

**REGULAR MEETING MINUTES
OF THE MAYOR AND COUNCIL
AUGUST 14, 2023**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON AUGUST 14, 2023, AT 325 N. MAIN ST. IN MANVILLE, NJ 08835 AT 7:00 P.M.

COUNCIL PRESIDENT JOSEPH LUKAC III 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: MAYOR ONDERKO ABSENT, ALL OTHERS PRESENT

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

ALSO PRESENT: ALL

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

Council President Lukac led the Salute to the Flag and moment of silence in remembrance of the victims of the recent wildfire disaster in Maui.

PROCLAMATION:

Honoring Former Lt. Gov. Sheil Oliver: Council President Joseph Lukac III read the proclamation into the record.

MEETING MINUTES

A/ Regular Meeting minutes of July 10, 2023; Special Meeting and Closed Session minutes of July 24, 2023. Motion to approve and seconded by Councilmen Szabo and Agans, respectively.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
x		Szabo	x			

All meeting minutes were approved.

ORDINANCES: Second Reading & Public Reading

A/ Ordinance #2023-1299 Adopting Sewer Sale by Referendum: motion to open/close public discussion, followed by a Roll Call.

Introduced		Seconded		Council	Yes		No		Abstain	Absent
<i>Open</i>	<i>Close</i>	<i>Open</i>	<i>Close</i>		<i>o</i>	<i>c</i>	<i>o</i>	<i>c</i>		
		x	x	Agans	x	x				
				DeVito	x	x				
				Lukac	x	x				
				Madak	x	x				
				Skirkanish	x	x				
x	x			Szabo	x	x				
				Onderko						

The Borough’s professional advisors on the Sewer Sale Process, Ryan Scerbo from DeCotiis Law and Anthony Inverso from Phoenix Advisors, made a presentation outlining the process and steps involved, followed by questions/comments from the public.

Commentors:

1. Councilman Ron Skirkanish commented on overage charges for wet-season infiltration and was informed that in the event of a sale, NJ American Water would be responsible for overage charges. No Council action was warranted or taken.
2. Matt Brown, 13 Louise Drive: commented on how any monies from the sale would be spent and whether residents would have any influence on spending. No Council action was warranted or taken.
3. Maria Janucik, 720 E. Frech St.: inquired about how old the system is, reason for selling, how much Hillsborough Twp. contributes to the Borough, the location of the Sewage Authority, and what the proposed \$10M capital improvements will be. No Council action was warranted nor taken.
4. Erin Risch, 119 Geary St.: inquired about the effect on Sewage Authority rates and requested a breakdown of charges. Ryan Scerbo from Decotiis Law agreed to provide. No Council action was warranted or taken.

5. Richard Reiget, 225 N. 8th Ave.: commented on Hillsborough Twp. residents and how they are charged, potential staff positions, equipment lost to NJ American Water. No Council action was warranted or taken.
6. Ray Walsh, 26 N. 17th Ave.: commented on the new development on Roosevelt Ave. and potential additional charges to Manville residents through overages. Ryan Scerbo reminded all that overage charges will be borne by NJAMW if the sale goes through. No Council action was warranted or taken.
7. Maria Janucik, 720 E. Frech. St.: a motion was made by Councilman Skirkanish to grant Ms. Janucik another 3 minute speaking time, Council concurred. Ms. Janucik inquired about how the valuation of the sewer system was done and Anthony Inverso from Phoenix Advisors described the process. No further Council action was warranted or taken.
8. Anita Mente, 269 N.7th Ave.: commented on proposed cumulative rate increases and planned capital improvements. No Council action was warranted or taken.
9. Councilman Brendan Agans: inquired about the rates and increases proposed compared to other municipalities where systems were sold. Ryan Scerbo agreed to provide. No Council action was warranted or taken.

Motion to adopt, followed by a Roll Call.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Agans	x			
	x	DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

Ordinance #2023-1299 was adopted.



Borough of Manville
Ordinance # 2023-1299

AN ORDINANCE OF THE BOROUGH OF MANVILLE, IN THE COUNTY OF SOMERSET, NEW JERSEY, APPROVING AN AGREEMENT OF SALE BETWEEN THE BOROUGH AND NEW JERSEY AMERICAN WATER COMPANY, INC. FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM AND AUTHORIZING A PROPOSAL TO BE PRINTED ON THE BALLOT FOR CONSIDERATION BY THE VOTERS WITHIN THE BOROUGH AT THE GENERAL ELECTION ON NOVEMBER 7, 2023 PROVIDING FOR THE SALE OF THE BOROUGH'S WASTEWATER COLLECTION SYSTEM TO AMERICAN WATER COMPANY, INC.

