

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
APRIL 12, 2021**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON APRIL 12, 2021 VIA ZOOM MEETING AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/85436676358?pwd=U2FVeGYzV0dxd0ZtWEFoWkVGd1Uydz09>

Meeting ID: 854 3667 6358

Passcode: 08835

Dial by your location

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MAYOR RICHARD ONDERKO PRESIDED

The 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:

MAYOR RICHARD ONDERKO
COUNCILMAN JOSEPH LUKAC, III
COUNCILWOMAN SUZANNE MAEDER
COUNCILWOMAN MICHELE MAGNANI
COUNCILMAN STEPHEN SZABO
COUNCILWOMAN PATRICIA ZAMORSKI
COUNCIL PRESIDENT TED PETROCK

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY
BRETT RADI, BOROUGH ADMINISTRATOR
WENDY BARRAS, BOROUGH CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko requested a moment of silence for Ex Fire Chief Dave Mroz who recently passed away.

PROCLAMATIONS

A/ Ex Fire Chief David J. Mroz

Councilwoman Zamorski read the Proclamation for Ex Fire Chief Dave Mroz into the Public Record.



BOROUGH OF MANVILLE

A Proclamation Posthumously Honoring David J. Mroz for his Dedication and Services to the Manville Fire Department

WHEREAS, David J. Mroz became a member of the Manville Fire Department in 1966 and remained a member until his passing on April 2, 2021; and

WHEREAS, Mr. Mroz's contributions and selfless service to the Borough of Manville should be recognized as he was a pillar of the Manville Fire Department for over five decades; and

WHEREAS, during his fifty-five (55) years of firefighting service to the Borough of Manville, David J. Mroz held rank in each of the Fire Line Officer Positions as well as a Safety Officer and the Borough's Fire Inspector; and

WHEREAS, he served as the Borough's Fire Chief from 1980-1981 and then from 2010-2014; and

WHEREAS, while serving in the aforementioned capacities, David J. Mroz's dedication, experience and expertise have been invaluable to the Executive Board of the North End Vol. Fire Co. #3, the apparatus committees on which he served, the Manville Fire Dept. Relief Association, the Manville Fireman's Exempt Association and at all Fire Department functions and activities; and

WHEREAS, his contributions to the fire service within the Borough of Manville has been an inspiration and mentor to many firefighters and to the community, and

WHEREAS, David J. Mroz earned the respect, admiration, and high regard of all with whom he came into contact and the Fire Service within the Borough of Manville has sustained a great loss in his death; and

WHEREAS, not only did he serve the Borough of Manville as a Firefighter, David J. Mroz also honorably served his Country during the Vietnam War in the United States Army and was supportive to Veteran's organizations within the Borough of Manville.

NOW, THEREFORE, I Richard M. Onderko, Mayor of the Borough of Manville, County of Somerset, State of New Jersey, along with the Council hereby recognizes and commends the dedication of David J. Mroz and honors his numerous contributions and service to the Fire Service within our community and extends our deepest sorrow and prayers to his family, friends, and colleagues.

Borough of Manville

Richard M. Onderko, Mayor

Councilman Joseph A. Lukac, III

Council President Ted Petrock

Councilwoman Suzanne Maeder

Councilman Stephen Szabo

Councilwoman Michele Magnani

Councilwoman Patricia Zamorski

Read into the Record: April 12, 2021



B/ Autism Awareness Month

Councilwoman Maeder read the Proclamation for Autism Awareness Month into Public Record.

BOROUGH OF MANVILLE
AUTISM AWARENESS MONTH 2021 PROCLAMATION

WHEREAS, autism is a complex developmental disorder affecting the social, communication and behavioral skills of those affected by it; and

WHEREAS, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 54 children nationally and 1 in 32 in New Jersey; and

WHEREAS, this year's campaign is titled "Celebrate Differences," and it is "designed to build a better **awareness** of the signs, symptoms, and realities of **autism**." The **2021** focus is to "provide information and resources for communities to be more aware of **autism**, promote **acceptance**, and be more inclusive in everyday life."; and

WHEREAS, while there is no cure for autism, it is well-documented that if individuals with autism receive early and intensive treatment throughout their lives, they may lead significantly improved lives; and

WHEREAS, individuals with autism often require a lifetime of specialized and community-support services to ensure their health and safety to support families' resilience as they manage the psychological and financial challenges autism can present; and

WHEREAS, Autism New Jersey is spearheading an awareness effort in order to educate parents, professionals and the general public about and its effects.

