

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
OCTOBER 10, 2016**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON OCTOBER 10, 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 everyone remember the people who were affected by Hurricane Matthew in Haiti, Florida, Georgia, and North and South Carolina.

PROCLAMATION S

Councilwoman Camacho read a Proclamation for Breast Cancer Awareness Month. Councilwoman Magnani read a Proclamation for Domestic Violence Awareness Month, and Councilwoman Asher read a Proclamation for Put the Brakes on Fatalities Month.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Special Meeting of September 26, 2016

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

Council President Szabo, seconded by Councilwoman Camacho, made a motion to approve the minutes of the Special Meeting of September 26, 2016.

B/ Regular Meeting of September 26, 2016

Council President Szabo, seconded by Councilman Kassick, made a motion to approve the minutes of the Regular Meeting of September 26, 2016.

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

ORDINANCE - FINAL READING AND PUBLIC HEARING

Mayor Onderko stated that this is an important Ordinance for our Borough to continue our membership in the Community Rating System and the National Flood Insurance Program.

Attorney Maciag suggested an amendment to the title of the Ordinance to "An Ordinance Repealing and Replacing Ordinance number..."

Council President Szabo, seconded by Councilman Kassick, made a motion to amend the title of the Ordinance.

All present were in favor.

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

Mayor Onderko requested a motion to open the public portion on Ordinance #2016-1175.

Council President Szabo, seconded by Councilman Kassick, made a motion to open the public portion on Ordinance #2016-1175.

All present were in favor.

When no one in the audience wished to comment, all were in favor to close the public portion.

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

Councilwoman Asher, seconded by Councilman Szabo, made a motion to adopt Ordinance #2016-1175.

Ordinance #2016-1175

**AN ORDINANCE REPEALING AND REPLACING
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 + 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 §60.3(b)(5), (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, 163F, 164F; 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
ABSENT: PETROCK

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2016-170 through #2016-179.

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

All present were in favor.

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

Councilwoman Asher, seconded by Council President Szabo, 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 #2016-170.

Councilwoman Asher, seconded by Council President Szabo, made a motion to adopt Resolution #2016-170.

Resolution #2016-170

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

1. Current	\$ 1,409.32
2. Water/Sewer Utility	\$ 752.28
3. General Capital	\$ 3.84
4. Recreation Trust	\$ 9.56
5. Other Trust	\$ 23.19
6. Dedicated Dog	\$
7. Housing Trust	\$
Total	\$ 0,168.19

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
ABSENT: PETROCK

RESOLUTIONS BY CONSENT

When no one on Council wished to take any Resolutions separately, Mayor Onderko requested a motion to adopt Resolutions #2016-171 through #2016-179.

Council President Szabo, seconded by Councilwoman Asher, made a motion to adopt Resolutions #2016-171 through #2016-179.

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

Resolution #2016-171

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized to refund said amount to the property owner.

Sewer Acct #	Name of Owner	Amount
--------------	---------------	--------

5396-0

Buerkle, P

\$71.06

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

Resolution #2016-172

WHEREAS, a request for a refund of permit fees has been received from A. J. Perri for an installation at 9 North Third Avenue; and

WHEREAS, the job was cancelled after the fee had been paid by the contractor; and

WHEREAS, the reimbursable amount of fees paid for the permit was \$492.75.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, that A.J. Perri is hereby granted a refund of the permit in the amount of \$492.75, which is the reimbursable amount paid to the Borough.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-173

WHEREAS, Boscia Liquors, Inc., t/a Camplain Liquors, located at 519 West Camplain Road, Manville, New Jersey has made application to the Mayor and Council of the Borough of Manville for permission to cover additional premises under their Alcoholic Beverage License #1811-44-002-004 (Place-to-place transfer for Expansion of Premises); and

WHEREAS, the said application and plan specifically describes the additional premises to be covered for purposes of expanding the premises under the license wherein the sale, service and storage of alcoholic beverages is authorized; and

