

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
OCTOBER 9, 2017**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON OCTOBER 9, 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 stated that our flags are once again at half-staff, and his heart is broken by the latest terror attack in Las Vegas. He expressed his heartfelt sorrow for the victims, and his admiration to the first responders who ran toward to shooting in order to help victims. He asked that the moment of silence remember the victims as well as a long-time member of our Community, John Gregor who passed away. He stated Mr. Gregor was a Navy Korean War Veteran. He asked that the residents never forget the service of our veterans.

PROCLAMATION - FIRE PREVENTION WEEK

Mayor Onderko requested that Councilman Skirkanish the Proclamation for Fire Prevention Week, since his brother is our Fire Chief. Mayor Onderko presented Proclamations to each of the Fire Chiefs and asked for a round of applause for our volunteers.

Mayor Onderko also announced that he was very proud that one of our Firemen, Chris Grimm, was just sworn in as a Police Officer in Bridgewater.

CLOSED SESSION

Mayor Onderko requested a motion to go into Closed Session.

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

Resolution #2017-168

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

Personnel Matter

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.

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

Closed Session began at 7:09 p.m.

Mayor Onderko requested a motion to go back into open session at 7:26 p.m.

Councilman Skirkanish, seconded by Councilwoman Camacho, made a motion to go back into open session.

All present were in favor.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of September 25, 2017

Council President Szabo, seconded by Councilman Skirkanish, made a motion to approve the minutes of the Regular Meeting of September 25, 2017

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

ORDINANCES - FINAL READING AND PUBLIC HEARING

Mayor Onderko read the Ordinance by title, and requested a motion to open the public portion on Ordinance #2017-1191.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1191.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - asked which version was going to be the final version.

Mayor Onderko explained that the Ordinance was re-introduced on September 25th with the version that names the Land Use Administrator.

Attorney Maciag stated that the previous version of the Ordinance was introduced but not adopted. He confirmed that the September 25th version is being adopted tonight.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion on Ordinance #2017-1191.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1191.

All present were in favor.

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

Councilman Petrock, seconded by Councilman Skirkanish, made a motion to adopt Ordinance #2017-1191.

All present were in favor.

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 (who shall be the Borough Engineer or his or her Designee) 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
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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 area 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 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	\$75	\$750

Schedule of Fees

Category	Application Fee	Escrow Fee
two-family residence not to exceed a total of 500 square feet.)		
Amended subdivision or extension of approval	50% of initial fee	50% of initial escrow
Amended site plan or extension of approval	50% of initial fee	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

- 2) Payment is made in two checks. One check is to be identified as the "application fee" and the second check is to be identified as the "escrow account."
- 3) **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.**
- 4) All fees shall be paid at the time of application.
- 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.
- 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.
- 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.
- 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.

C. 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.

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

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

Mayor Onderko read the Ordinance by title, and requested a motion to open the public portion on Ordinance #2017-1192.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1192.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - asked for clarification on why this is considered an emergency appropriation.

Administrator Bierwirth explained that “emergency appropriation” relates to the type of project that is being performed, and the State of New Jersey allows payment for the codification over a period of five years and can be spread over five budgets to not impact the tax levy. She invited Mrs. Janucik to visit her in the office, and she will provide her with information regarding emergency appropriations.

Mayor Onderko stated that the work was begun in 2008 or 2009, however, it was not completed. He stated he feels it is very important for the residents to have a codified copy of the Ordinances on line. He referred to the Bound Brook website and their codified Ordinances.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion on Ordinance #2017-1192.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1192.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2017-1192.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Ordinance #2017-1192.

All present were in favor.

Ordinance #2017-1192

AN ORDINANCE OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, ORDINANCE PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$23,000.00 TO FUND REVISION AND CODIFICATION OF ORDINANCES

Statement of Purpose

The purpose of this Ordinance is to authorize and appropriate to finance the cost of expenses associated with the Codification of Borough Ordinances.