NOW THEREFORE I, Richard M. Onderko, Mayor of the Borough of Manville, County of Somerset, State of New Jersey along with the Council do hereby proclaim April 2021 as **AUTISM AWARENESS, ACCEPTANCE, AND INCLUSION MONTH** in the Borough of Manville and urge all employees and residents to participate in National Autism Awareness Month activities, to become better educated about autism spectrum disorder and create a better community for individuals with autism.

C/ Distracted Driving Month

Councilwoman Zamorski read the Proclamation for Distracted Driving Month into Public Record.

BOROUGH OF MANVILLE
2021 U Drive. U Text. U Pay.
Distracted Driving Crackdown Proclamation
April 1 - 30, 2021

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2018 alone distracted driving-related crashes resulted in 2,841 deaths and 400,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes in 2018; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2021 Crackdown* from April 1 - 30, 2021 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is UDrive. UText. UPay; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

NOW, THEREFORE, be it is resolved that the Borough of Manville declares it's support for the *Distracted Driving 2021 Crackdown* both locally and nationally from April 1 - 30, 2021 and pledges to increase awareness of the dangers of distracted driving.

BUDGET INTRODUCTION AND PRESENTATION

CFO Pitts thanked Administrator Radi and the Finance Committee for their hard work in creating this year's Budget. He stated the rateables and COVID impacted this year's budget. There was a decrease in revenue and expenditures related to COVID such as the purchase of PPE. The Borough value increased by 7.64 % and the average assessment increased by approximately 8%. He explained the budget process including how the process works, the tax rate, the sewer rate, and the expenditures and revenues for the Borough. He discussed the capital improvement plan and the possibility of the Borough going out for Bond for a million dollars for small projects such as road improvements and DPW vehicles. The Borough's budget will be under state review this year and the Public Hearing and Adoption is scheduled for May 10th.

Mayor Onderko requested a motion to introduce the 2020 Municipal Budget.

Council President Petrock, seconded by Councilwoman Maeder made a motion to introduce the 2021 Municipal Budget.

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI, SZABO, ZAMORSKI

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of March 22, 2021

Councilwoman Zamorski, seconded by Councilman Lukac made a motion to approve the minutes of the Regular Meeting of March 22, 2021

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI SZABO, ZAMORSKI

ORDINANCES- PUBLIC HEARING AND FINAL READING

Borough Attorney Maciag stated this Ordinance was sent to the Joint Land Use Board to review if it was consistent with the Master Plan. In a report from the Joint Land Use Board, the Ordinance was deemed to not be inconsistent with the Master Plan. Mayor Onderko requested a motion to open the Public Hearing for Ordinance #2021-1258. Councilman Szabo, seconded by Councilman Lukac made a motion to open the Public Hearing for Ordinance #2021-1258.

All present were in favor.

When no one from the Public wished to speak Mayor Onderko requested a motion to close the Public Hearing for Ordinance #2021-1258. Councilman Szabo seconded by Councilman Lukac made a motion to close the Public Hearing for Ordinance #2021-1258.

All present were in favor.

Mayor Onderko requested a motion to adopt Ordinance #2021-1258. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1258.

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI SZABO, ZAMORSKI

Borough of Manville
Ordinance #2021-1258

**An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey,
Prohibiting The Operation Of Any Class Of Cannabis Businesses
Within The Borough Of Manville**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Philip Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“The Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, The Act establishes six marketplace classes of licensed Cannabis Businesses, including:

- (1) Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- (2) Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- (3) Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- (4) Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- (5) Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- (6) Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to

make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, this Ordinance is intended to prohibit the operation of all classes of cannabis businesses, and cannabis establishments, cultivators, manufacturers, wholesalers, retailers, distributors, or delivery services anywhere in the municipality, and is enacted by the Borough of Manville pursuant to the specific authority to do so, which authority is provided to the Borough of Manville by Section 31 of The Act;

WHEREAS, section 31a of The Act specifically authorizes municipalities to, by Ordinance, adopt regulations governing the number of cannabis establishments (defined in section 3 of The Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors, or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of The Act specifically authorizes municipalities to, by Ordinance, Prohibit the operation of any one or more classes of cannabis businesses anywhere in the municipality; and