STATEMENT OF PURPOSE

The purpose of this Ordinance is to provide the Voters of the Borough of Manville the opportunity to decide whether or not to approve the sale of the Borough's Sewer System to NJ American Water Company, and to establish terms and conditions for such a sale, subject to approval by the Voters, and Authorizing a Ballot Proposal for Consideration by the Voters of the Borough of Manville at the November 2023 General Election

WHEREAS, the Borough of Manville, in the County of Somerset, New Jersey (the "Borough") currently owns and operates a wastewater collection system servicing the residents and property owners (the "Customers") within the geographic boundaries of the Borough and a portion of Hillsborough Township (the "Manville Sewer System" or "the System"); and

WHEREAS, the Borough has determined that it is in the best interest of such Customers to sell the Manville Sewer System to an entity with experience and expertise

in owning and operating such systems in order to meet all necessary demands associated with such System including all present and future requirements of various state and federal regulatory agencies and to make necessary capital improvements to the System; and

WHEREAS, the Borough prepared and distributed a Request for Bids for the Sale of the Wastewater Collection System (the "RFB") dated May 15, 2023 requesting bids for the purchase of the System pursuant to N.J.S.A. §40:62-1 et seq. (the "Public Utilities Law"); and

WHEREAS, on June 26, 2023 the Borough received one bid from a regulated utility, New Jersey American Water Company, Inc., to purchase the System; and

WHEREAS, based on the review of the above referenced bid, the Borough has determined that the bid submitted by New Jersey American Water Company Inc. in the amount of \$6,500,000 was the highest responsible bid; and

WHEREAS, under the terms of the Request for Bids, the Borough would sell all of the Borough's rights and interests in the land and improvements comprising the System, provided that any purchaser of the System would continue to provide wastewater collection services to the Customers in accordance with all applicable state and local standards, make all capital improvements as required by the RFB, and meet other requirements set forth in the RFB; and

WHEREAS, the Borough and New Jersey American Water Company Inc. have agreed to the terms of the sale of the System; and

WHEREAS, the Public Utilities Law requires that in addition to the approval of the Borough, the legal voters of the Borough must also approve the sale of the System; and

WHEREAS, the Public Utilities Law, specifically N.J.S.A. §40:62-5, authorizes the Borough to request that the clerk of the County of Somerset place the question of the sale of the System on the ballot used at the next general election in the Borough, which is scheduled for November 7, 2023; and

WHEREAS, N.J.S.A. §40:62-5 provides *that "If a majority of the legal voters voting at such election shall vote "Yes," the governing body may accept the bid of the*

highest responsible bidder and carry out such lease or sale as authorized by the election”; and

WHEREAS, the Borough desires to enter into the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. §40:62-5 and any other regulatory approvals set forth in the Public Utilities Law.

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

SECTION 1:

The recitals are hereby incorporated as if set forth in full herein.

SECTION 2:

The Borough hereby approves the sale of the System to New Jersey American Water Company Inc. for \$6,500,000 in accordance with its bid and in accordance with the terms and conditions of the RFB and the Agreement of Sale, subject to the approval of the voters of the Borough as set forth in N.J.S.A. §40:62-5.

SECTION 3:

The Agreement of Sale between the Borough and New Jersey American Water Company Inc. entitled "Agreement of Sale between the Borough of Manville, New Jersey and New Jersey American Water Company Inc." substantially in the form on file in the office of the Borough Clerk, is hereby approved with such further changes, insertions and amendments as deemed necessary by the governing body of the Borough, in consultation with the Borough staff and professionals. The approval of this Agreement of Sale is subject to compliance with the provisions of N.J.S.A. §40:62-5 of the Public Utilities Law.

SECTION 4:

The Mayor and Council and all other appropriate officials of the Borough are hereby authorized and directed to execute the Agreement of Sale and any other documents deemed necessary to effectuate the terms of this Ordinance and to proceed with the regulatory process and approvals required under the provisions of the Agreement of Sale and the Public Utilities Law subject to approval of the sale by the voters of the Borough pursuant to N.J.S.A. §40:62-5.