WHEREAS, the necessary fee of \$108.00 was filed with the Municipal Issuing Authority, together with a State fee of \$200.00, made payable to the Division of Alcoholic Beverage Control, and the license has been properly renewed for the current license term.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the application to cover additional premises under Plenary Retail Consumption License #1811-44-002-004 is herein approved subject to final inspection by the Building Inspector, Fire Department and the Board of Health Sanitary Inspection, which report shall be submitted to the Borough Clerk, and if the report shows that all building, safety and health regulations are complied with, the Borough Clerk is authorized to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-174

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, New Jersey that the Director of the Division of Local Government Services approve the insertion of an item of revenue in the 2016 Budget in the amount of \$24,750.00 which item is now available as a revenue from the 2016 Flood Mitigation Assistant Grant. A copy of the grant confirmation from the State of New Jersey is attached hereto.

BE IT FURTHER RESOLVED, that a like sum of \$24,750.00 be and the same is hereby appropriated under the caption, "2016 Flood Mitigation Assistant Grant".

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-175

BE IT RESOLVED, By the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the Mayor and Council acknowledge the Transitional Aid received from the State of New Jersey in the amount of \$250,000, and by the signing of the attached Memorandum of Understanding accept the terms and conditions therein; and

BE IT FURTHER RESOLVED that the Mayor, Chief Administrative Officer, Governing Body President, and Municipal Clerk are authorized to sign this Memorandum of Understanding.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-176

WHEREAS, the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, have approved the signing of a Memorandum of Understanding with the State of New Jersey for Transitional Aid; and

WHEREAS, one of the conditions of the Memorandum of Understanding is that employees must be paid via direct deposit, as set forth on page 8, item 12, as follows:

“Direct Deposit of Net Pay: The Municipality shall adopt a resolution or ordinance requiring mandatory direct deposit of net pay for all employees. Exemptions may be granted for seasonal and temporary employees. Additional information regarding direct deposit can be found in LFN 2015-14 on the DLGS website at <http://www.nj.gov/dca/divisions/dlgs/fns/15/2015-14.pdf> “

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that the Borough of Manville employees will be paid via direct deposit as set forth above beginning October 10, 2016.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-177

WHEREAS, the Mayor and Council would like to promote a safe and Happy Halloween for all the children of the Borough of Manville; and

WHEREAS, in order to maintain respect for all our residents, the Mayor and Council would like to recommend that all parents establish a curfew of 9:00 p.m. on Sunday, October 30th (Mischief Night) and Trick-or-Treating on Monday, October 31st stop by 9:00 p.m.; and

WHEREAS, the Mayor and Council also ask that parents and children respect that if a porch light is off, they take this as a sign that there is no one home or that the residents have gone to bed.

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 recommend a 9:00 p.m. curfew on Mischief Night, Sunday, October 30th and that all Trick-or-Treating in Manville Borough on Monday, October 31, 2016 will stop at 9:00 p.m., and ask that parents and children respect the residents and their properties; and

BE IT FURTHER RESOLVED that this Resolution shall be provided to the Manville Police Department and the Manville Borough schools.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-178

WHEREAS, the Borough of Manville Police Department has been contacted by the United States Army at Fort Dix, New Jersey with a request for the donation of bullet-proof vests; and

WHEREAS, the United States Army at Fort Dix, New Jersey has agreed not to hold the Borough of Manville Police Department liable for any items or equipment donated; and WHEREAS, the Borough of Manville Police Department is eager to aid the United States Army at Fort Dix, New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey that the Borough of Manville Police Department is authorized to donate eight bullet-proof vests, deemed no longer usable, to the United States Army at Fort Dix, New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the United States Army at Fort Dix, New Jersey and the Manville Police Department.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-179

WHEREAS, due to the resignation of a full-time employee who served in both the Tax/Utility office and the 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 Recreation Administrative Assistant; and

WHEREAS, the Borough Administrator has determined that Kimberly Monto be hired as part-time Recreation Administrative Assistant;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Kimberly Monto is hired as part-time Recreation Administrative Assistant with the following conditions:

- 1) The hourly rate for the position shall be \$13.00/hour. The days and hours for the position will be provided by the Recreation Director as needed seasonally, but will include Mondays 2PM-7PM, Tuesday through Thursday 12PM - 5PM; the position shall be considered part-time and shall incur 20 hours weekly except during Recreation 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 requires approval from the State of NJ - DCA fiscal monitor;
- 4) The position does not include health benefits, days off with pay, nor any such other benefits as offered to permanent full-time employees.
- 5) Employment will be effective as of October 12, 2016 if approved by the State of NJ prior to this date.

