

**REGULAR MEETING MINUTES
OF THE MAYOR AND COUNCIL
JANUARY 23, 2023**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JANUARY 23, 2023, AT 325 N. MAIN ST. IN MANVILLE, NJ 08835 AT 7:00 P.M.

MAYOR RICHARD ONDERKO PRESIDED

The Acting Borough 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: PRESENT

MAYOR RICHARD ONDERKO
COUNCILMAN BRANDEN AGANS
COUNCILMAN JOSEPH DEVITO III
COUNCILMAN JOSEPH LUKAC III
COUNCILMAN RONALD SKIRKANISH
COUNCILMAN STEPHEN SZABO
ABSENT: COUNCILWOMAN BARBARA MADAK

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY
GP CAMINITI, BOROUGH ADMINISTRATOR-ACTING BOROUGH CLERK
TRACI DILLINGHAM, DEPUTY ADMINISTRATOR/CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

PROCLAMATION

Black History Month: Council President Lukac III read a proclamation into the record.
Mayor Onderko

MEETING MINUTES

A/ Regular Meeting minutes of December 12, 2022; motioned and seconded by Councilmen Szabo and Agans, respectively.

ROLL CALL: YES: AGANS, LUKAC, MADAK, SZABO

ABSTAIN: DEVITO, SKIRKANISH

MAYOR'S PROFESSIONAL APPOINTMENTS

With Consent of Council, subject to review by DCA and successful submission of appropriate Professional Service Agreements

The Acting Clerk read the Pay-to-Play Statute and the following Professional Appointments are made:

Borough Attorney: Thaddeus Maciag, Maciag Law LLC
Bond Counsel: Steve Rogut--Rogut, McCarthy LLC
Tax Attorney: Savo, Schalk, Corsini, O'Grodnick, Fisher P.A.
Labor Attorney: Frank Whittlesey, Scholl & Whittlesey, LLC
Flood CRS Program Consultant: Taylor, Wiseman & Taylor
Floodplain Management Consultant: Taylor, Wiseman & Taylor
Flood Hazard Mitigation Consultant: Taylor, Wiseman & Taylor

Auditor: Suplee, Clooney & Company
Information Technology: Lakeview Network Consulting

All present were in favor.

OATH OF OFFICE

Mayor Onderko administered the Oath of Office to Thaddeus Maciag for Borough Attorney.

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2023-22 through #2023-29. Councilman Szabo, seconded by Council President Lukac made a motion to open the public portion on Resolutions #2023-22 through #2023-29.

All present were in favor.

When no one wished to comment, Mayor Onderko requested a motion to close the public portion. Councilman Szabo, seconded by Council President Lukac made a motion to close the public portion.

All present were in favor.

RESOLUTIONS-TAKEN SEPARATELY

Mayor Onderko asked the Council if anyone would like to make a motion to adopt Resolution #2023-21, Approval of Vouchers. Councilman Szabo, seconded by Councilman Agans made a motion to adopt Resolution #2023-21.

ROLL CALL: YES: AGANS, DEVITO, LUKAC, MADAK, SKIRKANISH, SZABO

Borough of Manville
Resolution #2023-21
Approval of Vouchers

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

1. Current	\$1,707,448.04
2. Sewer Checking	\$131,182.71
4. Developer's Escrow	\$2,222.50
8. Recreation	\$5,908.99
TOTAL	\$1,846,762.24

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

Borough of Manville
/s/ Richard M.

Onderko, Mayor

RESOLUTIONS- BY CONSENT

Mayor Onderko asked the Council if anyone would like to take any resolutions individually. When no one replied, Mayor Onderko requested a motion to adopt Resolutions #2023-22

through #2023-29. Councilman Szabo, seconded by Council President Lukac made a motion to adopt Resolutions #2023-22 through #2022-29.

ROLL CALL: YES: AGANS, DEVITO, LUKAC, MADAK, SKIRKANISH ,SZABO,

Borough of Manville
Resolution #2023-22

**Authorization for Execution of Agreement with Somerset County
for Recycling Services for 2023**

WHEREAS, the Borough of Manville desires to contract with the County of Somerset for the furnishing of recycling services for the year ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Mayor and Clerk be and are hereby authorized to execute the attached interlocal service agreement for the aforementioned services.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the County of Somerset upon adoption.

Borough of Manville
/s/ Richard M.