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make a special emergency appropriation to finance the cost of expenses associated with the codification of ordinances; and

WHEREAS, the amount of \$18,000.00 has been determined as the amount needed to pay for the costs for work performed by Coded Systems, LLC, for the updates to General and permanent ordinances, including Board of Health Ordinances, through June 30, 2017; and \$5,000.00 for Zoning and Land Development Ordinances to be updated through June 30, 2017; and

WHEREAS, the special emergency appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to the Act (N.J.S. 40A:4-55)

NOW, THEREFORE, BE IT ORDAINED as follows (not less than two-thirds of all governing body members affirmatively concurring):

SECTION 1. Pursuant to N.J.S.A 40A:4-53, the Borough has determined and hereby authorizes a special emergency appropriation in the amount of \$23,000.00 for revision and codification of ordinances.

SECTION 2. A certified copy of the Ordinance, as finally adopted, shall be filed with the Director of the Division of Local Government Services.

SECTION 3. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 4. Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 5. This ordinance shall take effect ten (10) days after final approval and publication in accordance with law.

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

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

Mayor Onderko read the Ordinance by title, and requested a motion to open the public portion on Ordinance #2017-1193.

Council President Szabo, seconded by Councilman Petrock, made a motion to open the public portion on Ordinance #2017-1193.

All present were in favor.

Maria Janucik, 720 East Frech Avenue - asked what street the lots were located on.

Attorney Maciag explained that they are land-locked properties that are not on any street, but back up to other properties. He stated that they are in the backyard of houses on Rabens Avenue and the lots back-up to the brook and swale next to the airport property. He stated there is a steep slope and drainage easement.

John Mehalick, 1461 Dominic Street - asked if the property is being sold to a Manville resident.

Attorney Maciag explained that they have been working with the Borough Engineer regarding this property and stated that State law provides that the property can be first offered to the adjacent property owners for bid to acquire additional property.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion on Ordinance #2017-1193.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to open the public portion on Ordinance #2017-1193.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2017-1193.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Ordinance #2017-1193.

All present were in favor.

Ordinance #2017-1193

AN ORDINANCE OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, ORDINANCE PROVIDING FOR THE SALE OF REAL PROPERTY NOT REQUIRED FOR PUBLIC USE, LOCATED AT BLOCK 257, LOTS 16 AND 17

Statement of Purpose

The purpose of this Ordinance is to authorize the Borough to sell real property not required for public use.

WHEREAS, the Borough of Manville is seeking to sell certain land, being Block 257, Lots 16 and 17 (the Property), not needed for public use; and

WHEREAS, “N.J.S.A. 40A:12-13 provides that “Any county or municipality may sell any real property, capital improvement or personal property, or interests therein, not needed for public use”; and

WHEREAS, “N.J.S.A. 40A:12-13 provides that:

“Notwithstanding any provision of law to the contrary, whenever any municipality intends to sell real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon, it shall accord the owner or owners of any real property contiguous to such real property the right to prior refusal to purchase such land.”

and

WHEREAS, “N.J.S.A. 40A:12-13(b)(5) provides that such sale may be made: “(b) At private sale, when authorized by resolution, in the case of a county, or by ordinance, in the case of a municipality, in the following cases:

(5) A sale to the owner of the real property contiguous to the real property being sold; provided that the property being sold is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvement thereon; except that when there is more than one owner with real property contiguous thereto, said property shall be sold to the highest bidder from among all such owners. Any such sale shall be for not less than the fair market value of said real property.

and

WHEREAS, upon review by the Borough Engineer it has been found that the property in question is not needed for public use, is less than the minimum size required for development under the municipal zoning ordinance, and is without any capital improvements thereon; and

WHEREAS, the minimum bid shall be at the tax assessment value of the Property, which is \$11,000.00; and

WHEREAS, upon the completion of the bidding, the highest bid may be accepted, with the Borough reserving the right to reject all bids.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Manville in the County of Somerset, New Jersey, that

SECTION 1. The Property located at:

Block 257, Lots 16 and 17

shall be set for bid at a minimum of \$11,000.00, which is the tax-assessed value of the property.