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/ Clerk's Report, September, 2016
- B/ Board of Health Report - Animal Control, September, 2016
- C/ Board of Health Report - Registrar Activities, September, 2016
- D/ Board of Health Report - General, September, 2016
- E/ Code Enforcement Report, September, 2016
- F/ Public Library Report, through September, 2016

COMMITTEE REPORTS AND COUNCIL COMMENTS

Mayor Onderko stated that the Borough had a busy summer. He stated that they hired Andrea Bierwirth as Borough Administrator, and she has greatly helped with the adoption of the Municipal Budget. He also stated that the governing body had a plan to balance the Municipal Budget for the past two years, and the fourth quarter tax bills will be out soon, and an insert in the tax bills will provide an explanation of the School and County Budgets. He stated that they will be moving into Contract Negotiations with the Police and Department of Public Works for new Contracts since all Contracts expired December 31, 2015. He also reported that the Borough applied for and received a \$33,000 FEMA grant under non-disaster aid to assist with our Flood Mitigation Planning work. He stated that the Borough also received a grant from New Jersey Office of Emergency Management for \$75,000 for the purchase of a portable trailer-based generator for our emergency shelter needs. He stated that they have entered into a Sheltering Agreement with Veterans of Foreign Wars Post 2290, which assures that the VFW will have no financial burdens during the times of emergency use of their facility. He stated he is looking forward to a productive fourth quarter. He asked Administrator Bierwirth to explain the budget and the tax increase, since Councilman Petrock was absent.

Administrator Andrea Bierwirth stated that there is an insert in all tax bills explaining the breakdown of taxes. She stated that the total tax is \$27,141,945 to be raised, and of that 54% is for the Manville School District, 33% is for Municipal Tax (\$8.9 million) and Somerset County is the remainder of that tax. She stated that the tax rate is \$3.098, and the average homeowner will be receiving a tax bill of about \$7,000 for the year, based on an average assessed home of \$229,000. She stated that they held many budget sessions and were able to lower the total tax per homeowner to \$8, so it is a very small tax increase to the average homeowner for Municipal tax. She stated that the increase for the School District is \$138 and the County is \$23.

Councilwoman Camacho, as Chairperson of the Policy, Planning and Personnel Committee reported that they met on Thursday, October 6th and discussed Contract negotiations. She explained that according to the Memorandum of Understanding with the State, we are required to consider three bids for Contract Negotiations. She stated that they are waiting for one more quote to come in. She further reported that we will most likely not receive State Aid next year, and we did not receive anywhere near the amount we requested this year. She stated that the \$250,000 we received did help offset the loss of tax revenue, however, the confines and restrictions of the Memorandum of Understanding slowed every aspect of running the Borough. She stated that next year, with a few more modifications made to the budget, and a push to have the Board of Education tighten their belts, we can match and even exceed the amount given on our own terms without being beholden to the State restrictions. She further reported that they discussed a per car surcharge to all car dealers, retail and wholesale, however, she has been informed that the State will not allow a surcharge. They also discussed getting three interns from Rutgers University to assist Recreation, Administration and Public Works. She stated that the students and the Borough would benefit. She further reported that she attended the Public Works Committee meeting on October 4th and on October 8th she attended the Veteran's Appreciation Day Ceremony at Central Jersey Airport. She stated that the pride and camaraderie made it a great day, despite the weather.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they met on October 4th and the VFW agreements for shelter and generator are complete, and the generator funds were received through a grant. She stated that the Committee discussed beautification of Main Street. She stated that Recreation had donations for Community Day so there is money left over to contribute to banners for Main Street. She stated that the donations made were \$1,000 from PSE&G, \$500 from Van Cleef Engineering, \$250 from Manville PBA. She further reported that the new calendars for 2017 are being developed and will be printed soon. She stated that they will cover not only DPW pickups, but Mayor and Council meetings and events. She stated that she was informed by the DPW Director that our garbage trucks will most likely have to be replaced soon. She further reported that we are applying for a grant for the Lost Valley Nature Trail. She stated there were be a park created in an area where we can no longer build. She further stated that we received a grant from Clean Communities for \$26,000 which will be partially used to purchase three dumpsters that need to be replaced. She further reported that Bridgewater Township has offered to help us create signs for the OEM Building. She further reported that road patching and blacktop is ongoing, and trees are being removed by the Library. She stated that the Somerset County Road Department assisted with larger equipment. She stated that the Library Townwide Yard Sale was successful, and DPW hung the banners on Main Street advertising the sale. She reported that they are continuing line striping for Handicapped parking on South 5th Avenue. She reported that PSE&G is still replacing gas lines and patching and paving is still being done, and New Jersey American Water is working on water main replacements in Weston. She reported that switches and seals need replacing at the pump station, and they are waiting for quotes on that, and sewer main cleaning is being performed. She also reported that the Public Works