SECTION 5:

The Mayor and Council hereby requests and directs the Clerk of the County of Somerset to place the following question and explanation on the ballot of the next general election, such to be substantially in the form provided in N.J.S.A. §40:62-5, as follows:

PROPOSAL

"Shall the Borough of Manville, in the County of Somerset, New Jersey, be authorized to sell its wastewater collection system (commonly known as the "Manville Sewer System") to New Jersey American Water Company Inc. for the sum of \$6,500,000?"

Yes

No

Explanation

If a majority of the legal votes cast in the Borough are "Yes", the Borough of Manville will sign an agreement with New Jersey American Water Company Inc. ("NJ American Water") for the sale of the sewer system servicing the residents and property owners within the geographic boundaries of the Borough of Manville and a portion of Hillsborough Township ("the Manville Sewer System") at a sale price of **\$6.5 Million dollars**. In addition, the agreement provides that NJ American Water will make **\$10.0 Million** in capital improvements to the Manville Sewer System over a ten-year period.

The agreement provides that New Jersey American Water Company Inc. will provide and maintain all wastewater collection services to the existing customers of the Borough's system, to the system in accordance with the terms of the Agreement of Sale approved by the Borough.

The \$6.5 Million in sale proceeds will be used to retire all outstanding Borough of Manville municipal debt, thereby eliminating future annual debt service payments on that debt, and aiding in stabilizing municipal property taxes each year. Subject to the final review and approval of the New Jersey Board of Public Utilities, the service rates to the customers of

the Borough's System are proposed to be changed as follows for up to a maximum of 7 years following the sale:

Year	2024	2025	2026	2027	2028	2029	2030
Rate Increase	0%	2%	3%	3%	3%	4%	4%

Upon the completion of the rate schedule approved by the Board of Public Utilities future rate changes shall be subject to approval by the New Jersey Board of Public Utilities.

If a majority of the legal votes cast in the Borough are “Yes”, then the Mayor & Council may accept the bid of the highest responsible bidder and carry out the sale as authorized by the election; and

If a majority of the legal votes cast in the Borough are “No”, then the Borough will retain the System and will immediately begin a process to increase rates to the extent required to address the need for additional capital improvements and maintenance activities.

SECTION 6:

Authorization. The Mayor, Council, Borough Administrator, Borough Attorney, and such Borough employees and staff as the Borough Administrator may designate, are hereby authorized and directed to take such steps as are necessary to effectuate the purposes of this Ordinance.

SECTION 7:

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, or temporarily repealed as applicable, to the extent of such inconsistency.

SECTION 8:

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 9:

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 10:

Effective Date. This ordinance shall be effective immediately after final adoption and publication in accordance with law.

Borough of Manville,

Richard M. Onderko, Mayor

MAYOR’S UPDATE ON HARP BUYOUT FINDINGH CHANGES

Due to Mayor Onderko’s absence, Council President Lukac tabled the update until a later date when the Mayor is in attendance, likely the next regularly scheduled meeting on September 10, 2023.

PUBLIC PORTION ON RESOLUTIONS

Councilman Agans made a motion to amend the agenda to table Resolution #2023-179 and remanding the matter back to the Finance and DPW Committees for consideration.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
x		Agans	x			
	x	DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
		Szabo	x			
		Onderko				

Motion and second to open, close public discussion on all other Resolutions, followed by Roll Calls.

Introduced		Seconded		Council	Yes		No		Abstain	Absent
<i>Open</i>	<i>Close</i>	<i>Open</i>	<i>Close</i>		<i>o</i>	<i>c</i>	<i>o</i>	<i>c</i>		
		x	x	Agans	x	x				
				DeVito	x	x				
				Lukac	x	x				
				Madak	x	x				
				Skirkanish	x	x				
x	x			Szabo	x	x				
				Onderko						

1. Maria Janucik, 720 E. Frech Ave.: commented on resolutions #2023-167 staff activities and pay and inquired about resolution #2023-178 and the Memorandum of Understanding re: Transitional Aid. Borough Attorney Maciag responded. No Council action was warranted or taken.
2. Anita Mente, 269 N. 1st Ave.: commented on resolution #2023-162 and the Recreation Dept. & Assistant to Tax Collector’s pay. No Council action was warranted or taken.

RESOLUTIONS TAKEN INDIVIDUALLY

Individual motion to approve **Resolution #2023-159**, Approval of Vouchers, followed by a Roll Call.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

Resolution #2023-159 was approved.