Onderko, Mayor

Borough of Manville
Resolution #2023-23

**A Resolution Authorizing the Mayor and Council to Adjust
The Salaries of Various Management Personnel for 2023**

WHEREAS, the Finance Committee and the Policy, Planning and Personnel Committee have discussed salary adjustments for various management personnel for 2023, and

WHEREAS, The Finance Committee and the Policy, Planning and Personnel Committee have recommended a 2% per annum increase for 2023, and

NOW THEREFORE, BE IT RESOLVED , by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that the salary adjustments in the amount of 2% per annum for each of the employees listed below are hereby authorized, with said increases to commence and be made effective January 1, 2023.

<u>EMPLOYEE</u>	<u>EMPLOYEE POSITION</u>
Vincenzo Lomedico	DPW Director
Lisa Gerickont	Tax Collector
Richard Connolly	Fire Marshal
George Sopko	Tax Assessor
Stephanie Cornelson	Recreation Director

Borough of Manville

Onderko, Mayor

Resolution #2023-24
Approval of Transfer of Liquor License Nr. 1811-33-022-004

WHEREAS, an application has been filed for a Person-to Person Transfer of Pocket License #1811-33-022-004 from Thomas C. Trojanowski, 96 Crescent Ave., Rocky Hill, NJ 08553 to M&M J2, LLC., d/b/a Grub Hut, 307 N. Main St. Manville, NJ 08835; 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 9, 2022 and on September 16, 2022, and the Borough Clerk has advised the Mayor and Council that no objections, either verbal or in writing, to the transfer of the within license have been received by him; and

WHEREAS, a Tax Clearance Certificate has been received in the name of the new owners, M&M J2 LLC.; and

WHEREAS, the necessary fee of \$216.00 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 January 24, 2023, the Person-to-Person 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, subject to all its terms and conditions, is hereby transferred to M & M J2, LLC, 307 North Main St., Manville, New Jersey, effective January 24, 2023"; and

BE IT FURTHER RESOLVED that said transfer is subject to approval received from the State of New Jersey Beverage Tax Bureau, Trenton, New Jersey advising they have no objections to the transfer of said license.

FURTHERMORE, that a certified copy of this Resolution be forwarded to the Division of Alcoholic Beverage Control.

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

Resolution #2023 -25
Authorizing Agreement With Thaddeus R. Maciag, Esq. Of Maciag Law, LLC,
For Professional Services As Borough Attorney
For The Year 2023

WHEREAS, the governing body of the Borough of Manville appointed Thaddeus R. Maciag, Esq. of the law firm Maciag Law LLC, 475 Wall Street, Montgomery Twp., New Jersey, as Manville Borough Attorney for the calendar year 2023, at its January 23, 2023 Mayor & Council Meeting; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for “professional services” without competitive bids on the contract itself must be available for public inspection; and

WHEREAS, Mr. Maciag, Esq. has the necessary qualifications to perform the duties of Borough Attorney and has provided the Borough with a satisfactory proposal; and

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

- 1) The Proposal from Thaddeus R. Maciag, Esq. is accepted.
- 2) This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law;
- 3) As required by New Jersey state law, Mr. Maciag shall not be deemed a full-time employee of the Borough under the provisions of N.J.S.A. 52:14-17.25, et seq., which is known and cited as the “New Jersey State Health Benefits Program Act”, and as a non-full-time employee shall not be entitled to health benefits nor pension benefits, nor to the Borough paying the employer share of any payroll taxes. The parties acknowledge that this Resolution authorizing the Agreement acknowledges that the Borough Attorney shall not appear on a regular payroll, shall not be treated as a full-time employee, and shall not receive an employee salary
- 4) The Mayor or Borough Administrator are hereby authorized to execute the attached Professional Services Agreement, the essential terms of which provide for compensation as follows: (a) for Borough Attorney services, compensation not to exceed the flat fee of \$82,179.17 for the period February 2023 through

December 2023, to be paid in eleven equal monthly installments; (b) for General Litigation and additional services, if any, compensation shall not exceed an hourly rate of \$195 per hour for Attorney time of Mr. Maciag, \$155 per hour for Attorney time of any associate attorneys or backup attorneys, and \$75 per hour for Paralegal time, with total 2023 compensation: (i) not to exceed \$10,000 without further approval of the governing body for Trial Court or Office of Administrative Law litigation matters, (ii) not to exceed \$10,000 without further approval of the governing body for redevelopment matters, Appellate and Trial litigation; (iii) not to exceed \$10,000 without further approval of the governing body for Appellate Division litigation matters; (iv) real estate matters shall be compensated on a case by case basis by approval of the governing body.

- 5) A notice of the award of this contract shall be published once, in accord with N.J.S.A. 40:11-591)(a)(I).