SECTION 2. The Borough Administrator and Borough Clerk, in consultation with the Borough Attorney, are hereby authorized to prepare and advertise the Bid Notice for the Property, to be sent to all contiguous property owners in accord with N.J.S.A. 40A:12-13(b)(5).

SECTION 3. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 4. Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 5. This ordinance shall take effect ten (10) days after final approval and publication, in accordance with law.

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

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

ORDINANCE - FIRST READING AND INTRODUCTION

Mayor Onderko requested a motion to introduce Ordinance #2017-1194

Council President Szabo, seconded by Councilman Petrock, made a motion to introduce Ordinance #2017-1194.

Ordinance #2017-1194

**AN ORDINANCE OF THE BOROUGH OF MANVILLE ,
COUNTY OF SOMERSET , STATE OF NEW JERSEY ,
AMENDING ORDINANCE #2013-1135,**

BEING THE MANVILLE BUREAU OF FIRE SAFETY ORDINANCE

WHEREAS , the Mayor and Council previously enacted Ordinance #2013-1135, the Manville Bureau of Fire Safety Ordinance; and

WHEREAS , the Mayor and Council by this ordinance intend to Amend Ordinance #2013-1135; now be it ordained as follows:

STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Ordinance #2013-1135, to provide that vehicles may not obstruct access to any Municipal Fire Station or Rescue Squad bay doors

(1) SECTION 17 of Ordinance #2013-1135 is hereby AMENDED to now read as follows:

Section 17 . FIRE LANES AND FIRE ZONES

(D). Parking, Stopping or Standing of Vehicles Prohibited

No person(s) shall park, stop or leave standing any vehicle, whether attended or unattended, in any designated fire lane or fire zone or obstruct any designated fire lane or fire zone.

(D) 1. No Person(s) shall park, stop or leave standing any vehicle, whether attended or unattended, and obstruct access to any Municipal Fire Station and Rescue Squad Bay doors on public or private street access as designated marked fire lanes or fire zones.

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

(3) Should there exist any inconsistency with other ordinances of the Borough, or should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

(4) This ordinance shall take effect ten (10) days after final approval and publication in accordance with law.

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

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

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2017-160 through #2017-167.

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

All present were in favor.

Maria Janucik, 720 East Frech Avenue - asked how payment is made to the school board and how much comes from the State.

Administrator Bierwirth explained that property taxes are collected by the Borough and then paid out to Somerset County, the Library, and the School District.

Mayor Onderko stated that they receive approximately \$15 million from the Borough and additional money from the State in two forms: State Aid for the Adequacy Budget and Equalization Aid, which is part of the school formula. He also explained the equalization and stated he hopes it is fixed soon.

Mrs. Janucik also asked about another item on the bill list for \$3,000 to the Board of Education for the Youth Services Grant.

Mayor Onderko explained that the Borough received a \$5,000 Grant from the Somerset County Freeholders for the Youth Services Program for the school kids such as environmental and science clubs.

Mrs. Janucik asked why the money was not designated as a grant when it came out of the budget.

Administrator Bierwirth explained that all grant money is designated as grant money.

Rudy Nowak, 100 Driscoll Street - stated that he was not aware that the Secretary is resigning from the Land Use Board.

Mayor Onderko stated that yes, the resignation is effective at the end of the year.

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 #2017-160.

Council President Szabo, seconded by Councilman Skirkanish, made a motion to adopt Resolution #2017-160.

Resolution #2017-160

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

1. Current	\$1,4 76,742.40
2. Water/Sewer Utility	\$1,8 35.00
3. General Capital	\$0.0 0
4. Recreation Trust	\$984 .21
5. Other Trust	\$1,2 49.50
6. Dedicated Dog	\$0.0 0
7. Housing Trust	\$0.0 0
Total	\$1,4 80,811.11

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.