Borough of Manville
Resolution #2023-159
Approval of Vouchers

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

1. Fund 01 Current	\$1,194,430.36
2. Fund 04 Capital	\$6,000.00
3. Fund 07 Sewer	\$136,796.21
4. Fund 12 Trust Redemption	\$774.00
5. Fund 12 Developer's Escrow	\$8,627.00
6. Fund 12 Lien Trust	\$8,600.00
7. Fund 12 Lien Redemption Checking	\$8,003.10
8. Fund 15 Recreation	\$31,773.32
9.	
TOTAL	\$1,395,003.99

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

ATTEST:

Richard M. Onderko, Mayor
 Borough of Manville

Individual motion to approve **Resolution #2023-178**, Authorizing Amendment to Municipal Budget-2023, followed by a Roll Call.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac				x
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

Resolution #2023-146 was approved.

ATTEST:

RESOLUTIONS BY CONSENT

Council President Lukac requested that Resolutions #2023-178 and #2023-180 be reviewed separately from the rest of the consent agenda.

Council President Lukac then requested a motion to approve Resolutions #2023-160 through #2023-177, followed by a Roll Call.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

Resolutions #2023-160 through #2023-177 were approved.



Borough of Manville
Resolution #2023-160
Authorization to Renew Shelter Agreement-VFW

WHEREAS, the Borough of Manville has been able to provide shelter to flood victims at the VFW Building on Washington Avenue for many years; and

WHEREAS, both the Borough of Manville and the VFW concur that a formal agreement for use of the facility as a shelter should be executed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the Borough Administrator and the Borough Clerk are authorized to execute the attached Agreement.

ATTEST:

Borough of Manville,
 Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-161
Resolution to Extend August 2023 Tax Payments

WHEREAS, the 2023 tax rate for the Borough of Manville was late in being certified and therefore, the Borough was late in printing tax bills; and

WHEREAS, Chapter 72 of the laws of 1994 state you must provide 25 calendar days after the bills are mailed to be able to pay without penalty.

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 grace period is hereby extended for the third quarter 2023 taxes to the 13th of September 2023, after which time interest will be assessed at the rate already adopted by the Borough from the due date of August 1, 2023.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-162
Temporary Seasonal Employees- Recreation Site Coordinators

WHEREAS, the Recreation Department is in need of support personnel for their seasonal programs (Fall 2023) ; and

WHEREAS, in accordance with Ordinance #2018-1212, these employees are now referred to as Temporary Seasonal Employees.

WHEREAS, these employees have been screened, reviewed, and approved by the Recreation Dept. and other entities in accordance with all necessary requirements for the appointments;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the following Temporary Seasonal Employees shall be hired by the Recreation Department, subject to approval by the Dept. of Community Affairs,

Division of Local Government Services according to the terms of their Transitional Aid program.

Temporary Seasonal Employee(s):

Position	Rate of Pay
Site Coordinator, Adult Open Gym: William Rooney	\$40.00 per hour
Site Coordinator, Adult Open Gym: Carl Imhoff	\$35.00 per hour

Borough of Manville,
Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-163
Authorizing Lead Grant Assistance Program Agreement

WHEREAS, effective July 22, 2022, the Legislature enacted P.L. 2021, c. 182, "An Act concerning certain lead-based paint hazard, and residential rental property, and establishing lead-based paint hazard programs, supplementing P.L. 2003, c. 311 (C. 52:27D-437.1 et al.)amending various parts of the statutory law, and making an appropriation;" and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(1), a municipality that maintains a permanent local agency for the purpose of conducting inspections and enforcing laws, ordinances, and regulations concerning buildings and structures, is required to inspect for lead-based paint hazards in certain specified single-family, two-family, and multiple rental dwellings, at the time periods set forth in the statute; and

WHEREAS, pursuant to N.J.S.A. 52:27D-437.16(b)(2) a municipality that does not maintain such a permanent local agency must hire a lead evaluation contractor, certified to provide lead paint inspection services by DCA, or enter a shared services agreement as permitted by law, for the purpose of conducting the inspections for lead-based paint hazards; and

WHEREAS, Pursuant to Section 9 of P.L. 2021, c. 182, the State of New Jersey has allocated the sum of \$3,900,000 to effectuate the purposes of P.L. 2021, c. 182 (C. 52:27D-437.16). Further, pursuant to the FY 2023 Appropriations Act (P.L. 2022, Chapter 49), DCA received a grant-in-aid amount of \$3,900,000 for P.L. 2021, c. 182, for a total of \$7,800,000 in appropriations to effectuate the purpose of the Act.