WHEREAS, section 31b of The Act also stipulates, however, that any municipal Ordinance providing for such regulation or prohibition must be adopted within 180 days of the effective date of The Act (*i.e.*, by August 21, 2021); and

WHEREAS, pursuant to section 31b of The Act, the failure to enact such an Ordinance would mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor & Council of the Borough of Manville has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Manville in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Manville’s residents and members of the public who visit, travel, or conduct business in the Borough of Manville to adopt an Ordinance prohibiting all manner of cannabis businesses, establishments, cultivators, manufacturers, wholesalers, retailers, distributors, or delivery services, and marijuana or cannabis related land use and development within the geographic boundaries of the Borough of Manville; and

WHEREAS, the Mayor & Council of the Borough of Manville have determined that businesses or facilities selling marijuana, cannabis, or related items, require special concern for security, safety, and location; and

WHEREAS, the Mayor & Council of the Borough of Manville are particularly concerned with such businesses or facilities being located within one mile of any school, church, pool, parkland, or playground, and have determined that here is no area of the Borough which can safely house such businesses or facilities, particularly given the present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by The Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of The Act; the many areas of municipal law that are or may be implicated in decisions as to whether

or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which The Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within The Act's 180-day period in order to ensure sufficient time to carefully review all aspects of The Act and its impacts;

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

SECTION 1: Pursuant to the authority granted to the Borough by Section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis businesses, establishments, cultivators, manufacturers, wholesalers, retailers, distributors, or delivery services, and marijuana or cannabis related land use and development are hereby prohibited from operating anywhere in the Borough of Manville, except for the delivery of cannabis items and related supplies by a delivery service located outside of the Borough (as existing State law does not permit the Borough to prohibit the delivery of cannabis items and related supplies by a delivery service). This prohibition shall apply throughout the municipality, even in any parts of The Borough of Manville under the jurisdiction and authority of the County of Somerset, the State of New Jersey, or any County, State, regional, or independent agency, commission, board, authority or instrumentality, notwithstanding any State law to the contrary.

SECTION 2: The code of the Borough of Manville is hereby amended by adding to the list of prohibited uses throughout the Borough, the following: "All classes of cannabis businesses, and cannabis establishments, cultivators, manufacturers, wholesalers, retailers, distributors, or delivery services, and marijuana or cannabis related land use and development, including all cannabis establishments, cannabis distributors, or cannabis delivery services, as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

SECTION 3. Upon introduction of this Ordinance, a true copy of same shall be sent by the Borough Clerk to the Somerset County Planning Board, and as otherwise provided for by law.

SECTION 4: Repealer: Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

SECTION 5. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 6. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 7. Effective Date: This ordinance shall take effect upon its passage and publication and filing with the Somerset County Planning Board and as otherwise provided for by law.

Borough of Manville

/s/ Richard M. Onderko, Mayor

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2021-72 through #2021-78. Councilman Szabo, seconded by Councilman Lukac, made a motion to open the public portion on Resolutions #2021-72 through #2021-78.

Phil Petrone, 7 N. 11th Ave., Questioned why there was no employee name in Resolution #2021-76 and how the Borough would fund a condemnation suit as stated in Resolution #2021-77.

Administrator Radi and Mayor Onderko answered his questions.

All present were in favor.

When no one else from the public wished to comment, Mayor Onderko requested a motion to close the public portion on Resolutions. Council President Petrock, seconded by Councilwoman Magnani, made a motion to close the public portion on Resolutions #2021-72 through #2021-78.

All present were in favor.

RESOLUTIONS- TAKEN SEPARATELY

Mayor Onderko requested a motion to adopt Resolution #2021-72. Councilwoman Maeder, seconded by Councilman Lukac made a motion to adopt Resolution #2021-72.

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI SZABO, ZAMORSKI

**Borough of Manville
Resolution #2021-72
Approval of Vouchers**

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

1. Current	\$2,667,289.32
2. Capital Checking	\$35,472.78
3. Sewer Checking	\$128,783.89
4. Developer’s Escrow	\$579.00
5. Lien Premium	\$1,900.00
6. Redemption Checking	\$1,045.72
7. Unemployment Trust	\$144.00
8. Recreation Dedicated	\$235.00
TOTAL	\$2,835,449.71

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

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

RESOLUTIONS-BY CONSENT

Councilwoman Magnani, seconded by Councilwoman Maeder made a motion to pull Resolution #2021-73 from the agenda. Councilwoman Zamorski questioned why the Resolution was being pulled. Administrator Radi provided the explanation.