The Chief Financial Officer shall provide a Certification of Funds.

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

Borough of Manville
Resolution #2023- 26

Resolution Authorizing Professional Services Agreement with Franklin G. Whittlesey, Esq. Of

**Scholl & Whittlesey LLC, for Professional Services as
Labor Attorney through December 31, 2023**

WHEREAS, the governing body of the Borough of Manville appointed Franklin G. Whittlesey Esq, as Manville Borough Labor Law Attorney for the calendar year 2023, held over from its January 7, 2023 Reorganization Meeting and appointed on January 23, 2023; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bids on the contract itself must be available for public inspection; and

WHEREAS, the governing body, upon review of his qualifications, determined that Mr. Whittlesey has the necessary qualifications to perform the duties of Borough Labor Law Attorney and has provided the Borough with a satisfactory proposal; and

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

- 1) The proposed Professional Services Agreement from Franklin Whittlesey, Esq., in the form annexed to and made a part of this Resolution, is accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law;
- 3) The Mayor and Borough Administrator are hereby authorized to execute the attached Professional Services Agreement, as consistent with the terms of this Resolution, with an hourly rate of \$150 per hour for services not to exceed \$30,000 which amount may be increased by resolution as warranted.
- 4) A Notice of award of this contract shall be published once, in accord with N.J.S.A 40:11-5(1)(a)(i).
- 5) The Chief Financial Officer shall provide a Certification of Funds.

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

Resolution #2023 -27
Resolution in Support of Prevention Resources, Inc.

WHEREAS, across NJ, communities struggle with the direct and indirect effects of harmful, illegal drug use; and

WHEREAS, the Borough of Manville recognizes the need for proactive, preventive measures necessary to reduce these harmful effects, particularly among the young residents; and

WHEREAS, Prevention Resources, Inc. Empower Somerset and Community Prevention Resources of Warren County has over fifty years of experience delivering locally designed K-12 services cultivating healthy and drug-free communities by providing evidence-based programs and counseling, and engaging in policy advocacy and collaborative work; and

WHEREAS, The Mayor and Council of the Borough of Manville supports Prevention Resources Inc. in collaboration with Empower Somerset and Community Prevention Resources of Warren County, application for the New Jersey Statewide Student Support Services (NJ4S) funded by the Department of Children and Families for the Hunterdon, Somerset, Warren Hub.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Borough of Manville will support Prevention Resources, Empower Somerset and Community Prevention Resources of Warren County's work in developing and implementing NJ4S.

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

Borough of Manville
Resolution #2023-28

**Resolution Approving the Raffle License Application of
Manville American Legion Post 304,
subject to Approval of the New Jersey Legalized Games of Chance Control Commission**

WHEREAS, Manville American Legion Post 304 (the "Applicant") has submitted an Application for a Raffle License to conduct "50:50" raffles at Post 304's premises at 429 South Main Street, Manville, NJ 08835, for the benefit of the Lyons VA Medical Center and other charitable organizations; and

WHEREAS, said Application # RL-1936, Identification #286-7-2109 appears to be in order;

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

- (1) Application #RL-1936 is hereby approved, subject to approval by the New Jersey Legalized Games of Chance Control Commission (“NJLGCCC”);
- (2) The Applicant must submit a Report of Operations to the NJLGCCC as required by that body. Failure to do so will result in denial of future licenses to the Applicant.
- (3) The Borough Clerk shall forward a copy of this Resolution to the NJLGCCC.

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

**Resolution #2023-29
Authorization to Search for Staffing**

WHEREAS, there has long existed a condition of understaffing to serve core Borough resident needs; and

WHEREAS, the Borough of Manville recognizes a need for additional administrative staff at the municipal building, police and public works departments; and

WHEREAS, the governing body’s Policy, Planning, and Personnel committee has determined based upon its analysis that a search for at least two qualified, part-time administrative staff should be undertaken immediately so that they may enter service without delay;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Borough Administrator shall initiate the process of advertising, screening, and recommending employment of suitable candidates at the soonest practical date.

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

OFFICIAL REPORTS

A/

B/

NEW BUSINESS

There was no New Business to discuss.