WHEREAS, DCA has allocated \$7,000,000 of this appropriation to the development of the Lead Grant Assistance Program ("LGAP") for the issuance of grant funds to municipalities for the purpose of assisting in municipal compliance with P.L. 2021, c. 182.

WHEREAS, the Division of Local Government Services (DLGS), within DCA, administers the LGAP; and

WHEREAS, the LGAP exists to provide funding to help off-set the costs to municipalities to provide the required inspections at stipulated times of certain single-family, two-family, and multiple rental dwelling units for lead-based paint hazards, pursuant to P.L. 2021, c. 182; and

WHEREAS, an authorized municipal officer must execute the attached grant agreement in order to receive LGAP funding.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Manville, County of Somerset, State of New Jersey does hereby authorize the Borough Administrator Gian-Paolo Caminiti to sign the attached grant agreement, and thus bind the Borough of Manville to the grant agreement's terms in order to receive the grant from the DLGS;

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-164
Refund Sewer Charges- M. Anderson

WHEREAS, several real property tax payers have overpaid their sewer charges and;

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners;

THEREFORE BE IT RESOLVED, by the Borough 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	Year	Quarter
1460-0	Anderson, M	\$27.82	2023	1

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-165
Refund Sewer Charges- Equivalent Dwelling Units

WHEREAS, several real property tax payers have overpaid their sewer charges and;

WHEREAS, Borough Ordinance 2023-1297 introduced a revised method of calculating sewer service fees based on Equivalent Dwelling Units (EDUs); and

WHEREAS, the Tax/Sewer Collector has received proof of such revised fees owed based on the calculations of Equivalent Dwelling Units described in Ordinance 2023-1297; and

WHEREAS, overpayments have been registered according to the terms of Ordinance 2023-1297;

THEREFORE BE IT RESOLVED, by the Borough Council, of the Borough of Manville, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized to refund the amounts below to the following property owners.

Block #	Lot #	Name of Owner	Amount
310.01	15	Gonzalez, Oscar	\$1,200.00
310.01	10	Bukovecky, Victor	\$2,337.50

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-166

**Authorizing Refund
of Property Tax Late Fees**

WHEREAS, a request for a refund of Property Tax Late Fees has been received from the owner of record of real property at Block 8, Lot 1, in the Borough of Manville; and

WHEREAS, the property owner has documented that the taxes in question were in fact timely paid;

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 Municipal Credit Union, owner of Block 8, Lot 1, is hereby granted a refund of property tax late fees, in the total amount of \$823.85, with said refund to be applied by the Borough Tax Collector as a Credit against the next Quarterly Property Taxes due on said real property.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-167

Amending Resolution #2022-78 Administrative Assistant- L.Scolarice

WHEREAS, the Borough hired Laura Scolarice as an Administrative Assistant as described in Resolution 2022-78; and

WHEREAS, due to additional staffing since hired by the Borough to assume the duties of Human Resources management and other confidential matters, the Borough Administrator and the Policy, Planning and Personnel Committee have determined that Ms. Scolarice's duties and responsibilities no longer include support in confidential matters and to other confidential employees;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Laura Scolarice be relieved of all duties and responsibilities requiring her to be a confidential employee and assume the status of Clerical Worker under the terms of the Teamsters Local Union No. 469, effective immediately.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-168

**Approving the Raffle License Application
for Manville for Exempt Firemen’s Association
subject to Approval of the New Jersey Legalized Games of Chance Control Commission**

WHEREAS, Manville for Exempt Firemen’s Association (the “Applicant”) has submitted an application for a Calendar Raffle License on December 6, 13, 20, 27 in 2023, and also for January 3,10,17,24,31 in 2024, and February 7, 14, 21, 28 in 2024 to be held at the North End Fire Company Number 3 at 169 North 8th Ave in Manville, NJ 08835, for Manville Exempts Firemen’s support fund and

WHEREAS, said Application # RL-1984, Identification # 286-5-41919 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-1984, 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 the denial of future licenses to the Applicant.
- (3) The Borough Clerk shall forward a copy of this Resolution to the NJLGCCC.

