaluation” are essentially interchangeable. There is no substantive difference between the two.

Bob Kaminski, 10 Liberty Street - commented regarding school board spending and creating a dog-barking ordinance.

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

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

All present were in favor.

When no one else wished to comment, Mayor Onderko requested a motion to adjourn the meeting.

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

All present were in favor.

The meeting was adjourned at approximately 8:33 p.m.

ATTEST:



Patricia A. Zamorski  
Borough Clerk