Department was ready for Hurricane Matthew in the event that we were affected. She further reported that she received a complaint about trucks from Klein's dropping debris on the roads, and Administrator Bierwirth has sent letters to Klein's and Copart requesting that trucks be covered with tarps. She stated that the Chief has provided them with the State Code regarding trucks. She stated that she spoke to an employee at Klein's who was very eager to help and provide copies of the code to drivers. She stated that she would like to know if tickets are issued to gauge the results. She reported that she spoke to an angry resident in Borough Hall on Wednesday regarding taxes, and she explained to him all the services his taxes cover. She further reported that a company was hired by the Board of Education to plant flowers at the schools. She stated that she feels this could have been done more economically by students or by their janitorial staff.

Councilwoman Asher, reported that she attended the Freeholders' meeting and asked for assistance to obtain an ambulance, and she was given contact information for Michael Amoroso, and she is awaiting a response. She further reported that a Hurricane Matthew preparation meeting was held on October 5th at the OEM Building. As Chairperson of the Public Safety Committee, she reported that they met on October 4th and discussed Operation Blue Angel which is a new program that provides lock boxes to handicapped, homebound individuals, or senior citizens to give police access to the home in the event of an emergency. She stated that our Police Department will be donating eight used bullet-proof vests to the U.S. Army for training purposes. She reported that the Chief is asking for two new patrol cars, they are hoping that if there are no emergencies, the purchase may be covered by his budget. She reported that the State has revised the fees for the RAPID Ordinance, or Second-Hand Goods Ordinance from \$300 to \$250, which will take place in January. She reported that the Chief received a grant for \$2,000 for new pedestrian crossing signs. She reported that the Committee has suggested a 9:00 p.m. curfew for Halloween, and she is going to try to get the information out through the Recreation program. She reported that there was a "clown" incident in Bound Brook which has heightened security in the Borough. She also asked that parents take a child's age into consideration before allowing them to trick-or-treat alone. She asked that any residents witnessing any suspicious activity call the Police Department. She further reported that all clown masks have been removed from the Walmart sales floor. She also reported that the Pedestrian Safety Enforcement Grant is underway, and they are looking into a program which adds a blue line between yellow lines on the roadway in front of our Police Department in support of our Police Officers. She also reported that there was a fatality on the railroad tracks this Saturday, and she asked that everyone keep his family members in their prayers. She reported that the Second Annual Town Wide Yard Sale was held on Saturday, and it was a great success with approximately 100 participants throughout town and on the Library grounds. She stated that she attended the Rescue Squad meeting on October 9th, and she reminded everyone that the Foodfest will be held on Sunday, October 23rd from 5:00 p.m. to 7:30 p.m. at the VFW. She further reported that they are holding a High-End Vendor Fair on November 12th. She also reported that she will be working with the Rescue Squad, Fire Department and Police Department to update the evacuation registry. She stated that it was updated about three years ago, and it is a registry of residents who are homebound on oxygen or handicapped, and it will assist in times of