Borough of Manville,
Richard M. Onderko, Mayor



**Borough of Manville
Resolution #2023-169**

**Approving the Raffle License Application of Manville for North End Volunteer Fire Co. # 3
subject to Approval of the New Jersey Legalized Games of Chance Control Commission**

WHEREAS, North End Volunteer Fire Co # 3 (the “Applicant”) has submitted an application for a Bingo License, Tricky Tray License, and a 50/50 Raffle License for October 13, 2023. This will be held at the North End Fire # 3 at 169 North 8th Ave in Manville, NJ 08835, to Maintain Buildings and Grounds and

WHEREAS, said Application # RL-1985, # RL-1986 and # RL-1987 Identification # 286-9-18079 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-1985, # RL-1986, and # RL-1987, 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 the denial of future licenses to the Applicant.

(3) The Borough Clerk shall forward a copy of this Resolution to the NJLGCCC

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-170

Resolution Authorizing the Tax Collector to hold an Electronic Tax Sale for unpaid 2022 taxes and other municipal charges through NJ tax lien investors/RealAuction.com

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic sales; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, based on the recommendation of the Qualified Purchasing Agent and the Tax Collector, the Borough of Manville wishes to hold an electronic tax sale for unpaid 2022 taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED Now, Therefore, Be it resolved by the Council of the Borough of Manville, County of Somerset, State of New Jersey authorizes the Tax Collector to hold an electronic tax sale for unpaid 2012 taxes and other municipal charges through NJ Tax Lien Investors/RealAuction.com on October 4, 2023.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-171

Tax Assessor Adjustment- 100% Disabled Veteran-Hernandez

WHEREAS, the Tax Assessor of the Borough of Manville does hereby determine that the property owner qualifies as a 100% disabled veteran and is entitled to receive a full exemption from property taxes on the property located at 247 North 9th Avenue also known as Block 27, Lot 33 in the Borough of Manville.

WHEREAS, the Department of Veterans Affairs has determined that the property owner has had a 100% permanent wartime service-connected disability since August 26, 2020.

WHEREAS, the Tax Assessor of the Borough of Manville does hereby determine that the property owner qualifies for a 100% exemption from property taxes on the property, a single-family residence, located at 247 North 9th Avenue, also known as Block 27, Lot 33, in which the veteran currently resides.

WHEREAS, the State of New Jersey statutorily provides the following:

Section: 54:4-3.32: Return of certain taxes collected on exempt property.

3. The governing body of each municipality, by appropriate resolution, may return all taxes collected on property which would have been exempt had proper claim in writing been made therefor in the manner provided by P.L. [1948, c.259](#) (C.54:4-3.30 et seq.). The governing body of each municipality, by appropriate resolution, may also return to the veteran or the veteran's surviving spouse all property tax payments made since the time of the veteran's actual disability or since the time of the veteran's death. No refunds shall be made under this section for any year or portion thereof prior to the effective date of P.L.1948, c.259 (C.54:4-3.30 et seq.).

WHEREAS, the Mayor and Council of the Borough of Manville does hereby declare that the property owner is entitled, as a 100% disabled veteran, to a refund of the property taxes billed for 247 North 9th Avenue, also known as Block 27, Lot 33, in the Borough of Manville retroactive to January 3, 2023.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-172

Tax Assessor Adjustment- 100% Disabled Veteran-White

WHEREAS, the Tax Assessor of the Borough of Manville does hereby determine that the property owner qualifies as a 100% disabled veteran and is entitled to receive a full exemption from property taxes on the property located at 110 Liberty Street also known as Block 191, Lot 1 in the Borough of Manville.

WHEREAS, the Department of Veterans Affairs has determined that the property owner has had a 100% permanent wartime service-connected disability since January 23, 2023.

WHEREAS, the Tax Assessor of the Borough of Manville does hereby determine that the property owner qualifies for a 100% exemption from property taxes on the property, a single-family residence, located at 110 Liberty Street, also known as Block 191, Lot 1, in which the veteran currently resides.

WHEREAS, the State of New Jersey statutorily provides the following:

Section: 54:4-3.32: Return of certain taxes collected on exempt property.

3. The governing body of each municipality, by appropriate resolution, may return all taxes collected on property which would have been exempt had proper claim in writing been made therefor in the manner provided by P.L.1948, c.259 (C.54:4-3.30 et seq.). The governing body of each municipality, by appropriate resolution, may also return to the veteran or the veteran's surviving spouse all property tax payments made since the time of the veteran's actual disability or since the time of the veteran's death. No refunds shall be made under this section for any year or portion thereof prior to the effective date of P.L.1948, c.259 (C.54:4-3.30 et seq.).