Councilman Petrone asked if the qualifications for OEM Coordinator were available and who will be interviewing and if they were qualified to perform the interviews.

Administrator Bierwirth stated that they will be using the same list of qualifications as were used in the last advertisement for the position. She stated that the Mayor, the Deputy Coordinators, and Policy, Planning and Personnel and Public Safety Committees.

Council President Szabo stated that he took the 300 and 700 courses.

Mayor Onderko requested a motion to adopt Resolutions #2017-161 through #2017-165 and #2017-167.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Resolutions #2017-161 through #2017-165 and #2017-167.

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

Resolution #2017-161

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 owner.

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
102	43	Bankaskiewicz, A	\$2,374.29	2017	4 th

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-162

WHEREAS, the Borough of Manville is in need of a Municipal Alliance Coordinator to work along with the Somerset County Municipal Alliance Committee on behalf of the Borough; and

WHEREAS, Jessica Gonzalez is an experienced Municipal Alliance Coordinator who has the necessary qualifications and has been performing these duties on behalf of the Borough since July 1, 2017.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Jessica Gonzalez is appointed as the Municipal Alliance Coordinator for the Borough of Manville; and

BE IT FURTHER RESOLVED, that this position will be compensated in the amount of \$35.00 per hour to be paid through the Municipal Cash Match portion of the Grant Agreement of \$2,406.76, and the Alliance Coordinator portion of the grant in the amount of \$1,444.05, for a total of \$3,220.28, payable upon receipt of invoice.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-163

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
Nick Trilone	Adult Walking Program Supervisor	10-9-17 to 4-26-18	\$12.50 per hour

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

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-164

WHEREAS, an application has been filed for a Place-to Place Transfer of Plenary Retail Consumption License #1811-33-019-006, known as Macgat, Inc., d/b/a Drewby's Grill Pub, from 16 South Main Street, Manville New Jersey to 58 South Main Street, Manville, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business, and the Police Department has made proper investigations of the transfer and applicants and has recommended that said transfer be granted; and

WHEREAS, notice of transfer has been published in two (2) insertions of the Courier News on September 27, 2017 and on October 3, 2017 and the Borough Clerk has advised the Mayor and Council that no objections, either verbal or in writing, have been received from the October 3, 2017 publication, and that the transfer will become effective seven (7) days after the second publication date of October 3, 2017, if no objections are made; and

WHEREAS, the necessary fee of \$108.00 was paid to the Borough Clerk, together with the State Fee of \$200.00 made payable to the Division of Alcoholic Beverage Control.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey does hereby approve, effective October 10, 2017 the Place-to-Place transfer of the aforesaid Plenary Retail Consumption License and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, known as Macgat, Inc., d/b/a

Drewby's Grill Pub, subject to all its terms and conditions, is hereby transferred from 16 South Main Street to 58 South Main Street, Manville, New Jersey, effective October 10, 2017"; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-165

**A Resolution for Local Employers to offer an incentive
Under the State Health Benefits Program**

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

We agree to voluntarily participate in the Financial Incentive Program granting financial incentives to subscribers who select enrollment into tiered-network medical plans otherwise known as Horizon Blue Cross Blue Shield of New Jersey's OMNIA Plan or Aetna's Liberty plan. We agree that the management and administration of this incentive program shall be solely or responsibility.

The terms of the Incentive Program described above shall include:

- The Incentive Program shall be available to subscribers who are first time enrollees in a tiered-network medical plan beginning Plan Year 2018 and continuing for two plan years through December 31, 2019;
- The Incentive Program does not extend to participants enrolled under P.L. 2005, c. 375 (certain over-age adult and children) and COBRA;
- Participation is voluntary at the option of the employer;
- The financial incentive for eligible employees shall be:
 - \$1,000 for **Single Member Coverage** when changing to tiered-network plan
 - \$1,250 for **Member/Spouse Coverage** when changing to a tiered-network plan
 - \$1,250 for **Parent/Child Coverage** when changing to a tiered-network plan
 - \$1,800 for **Family Coverage** when changing to a tiered-network plan
- The incentive amount shall be paid within the first quarter of Plan Year 2018 and is reportable income; and
- The incentive shall be forfeited and returned to the employer if the subscriber fails to remain enrolled for a least two plan years, except that if a subscriber is made ineligible for healthcare through layoff, involuntary separation, reduction to part-time status, or classification into an ineligible position. If a subscriber voluntarily retires or changes health plans due to a catastrophic or emergency health need as determined by the employer after a full year, then the incentive shall be forfeited on a pro-rata basis.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2017-167