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI SZABO, ZAMORSKI

Mayor Onderko asked if any Council member would like to take any resolution individually. When no one answered, Mayor Onderko requested a motion to adopt Resolutions #2021-74 through #2021-78. Councilman Szabo, seconded by Councilwoman Magnani made a motion to adopt Resolutions #2021-74 through #2021-78.

ROLL CALL: AYES: PETROCK, LUKAC, MAEDER, MAGNANI, SZABO, ZAMORSKI

Borough of Manville
Resolution #2021-74
“Intent to Comply” with FEMA Community Assistance Contact (CAC)
Request for Information and Corrective Actions

WHEREAS, THE Borough of Manville submitted documentation to FEMA on October 1, 2021 in response to FEMA Region II’s August 24, 2020 correspondence, and

WHEREAS, FEMA has reviewed all submitted materials and has determined that additional information is needed, and

WHEREAS, Section 211 of the CRS Coordinator’s Manual states that the basic requirement for CRS participation is that “the community must be in full compliance with the minimum requirements of the NFIP”, and

WHEREAS, FEMA has notified the Borough of Manville by correspondence dated March 1, 2021 that additional information is needed and the community’s Floodplain Management Program appears to have several substantive program deficiencies, and

WHEREAS, FEMA requires a response to the request for information and a resolution of “intent to comply” with all identified deficiencies within forty-five days or April 15, 2021,

NOW THEREFORE, BE IT RESOLVED by the Borough of Manville, Somerset County, that it intends to respond to the request for information and fully intends to comply with all identified deficiencies,

BE IT FURTHER RESOLVED, that the Borough of Manville intends to correct the program deficiencies within the six (6) month period from the date of the letter, or no later than August 29, 2021, and

BE IT FURTHER RESOLVED, that Taylor Wiseman & Taylor as authorized Flood Plain Management and Flood CRS Consultant for the Borough of Manville will continue preparing the response to FEMA.

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

Borough of Manville
Resolution #2021-75

**Authorizing Shared Service Agreement for DPW Manager Services and Certifications
Between the Borough of Manville and the Borough of Raritan**

WHEREAS, the Borough of Raritan has a desire to contract with the Borough of Manville for Department of Public Works Manager licensed services as outlined in the attached Shared Service Agreement; and

WHEREAS, the Borough of Manville DPW Committee approves of the shared service with the Borough of Raritan; and

WHEREAS, the Borough Administrator and DPW Director recommend said shared service agreement between the Boroughs of Manville and Raritan to provide Licensed DPW Manager Services; and

WHEREAS, THE Borough of Manville and Borough of Raritan shall enter into an Agreement with the following terms and conditions:

Services will commence May 1, 2021. In consideration for the services rendered, Borough of Raritan will pay \$2,500 per month, \$30,000 per annum. The first payment for May will be \$2,500 followed by monthly installments of \$2,500 and shall be paid to the Borough of Manville by the last day of each month. There shall be a 2% annual increase for each year hereafter to account for the increased costs associated with licensure and payroll costs.

WHEREAS, Mr. LoMedico will be compensated at the rate of \$1,675 per month as long as this agreement remains in effect.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, authorizes the Shared Service Agreement with the Borough of Raritan for DPW Manager Services to commence on May 1, 2021 and appoints Mr. Vincenzo LoMedico as the DPW Manager for the Borough of Raritan as per the requirements of the Agreement.

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

Borough of Manville

Resolution #2021-76

**A Resolution to Adjust the Annual Salary of the Technical Assistant to
Code Enforcement, Fire Safety and Housing.**

WHEREAS, the position of Technical Assistant-Code Enforcement is a position in the Collective Bargaining Agreement between the Borough of Manville and the Teamsters Local Union No. 469 Clerical Workers Affiliated with International Brotherhood of Teamsters; and

WHEREAS, additional responsibilities have been added to the position with regards to driveway, sidewalk and road opening applications; and

WHEREAS, Ordinance #2020-1232 An Ordinance to Provide for Rental Housing Registration, Inspection and Permits in the Borough of Manville was adopted by the Mayor and Borough Council; and

WHEREAS, as a result of said ordinance additional duties and responsibilities have been assigned to this position in terms of processing rental housing applications, the scheduling of all related inspections, processing of payments and maintaining financial and monthly status reports; and

WHEREAS, The Policy Planning and Personnel Committee and the Borough Administrator recommend that additional compensation should be given with regards to these additional responsibilities.