WHEREAS, the Mayor and Council of the Borough of Manville does hereby declare that the property owner is entitled, as a 100% disabled veteran, to a refund of the property taxes billed for 110 Liberty Street, also known as Block 191, Lot 1, in the Borough of Manville retroactive to January 23, 2023.

Borough of Manville,

Richard M. Onderko, Mayor



Bc
Re:

Authorization to Hire Part-Time Assistant to the Tax Collector- K. Bron

Ile
173

WHEREAS, there is a need to address regular swells in work volume in the Borough's Tax Collection office, as well as provide qualified office coverage for planned staff absences; and

WHEREAS, the Borough Council's Policy, Planning, and Personnel Committee and the Borough Administrator agree that the hiring of a qualified, part-time assistant to the Tax Collector is necessary to

complete the required collection, processing, and account registration tasks in the Tax and Sewer Collections 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 the Borough Administrator is authorized to hire Kerry Bron as a part-time assistant to the Tax Collector for \$25.00/hour, up to 25 hours per week starting on or after August 31, 2023; and

NOW, BE IT FURTHER RESOLVED THAT this position is not eligible for health benefits or paid time off.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-174

**Execution of Memo of Understanding with State of New Jersey
CY2023 Transitional Aid**

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 are in favor of applying for Transitional Aid from the State of New Jersey and accept the terms of the Memorandum of Understanding attached hereto.

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-175
Authorizing Tax Appeal Adjustments

WHEREAS, several real property tax payers have appealed their 2023 taxes and;

WHEREAS, the Tax Collector has received favorable appeal granted by the State Board of Taxation in accordance with N.J.S. 54:3-21 et al;

THEREFORE BE IT RESOLVED, by the Borough Council, of the Borough of Manville, County of Somerset, State of New Jersey, that the Tax Collector is hereby authorized to reduce said taxes for the following properties.

Block	Lot	Name	Amount of reduction
92	30	Wojewoda	\$346.17
106	66	Cieploch	\$858.23

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-176
Authorizing the Cancellation of 2022 Taxes Receivable

WHEREAS, the Finance office received ACH payments for taxes for the below three properties on August 31, 2022; and

WHEREAS, the ACH payments were to be applied to taxes to the three below properties as indicated on the ACH payments;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Manville hereby directs that the following tax receivable balances be canceled and directs the Tax Collector to make the necessary journal entries:

<u>Property Owner</u>	<u>Block</u>	<u>Lot</u>	<u>Tax Receivable Amount</u>
Lucash	264	3-4	\$1,508.91
Buckland	292	6.07	\$2,286.60
Banoland	15	1-5	\$ 528.68

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-177
Authorizing the Release of Redeemed Tax Liens

WHEREAS, several real property tax payers have redeemed liens held against their property taxes and;

WHEREAS, the Tax Collector has received proof of such payments after correspondence with said property owners;

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

Block	Lot	Name of Owner	Amount	Premium	Lienholder
263	23	Salazar-De Sierra	\$2082.69	\$1400.00	ProCap 8
235.02	9	Samolsky	\$374.03	\$1500.00	Fig 20
218	22	McCarthy	\$1447.05	\$1900.00	Fig 20
253	1	Brito	\$1169.10	\$800.00	Trystone
11	27	Thompson	\$1328.11	\$2000.00	Fig 20
191	27	Dewberry	\$1602.12	\$1000.00	ProCap 8

Borough of Manville,

Richard M. Onderko, Mayor

Individual motion to approve **Resolutions #2023-178** and **#2023-180**, Authorizing Right of Entry Agreement, Manville Board of Education and Authorizing Van Cleef Engineering Manville High School and N. 10th Ave. Drainage, followed by a Roll Call.

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac			x	
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

Resolutions #2023-178 and #2023-180 were approved. _____



Borough of Manville
Resolution #2023-178
Authorizing a Right of Entry Agreement
with Manville Board of Education for
Stormwater Flooding Mitigation

WHEREAS, the Mayor & Council have deemed it in the best interests of the Borough to enter into a Right of Entry Agreement with the Manville Board of Education to enable Stormwater Flooding mitigation efforts to be completed on Board of Education property;

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, in consultation with the Borough Engineer, the Borough Attorney, and the Director of Public Works, is hereby authorized to execute a Right of Entry Agreement with the Manville Board of Education for Stormwater Flooding Mitigation in substantially the format annexed to this Resolution, together with any non-substantive modifications to the attached form of agreement as the Borough Administrator, Borough Engineer and Borough Attorney may concur.