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 (properties):

Address	Block and Lot
24 South 8 th Avenue	Block 79 - Lot 11
653 Huff Avenue	Block 176 - Lot 27

have failed to abate nuisances on the property (properties) 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 (properties): and to provide the cost of such minimal abatement to the Tax Collector, which shall be a lien against that property (properties) 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 #2017-166.

Council President Szabo, seconded by Councilman Petrock, made a motion to adopt Resolution #2017-166.

Resolution #2017-166

WHEREAS, there are vacancies in the positions of OEM Coordinator and Joint Land Use Board Secretary; and

WHEREAS, the Policy, Planning and Personnel Committee met on October 3rd and agreed there is a need to fill these vacant positions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that the Borough Administrator is authorized to advertise for the positions of OEM Coordinator and Joint Land Use Board Secretary.

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

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

OFFICIAL REPORTS

Mayor Onderko announced that the following reports were on file in the Clerk's Office:

- A/ Clerk's Report - September, 2017
- B/ Police Department Report - September, 2017

NEW BUSINESS

A/ Letter from Manville Youth Athletic League requesting permission to hold Tag Days at local businesses on October 14th and October 21st.

Mayor Onderko requested a motion to grant the permission requested in Item A under New Business.

All present were in favor.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko announced that the Girl Scouts did a wonderful job collecting for the Steeplechase Cancer patients at Walmart, and Hair House International is holding a cut-a-thon to raise money for a child with cancer. He noted how nice it was to see these events in our community. He also reported that Fire Company #3 had a charity event at Applebee's last week, and he participated out of respect for our firefighters. He reiterated that October is Fire Safety Month and urged everyone to check the batteries in the smoke detectors. He also reported that he contacted Congressman Frelinghuysen's office. He noted that Congressman Frelinghuysen is a powerful Congressman in charge of the budget. He read a portion of bill HR-3165 - Renovate and Enhance Veterans Meeting Halls and Posts. He also introduced a resolution regarding the eligibility of Veterans' Service Organizations for Community Development Block Grants. He stated that he is waiting to hear back from his office. He also reported that he has invited our new Congresswoman Bonnie Watson Coleman to Manville so she can see the issues facing Manville such as the flood areas, as well as VFW Post #2290 so she will support Congressman Frelinghuysen's bill. He also reported that the

School Board is selling Christmas ornaments for the football team which say "small town, big dreams, high standards". He said he will proudly hang this ornament in the Mayor's Office. He also wished the Manville Mustangs all the best and hope they head into the State playoffs.

Chief Peltack announced that on Saturday, October 28th from 10:00 a.m. to 2:00 p.m. the Manville Police Department will be partnered with Drug Enforcement Administration in "Operation Takeback" for collection of unused and expired medications. He stated that all residents are encouraged to participate.