emergency. She stated that the sirens were tested on October 1st, and we still have residents who are not familiar with the siren testing, therefore, the Rescue Squad will post it on their website. She also suggested that the information be added to the newsletter and the Borough website. She stated that we have new people moving into Manville regularly, so the message should be available to them so they understand that it is just a drill. She further reported that the Rescue Squad will be sponsoring an eight-hour Rope and Rescue Class on November 12th. She reported that the Rescue Squad had 69 calls for September and 649 for the year. She stated that there are two new members of the Rescue Squad, and between all members and EMT's they speak six different languages. She also reported that the Mayor has requested that the Rescue Squad prepare a proposal to cover the Borough for 24/7 service, and the Chief is working on it. She stated that once it is finalized, the Council will meet to discuss 24/7 service or continuation with SASSA.

Mayor Onderko thanked the Department of Public Works and Chief Peltack for getting the new pedestrian crossing signs on Main Street. He stated that they stand out, and there are additional signs by the crosswalks, which he hopes will prevent pedestrian accidents in the future.

Council President Szabo, as Chairman of the Progress and Development Committee reported that they did not meet, however, they are awaiting new plans on the Rustic Mall. He reported that he attended the Public Safety Committee meeting on October 4th, and the Town Wide Yard Sale on October 8th, as well as participating in the raising of the flag at the airport for the Veteran's Appreciation Event.

Councilman Kassick, as Chairman of the Buildings and Grounds Committee reported that the VFW Agreement has been executed and the generator is on order. He stated that when the generator is received it will be stored at the OEM Building until the transfer switch has been installed. He reported that security is needed at the Public Works Department on Gladys Avenue, and he discussed locking the door and installing a bell. He also stated they should have a sign-in book at the DPW. He further reported that he attended the Somerset County Flood Plan announcement on September 29th at Lincoln Park. He stated that he would like to receive reports from the Shade Tree Committee and the Sewerage Authority. He asked about the purchase of a plaque for the VFW and trees to be planted at the Police Department, and asked about other items in the Shade Tree Committee report. He further reported that he attended the Policy, Planning and Personnel Committee meeting on October 6th. He also attended Assemblyman Ciattarelli's announcement at the High School that he is running for Governor.

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 Kassick, made a motion to open the Public Portion.

All present were in favor.

Ray Walsh, 26 North 17th Avenue - commented regarding Breast Cancer Awareness Month, and gave the phone number of 1-800-ACS-2345 for the American Cancer Society who will provide private information to individuals who need their assistance. He also commented regarding the Proclamation for Put the Brakes on Fatalities and stated that as a driving instructor, he teaches his students awareness while driving. He also commented that the Recreation Department or School Board can provide information to new residents.

Ruth Slovik, 1321 Green Street - asked who is responsible for trees in the planting strips near the curb. She mentioned trees tangled in electrical wires. She also asked about maintenance of large, old trees.

Mayor Onderko stated that only PSE&G would be able to trim trees near electrical wires, and trees in the planting strip are Borough-owned trees. He stated residents could request old trees be removed and new ones planted.

Dean Shepard, P.O. Box 222 - asked about dumpster replacements, Borough Hall protocol, illegal basement apartments, the condition of Van Nest Place, the VFW generator, and Walmart shopping carts.

Mayor Onderko, Councilwoman Magnani and Attorney Maciag addressed his comments.

Rudy Nowak, 100 Driscoll Street - mentioned the terrible condition of Van Nest Place and noted that it should be addressed. He also mentioned Central Avenue, and stated that it is also in poor condition. He also commented about a Planning Board application for an auto body shop on South Main Street. He stated that he moved to carry the application, but the Chairman did not recognize his motion. He stated he had questions that he wanted answered, so he requested that the Administrator investigate who provided the permit for a spray booth. He also requested additional speakers in the Courtroom.

Mayor Onderko addressed his comments.

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

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

All present were in favor.

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

Council President Szabo, seconded by Councilwoman Magnani, made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 8:10 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Patricia A. Zamorski". The signature is written in black ink and is positioned above the printed name and title.

Patricia A. Zamorski
Borough Clerk