COMMUNICATIONS

COMMITTEE REPORTS AND COUNCIL COMMENTS

Department of Public Works: Council President Lukac reported that the DPW Committee met on 1/19 with BA Caminiti, Councilmen Lukac, Skirkanish, and DPW Director LoMedico in attendance. Administrative workloads were discussed, in addition to the 25 mph speed limit on Main St. as a part

of the road diet improvement project. Weight limits on secondary roads in town are being reviewed to address truck traffic concerns. Our 2006 garbage truck is getting harder and harder to keep running due to the difficulty in getting parts and we will be looking at an electric truck to replace it as an option. Flood water level alarms will be installed using radar technology as automatic triggers when the waters on Royce Brook are rising. Stormwater basin inspections are almost complete in the Borough, and there is an alert for a snowstorm on 1/25 issued. As a reminder, please keep roads clear during snowstorms so that the crews can clear the snow.

Buildings & Grounds: Councilman Agans reported on the last meeting on 1/19 with BA Caminiti, Councilmen Agans, DeVito, and Skirkanish in attendance. Flood barrier options for Borough Hall were discussed and the costs for the various options are being compiled. Solar energy upgrades for offsetting municipal power bills was discussed. Papawick Park project is in process and waiting for an updated agreement. Funding for the Colorado Ave. flood damage mitigation is still being reviewed/processed by FEMA, with key milestones being managed by OEM Coordinator John Bentz. The American Legion/Royce Brook streambank restoration site is also a part of mitigation work that has been applied for.

Progress & Development: Councilman Szabo reported on the state of completion of Valerie Villas and requested that BA Caminiti inspect/review the homes for certificates of completion.

Finance: Councilman DeVito reminded all residents to file their ANCHOR property tax relief grant applications before the deadline. The Economic Development Committee (EDC) also met for its annual reorganization meeting, electing officers and establishing meeting dates for 2023.

Public Safety: Councilwoman Madak relayed the most recent incident statistics and report from the Manville Police Dept. (1203 incidents in total. The Fire Dept. reported 24 calls in total (19 in December alone), while the First Aid & Rescue Squad recorded 49 calls in the month of December.

Policy, Planning & Personnel: Councilman Skirkanish reported that the PPP committee met with BA Caminiti and Councilmen Agans and Lukac on 1/18 to discuss an opportunity for shared services with Somerset County for grant writing/applications. The Board of Health reorganization meeting and appointments were also discussed. The search for additional staff at Borough Hall continues, and the additional administrative work required to comply with Manville's Transitional Aid status with the Dept. of Community Affairs (DCA) discussed.

MAYOR'S COMMENTS

Mayor Onderko reminded all residents the Borough Calendar has been printed and sent by mail to all households, and that his Op-Ed views have been submitted to local media to remind all that Manville continues to need help in meeting ongoing challenges. Grant monies for Manville coming from Housing and Urban Development's (HUD) approved action plan are in process and will be determined shortly. An Open House meeting with NJDEP's Blue Acres Program is planned for 1/25 at Borough Hall, providing all residents with applications for home buyout/elevation to meet with case workers for planning. An announcement was made regarding a public meeting in Hillsborough on 2/2 to discuss an application to build a warehouse facility. Stormwater runoff into Manville remains a big concern, and the Mayor encouraged all to attend, as well as reach out their elected officials and the Governor to voice support for updated Stormwater Management regulations waiting to be signed into law. Finally, the Mayor reminded all to slow down when driving through town!

PUBLIC PORTION

Mayor Onderko requested a motion to open the Public Portion. Councilman Szabo, seconded by Council President Lukac made a motion to open the Public Portion.

All Present Were in Favor.

Ray Walsh, N. 17th Ave.: commented on sight lines from parking lots (Police Dept.) being restricted by large pickup trucks parked along the lot perimeters. This prevents motorists entering/leaving the connecting roadways from seeing oncoming traffic and makes driving hazardous. He also reminded all the today is National Handwriting Day.

Jennifer Lochran, Bridgewater, NJ: came to voice support for a Skate Park to be built in Manville as a way to encourage healthy activities and resilience in young people. She cited experiences in her hometown and reminded all that young people need a place to convene that nurtures good character building.

Ronald Cogan, Persinco St.: voiced support for Community Gardens in Manville similar to those at Duke Farms in Hillsborough and inquired about how we could start up such a program in town. He described classes offered by DF for interested parties and how we might be able to repurpose a portion of the open, empty lots created by demolitions for community gardening sites.

When no one else wished to comment, Mayor Onderko requested a motion to close the public portion. Councilman Szabo, seconded by Council President Lukac made a motion to close the public portion.

All Present Were in Favor.

Mayor Onderko requested a motion to adjourn the meeting. Councilman Szabo, seconded by Council President Lukac made a motion to adjourn the meeting.

All Present Were in Favor.

The meeting was adjourned at approximately 7:43 p.m.

ATTEST:

GP Caminiti
Acting Borough Clerk