Administrator Bierwirth reported that in the past several months she has been working with the Buildings and Grounds Committee, Attorney Maciag, and Mayor Onderko on the Abandoned Properties Ordinance from 2016 which has been difficult to administer. She stated that they are coming up with procedures for the administration of the Ordinance. She also reported that the Buildings and Grounds Committee has been working on keeping Manville beautiful, and she participated in a drive-through today with Councilman Petrone and Walt Wilczek to look at properties that need to be cleaned up. She stated they will be doing this on a regular basis. She commended the Committee: Councilman Petrone, Councilwoman Camacho and Councilwoman Magnani for their assistance. She also reported that she had a conference call with the Reading Cinemas National Vice President of Operations in California, and they are getting ready to perform the renovation of the theater. She also reported that she coordinated a Wreaths Across America meeting with the School Superintendent, Mayor Onderko, and the Veterans' Affairs Director of Somerset County and they are working on the details for the ceremony that will take place on December 13th at the Manville High School. She also reported that she continues to work with Agnoli Engineering on the Community Rating System Recertification which is due on October 15th, and we are hoping to accrue additional points this year. She also reported that she has been preparing the quarterly reports and updates for the New Jersey Emergency Management Grants. She also reported that at the last meeting, a resolution was adopted to allow Emex Energy to perform a reverse auction of our utilities such as electric and natural gas. She reported that the auction took place, and our savings on PSE&G rates will be approximately 7% on electric and lighting and 4% for natural gas. She stated that the estimated annual savings to the Borough will be about \$5,400 annually. She also reported that she attended the Somerset County Freeholders' Meeting with the Mayor to receive the Borough's Youth Services Commission Grant of \$5,000. She also reported that she attended the Somerset County Municipal Managers Association meeting where local Administrators discuss the needs and activities of their municipalities. She also reported that she had a conference call with the New Jersey DCA Bureau of Rooming and Boarding House Standards with Attorney Maciag and Mayor Onderko, and they discussed how they can assist with Boarding House violations. She stated that they will be discussing procedures on how to work along with them. She also reported that she met with the Somerset County Business Partnership Vice President, John Maddox, and the Somerset County Planning Director, Walter Lane, regarding the Borough's interest in economic development. She reported that also in attendance was Diane Hubinger, the Community Development Officer for the New Jersey Economic Development Authority who provided resources online to obtain data and put together marketing resources. She stated that she has been assisting residents and interested individuals

with reading flood maps. She reported that the financial software cutover will be launched on Thursday. She also reported that we are holding an Employee Benefits Fair tomorrow.

Councilman Petrock, as Chairman of the Finance Committee reported that Administrator Bierwirth has been keeping him informed on the Emex Auction. He stated that he has information available on the auction if anyone would like to review it.

Councilwoman Camacho, as Chairwoman of the Policy, Planning and Personnel Committee reported that they met on October 3rd and were informed that the current OEM Coordinator will be stepping down as of December 31st, and the Committee recommended that the Administrator advertise for a part-time OEM Coordinator for January 1, 2018 to December 31, 2021. She also reported that they discussed an incentive to employees who select a tiered health plan. She also reported that they discussed reducing the amount of plans available beginning in 2018 to provide additional savings.

Councilman Skirkanish, as Chairperson of the Progress and Development Committee reported that they have not met, however, they are discussing the redevelopment plan for Valerie Drive with the Engineer for which they are proposing twenty units. He also reported that they are discussing the swap of Green Acres property from Manville Avenue with the Library property. He also reported that he attended the Economic Development meeting with John Maddox and Walter Lane which was very informative. He also reported that he attended the Policy, Planning and Personnel Committee meeting, and the Board of Health meeting will be held next Tuesday, October 17th at 5:30. He also reported that he and his wife dined at Applebee's to support Firehouse #3.

Council President Szabo, as Chairperson of the Public Safety Committee reported that they have not met, however, he reported that the Rescue Squad met last night and they had 79 calls for September and 696 for the year. He reported that on October 24th they are holding a large-scale incident class from 6:00 p.m. to 10:00 p.m. He reported that they perform standby for the football games. He also reported that the Rescue Squad Ladies Auxilliary will be disbanding at the end of this year, and they have been serving the Squad since 1985. He also reported that the Fire Department will be sponsoring an Open House on Wednesday, October 11th in recognition of Fire Prevention Week. He reported that the Fire Department had 16 calls for August and 18 calls for September, and 2 for October. He reported that year-to-date they have had 194 calls.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they did not meet, however, she reported that utility work by New Jersey American Water has begun on South 8th Avenue between Roosevelt and Washington Avenue. She also reported that the Public Works Department is milling and patching roads, and a large tree was removed at 364 Huff Avenue. She reported that the Nature Conservancy has provided the Borough with wildflower seed that has been planted on Lincoln Avenue, and she thanked Dukes Farms for providing the seeding equipment. She reported that pavement striping is being performed on Gress, Bleecher, Green, and Knopf Streets and on Washington and 13th and Washington and 3rd. She stated that routine mowing of Borough properties, liens and Blue Acres properties is also occurring,