NOW, THEREFORE BE IT RESOLVED THAT the Position of Technical Assistant-Code Enforcement be amended to be The Technical Assistant to Code Enforcement, Fire Safety, Housing; and

BE IT FURTHER RESOLVED THAT the annual salary for said position shall be amended as follows:

2021-\$58,859

2022-\$60,036

2023-\$61,237

BE IT FURTHER RESOLVED THAT the 2021 salary shall be effective January 1, 2021.

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

Borough of Manville

Resolution #2021-77

Resolution Authorizing and Directing the Land Use Board of the Borough of Manville to Undertake a Preliminary Investigation of Block 310, Lots 2.03 and Block 310.01, Lots 2.01, 2.02, and 3 pursuant to the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, et seq.) to Determine Whether Same Constitutes an “Area In Need Of Condemnation Redevelopment” and Directing the Borough Planner to Prepare a Study Investigating Whether Block 310, Lots 2.03 and Block 310.01, Lots 2.01, 2.02, and 3 Constitute an “Area In Need Of Condemnation Redevelopment”

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the “Redevelopment Law”), the Borough Council (“Borough Council”) of the Borough of Manville (“Borough”) may direct the Land Use Board of the Borough (“Land Use Board”) to conduct a preliminary investigation and public hearing to determine whether certain areas of the Borough constitute areas in need of redevelopment; and

WHEREAS, the Borough Council seeks to have the Land Use Board undertake such a preliminary investigation of Block 310, Lots 2.03 and Block 310.01, Lots 2.01, 2.02, and 3 more commonly known as the “Rustic Mall Site” (the “Study Area”); and

WHEREAS, pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, the Borough Council shall state whether the redevelopment area shall be a “Non-Condemnation Redevelopment Area,” which is defined as a redevelopment area that shall not use the power of eminent domain authorized by the Redevelopment Law, or whether the redevelopment area shall be a “Condemnation Redevelopment Area,” which is defined as a redevelopment area that may use the power of eminent domain authorized by the Redevelopment Law; and

WHEREAS, the redevelopment area determination requested hereunder would authorize the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain, and any redevelopment area so designated shall be referred to as a "Condemnation Redevelopment Area"; and

WHEREAS, upon the completion of the preliminary investigation and public hearing, the Land Use Board shall provide recommendations to the Borough Council as to its investigation of the Study Area, all in accordance with N.J.S.A. 40A:12A-6; and

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

1. The Land Use Board is hereby authorized and directed to conduct a preliminary investigation pursuant to the Redevelopment Law, specifically N.J.S.A. 40A:12A-6, to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5, and should be designated as a Condemnation Redevelopment Area.
2. Any redevelopment area created pursuant to this authorization shall be a Condemnation Redevelopment Area pursuant to N.J.S.A. 40A:12A-6.
3. The Borough Planner is hereby authorized and directed to assist the Land Use Board in its preliminary investigation of the Study Area and to prepare a study investigating whether the Study Area constitutes a Condemnation Redevelopment Area under the Redevelopment Law.
4. As part of its investigation, the Land Use Board shall prepare a map showing the boundaries of the Study Area and the location of the various parcels contained therein. There shall be a statement appended to the map setting forth the basis for the investigation.
5. The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundaries of the Study Area and the date of the hearing to any persons who are interested in, or would be affected by, a determination that the area delineated in the notice is a Condemnation Redevelopment Area, in accordance with the requirements of N.J.S.A. 40A:12A-6.
6. At the hearing, the Land Use Board shall hear from all persons who are interested in, or would be affected by, a determination that the Study Area is a Condemnation Redevelopment Area. All objections to a determination that the Study Area is an area in need of redevelopment and evidence in support of those objections shall be received and considered by the Land Use Board and made part of the public record.
7. After conducting its investigation, preparing a map of the Study Area, conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough Council should designate all, or a portion, of the Study Area as a Condemnation Redevelopment Area, pursuant to the Redevelopment Law.
8. The Borough Administrator, Borough Clerk, Borough Planner, Borough Attorney and Redevelopment Attorney are each hereby authorized and directed to take any necessary and appropriate actions in connection with the preliminary investigation of the Study Area and are hereby

authorized and directed to take such actions including, but not limited to, the negotiation of any and all documents necessary to undertake the investigation as being hereby ratified and confirmed.