as well as ball field maintenance. She also reported that the sewer mains have been jetted 1,250 feet between William and Camplain, and the street sweeper completed Weston and is now moving onto the Southside. She stated that the Somerset County Bridge replacement is in the first stage of completion, and the County will be paving South Main Street, parts of Brooks Boulevard, Rosalie Street and Beekman Street on October 13th, and Main Street, Millstone River Road, and the Manville-Hillsborough area from the cemetery past Plumstead Way to Kennedy Boulevard from October 16-19. She also reported that the last grass drop off is October 14th. She also reported that she attended the Recreation Committee meeting: they need more people for Adult Basketball, Fall Aerobics is being held at the Library, and the Adult Walking Program is underway at the High School on Tuesdays and Thursday. She reported that they will be holding "Get Fit Aerobic Bootcamp" at the VFW in October. She also reported that the PTA is taking over the Halloween party, however, they Christmas Tree Lighting is scheduled for December 2nd. She also reported that she has asked Ron Cefalone to look into getting real reindeer for the Tree Lighting. She also reported that Breakfast with Santa will be held on December 9th and Letters to Santa will be at the Library, and she reminded everyone to check the flyer in the lobby for all the Library activities. She also reported that she volunteered at the Hair House fundraiser. She also reported that Ron Cefalone has been doing his best to beautify Manville without spending too much money, and he found an old sign at the OEM Building. She reported that she introduced him to Jeff Sanders and his company, Gourmet Signs who refurbished the sign for \$120. She stated that the sign is now in Lincoln Park. She also informed everyone that Sahara is open for business, and she wished him the best of luck.

Mayor Onderko noted that he had dinner there, and it was excellent and the service was great.

Councilman Petrone, as Chairperson of the Buildings and Grounds Committee reported that he did a tour of the north side and south side of the Borough with Administrator Bierwirth and Walt Wilczek. He reported that 90% of the areas they reviewed were in decent shape. He stated that they had discussions regarding cars parked on the grass and garbage and debris. He reported that their findings will be shared with the Committee and all issues will be addressed. He reported that they will then move on to Lost Valley, Weston, and Little Weston within the month. He also reported that they are reviewing the Green Acres property and they will be addressing some issues noted in a letter received from the State. He also requested that the Shopping Cart Ordinance be put back on the Agenda.

Mayor Onderko and Administrator Bierwirth advised that the Ordinance is adopted. Administrator Bierwirth stated that Walmart has installed a "gatekeeper" system and asked for a 30-day period of time to implement the system. She suggested a Buildings and Grounds Committee meeting to discuss the issue.

Councilman Petrone continued his report regarding the Shade Tree Commission and the purchase order has been prepared to order trees for the fall planting. He reported that there are two open spots on North Main Street near Verizon and Sahara where they will plant flowering cherry trees, and continue by replacing the Ginko trees with flowering trees. He reported that the Shade Tree Commission will be meeting on October 11th at

6 p.m. at the Library. He asked if anyone has signed up for the New Jersey State Shade Tree Commission Workshop since he needs the workshop to apply for 2018 Grants.

Administrator Bierwirth stated she will look into it.

Councilman Petrone reported, as a member of the Library Advisory Board, that everything is going very well due to the skills and dedication of Nan Peterson. He reported that the Town Wide Yard Sale was a tremendous success. He requested a round of applause for Nan Peterson.

Mayor Onderko stated that there were 100 residents that participated, so the Friends of the Library raised over \$1,000 that day.