9. This Resolution shall take effect immediately upon adoption.

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

Borough of Manville
Resolution #2021-78

Approval of Fire Department Member- Felipe M. Quintana

WHEREAS, Felipe M. Quintana has applied to become a member of the Manville Fire Department; and

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

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

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

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

OFFICIAL REPORTS

- A**/Clerk's Report- March,2021
- B**/Code Enforcement Report- March,2021
- C**/Bureau of Fire Safety Report- March,2021
- D**/ Registrar Report- March,2021
- E**/ Registrar, Board of Health Report – March, 2021
- F**/ Registrar, Animal Control Report- March, 2021
- G**/ Manville Municipal Court Report- February, 2021
- H**/Fireman Board of Engineers- March, 2021

Mayor Onderko stated the above reports were on file in the Clerk's office.

NEW BUSINESS

A/ Letter from Friends of Manville Library requesting permission to hold Town-wide Yard Sale on October 9, 2021

Mayor Onderko requested to approve New Business.

All present were in favor.

COMMUNICATIONS

There was no Communications presented before the Mayor and Council to acknowledge.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Administrator Radi thanked the Finance Committee and CFO Pitts for their hard work on the 2021 Budget.

Councilwoman Zamorski, as Chairperson of the Public Safety Committee, stated Chief Herbst is working on the purchase of the body worn cameras, which will be required as of July 1st.

Councilman Lukac, as Chairperson of the Department of Public Works Committee stated the DPW continues to maintain the ball fields as needed and repairing potholes. NJ American Water has started the main replacements on certain areas of the Borough and will pave curb to curb upon completion.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee will be meeting before the next meeting.

Council President Petrock, as Chairperson of the Finance Committee, thanked the member of the Finance Committee, CFO Pitts, and Administrator Radi for their participation in the budget process.

Councilwoman Maeder, as Chairperson of the Building and Grounds Committee stated the Economic Development Committee met on April 6th which consisted of a member introduction and developing a mission statement and goals for the Committee. All students at Weston and Roosevelt will be back in school full time. The Recreation Committee met on March 23rd. Councilwoman Maeder explained the coaching shortage the Recreation has experienced for the soccer season and the actions being taken. The Recreation Department is confident the pools and summer activities will resume for the season.

Councilman Szabo, as Chairperson of the Progress and Development Committee, stated he had no report at this time.

Mayor Onderko thanked the Finance Committee for drafting a sound budget that didn't exceed the cap bank. The Borough will receive \$500 thousand this year and \$500 thousand next year in federal funding.

OEM Director Bentz stated the number of cases weekly has started to decrease. Somerset County is offering approximately 700 vaccines a week and has started offering vaccines to home bound senior citizens within the Borough.

PUBLIC PORTION

Mayor Onderko requested a motion to open the Public Portion. Councilman Szabo, seconded by Councilwoman Magnani, made a motion to open the Public Portion.

Tim Kenyon, 952 Haran Ave., Commented on the opportunities and deficits of the Recreation Department.

Mayor Onderko thanked him for his comments.

Tara Kenyon, 952 Haran Ave., Spoke regarding the decrease in Recreation programs and a personal issue with the soccer program.

Mayor Onderko thanked her for her comments.

Phil Petrone, 7 N. 11th Ave., Commented on the Borough's need to go out for bonding.

Mayor Onderko thanked him for his comments.

Jessica Nichols, 115 S. 14th Ave., Discussed tax revenue possibilities from cannabis businesses.

Mayor Onderko thanked her for her comments.

Terri Selusky, 112 S. 20th Ave., Voiced her displeasure with the Recreation Dept.

Mayor Onderko thanked her for her comments.

Kim Fleming, 262 N. 4th Ave., Discussed her concerns regarding the Recreation Dept.

Mayor Onderko thanked her for her comments.

All present were in favor.

When no one from the Public wished to speak, Mayor Onderko requested a motion to close the public portion. Councilwoman Magnani seconded by Councilman Lukac made a motion to close the public portion.

All present were in favor.

Mayor Onderko requested a motion to adjourn the meeting. Councilwoman Zamorski seconded by Councilman Lukac made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 9:14 pm.

ATTEST:



Wendy Barras
Borough Clerk