Councilman Petrone mentioned that there are flyers on the telephone poles in town and asked Mr. Maciag to look into whether we can regulate signs on public utility poles.

Clerk Borek stated that in Hillsborough there is a campaign by PSE&G noting that "Signs and Poles Don't Mix". She agreed to find the information for the Administrator.

Councilman Petrone continued his report with a question to the Administrator regarding her report. He asked about the Emergency Management Grant.

Administrator Bierwirth stated it was the Mitigation Grant.

Councilman Petrone noted that the Borough lost \$27,000 in funding in the past few years for the Office of Emergency Management. He also stated that there is a \$10,000 grant available that has not been applied for.

Mayor Onderko stated there is a FEMA Performance Management Grant for OEM which is a competitive grant. He stated that the OEM Annexes were updated in preparation of grant applications.

Councilman Petrone asked for an explanation of the New Jersey American Water proposed rate increase.

Administrator Bierwirth stated that they are proposing a rate increase over the summer months. She stated she was the only person who attended the meeting and watched a Power Point presentation on the rate increase.

Mayor Onderko stated that American Water is trying to recoup some of the money they recently put into their infrastructure upgrades.

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.

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 - commended the Governing Body for a very professional meeting, and commended Administrator Bierwirth on her report.

Mayor Onderko commented that he appreciates his compliment and noted that his goal is transparency to the public and media.

Maria Janucik, 720 East Frech Avenue - had questions regarding the Redevelopment Plan for the lots on Valerie Drive.

Mayor Onderko stated that the Borough is looking to develop the lots to increase ratables. He explained the history of the cleanup of the lots and the purchase of the lots from the Environmental Protection Agency. He explained that the land will be sold to a Developer that agrees with the Redevelopment Plan created by the Borough Engineer.

Attorney Maciag explained the Redevelopment Zone and Plan.

Michael Kassick, 24 North 19th Avenue - commented that he has been approached by several people regarding cars and trailers in the South Main Street parking lot, on Lincoln Boulevard, Gress Street, Washington Avenue.

Mayor Onderko stated that he is investigating several issues he received in an email, and they are reviewing the Ordinances. He asked that Mr. Kassick provide him with additional information.

Mr. Kassick thanked the Chief for the job he did at the railroad crossing, but he commented that vehicles are still speeding. He requested additional radar or speed bumps around the schools.

Heather Ball, 312 Clinton Avenue - asked if it was possible to get a street light on her street, and noted there is no sidewalk to Knopf Street with a crosswalk. She stated that in order for her daughter to walk to school, she has to walk in the street to get to a crosswalk in order to cross the street.

Mayor Onderko stated he will look into it. He noted that we recently completed sidewalks around Weston School when several parents complained about the safety of their children there.

Sam Shoaf, 144 South 19th Avenue - thanked the Mayor for his hard work trying to save the taxpayers money, and he thanked the Council for their service to the Borough. He asked questions about the Rustic Mall.

Mayor Onderko thanked him for his comments. He stated that there is a property tax crisis in the State, and they are doing what they can to keep Manville affordable. He stated that everyone on the Council should be proud of the job they have done. He explained that the Rustic Mall is a private ownership owned by the Wilf Family who are in the business of apartments. He stated that based on their plans, we were concerned about the amount of parking, however, the representative of Rustic Mall, LLC said they don't want to development the property due to the condition of our Main Street. He explained that we are now working with the State to try to expand the Redevelopment Zone to include both sides of Main Street. He stated that he is hoping there is funding for the business owners to make upgrades to improve the quality of Main Street. He stated that the owners can either develop the property or sell it, and we are more than willing to help him develop the property to benefit the entire town and the business community. He noted the new developments in Somerville and Bound Brook, however, they created parking issues. He stated that he is looking forward to working with the State and hopes they will have other ideas for the property than apartments.

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.

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 8:39 p.m.

ATTEST: 

Pamela Borek, Borough Clerk