ATTEST:

Borough of Manville,

Richard M. Onderko, Mayor



Borough of Manville
Resolution #2023-180

**Authorizing the Execution of Additional Services Proposal Between
the Borough of Manville and Van Cleef Engineering for Manville High School, 10th Ave.
Drainage Phase 1**

WHEREAS, the Mayor and the Council of the Borough of Manville adopted resolution #2022-42 authorizing the execution of a Professional Services Agreement with Stan Shrek of Van Cleef Engineering Associates, LLC for Borough Engineering Services; and

WHEREAS, engineering services are required to mitigate stormwater, flooding, and drainage issues at Manville High School and along 10th Ave. as outlined in the attached maps and proposal; and

WHEREAS, the Borough has received and reviewed a Phase 1 proposal and scope of work for such engineering work related to drainage improvements to Manville High School and 10th Ave., Van Cleef Reference Project Proposal Number 24500.048.

NOW, THEREFORE, BE IT RESOLVED THAT

1. This contract is amended without competitive bidding as “Professional Service” in accordance with N.J.S.A. 40:11-5(1)(a) of the Local Public Contracts Law;
2. Compensation and expenses to be paid to Van Cleef Engineering Associates, LLC shall be billed in the hourly amount plus direct expenses, the amount not to exceed \$22,100.00 (twenty-two-thousand-one-hundred dollars).
3. The Mayor and Clerk are hereby authorized to execute this additional services request, subject to approval by the Dept. of Community Affairs, Division of Local Government Services.
4. This Resolution shall be advertised once in the Courier News.
5. The Chief Financial Officer shall provide a Certification of Funds.

Borough of Manville,

Richard M. Onderko, Mayor

OFFICIAL REPORTS

A/ Registrar’s Report, July 2023

B/ Manville Police Dept., July 2023

Council President Lukac advised that a copies of the report are on file in the Clerk’s Office at Borough Hall.

NEW BUSINESS

A/ Usage Permit: Manville Youth Athletic League (MYAL) Cheer Pool party

--Council concurred with all new business--

COMMUNICATIONS

A/ Recreation Dept. Activities: Family Fun Troll Stroll & Zombie Escape

--Council concurred with all Recreation Dept. activities--

COMMITTEE REPORTS AND COUNCIL COMMENTS

Department of Public Works: Council President Lukac reported on heavy grass mowing activities, 27 new trees received by DPW to be planted, and the return of the street sweeper after an extended out-of-service period due to repair. No Council action was warranted or taken.

Policy, Planning & Personnel: Chairman Skirkanish reported on PPP meeting dates returning to Mondays, a Board of Health meeting scheduled for 8/15, the need for a full-time receptionist/secretary to the governing body at Borough Hall, and a reminder for Roberts' Rules of Order public comment time limits at public meetings. No Council action was required or taken.

Public Safety: Councilwoman Madak reported on a successful National Night Out, Ed Pfeifer's retirement at MPD, new speed limit signs, new rumble strips installed on N. 13th Ave., and 33 EMS and 27 MPD incidents in the last month. No Council action was required or taken.

Buildings & Grounds: Councilman Agans reported a joint meeting with DPW on 8/3, progress on environmental remediation work at 401 S. Main St., and that CDBG library improvements are underway. No Council action was required or taken.

Progress & Development: Councilman Szabo reported on move-in activities at the Valerie Villas site. No Council action was required or taken.

Finance: Councilman DeVito reported that an Economic Development Committee meeting is scheduled for 8/22 and that a Finance Committee meeting is planned for 8/21, and also expressed his confidence that the sale of the sewer utility under discussion will provide a much-needed cushion to the municipal budget. No Council action was required or taken.

MAYOR'S COMMENTS

Due to Mayor Onderko's absence, the Mayor's report was table until the next regularly scheduled Council meeting.

PUBLIC PORTION

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

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	x	Agans	x			
		DeVito	x			
		Lukac	x			
		Madak	x			
		Skirkanish	x			
x		Szabo	x			
		Onderko				

All Present Were in Favor. Borough Attorney Maciag read the disclaimer reminding residents of the rules of speaking.

1. Mike Chabra, 215 S. Main St.: commented on the Borough’s Rental Registration Ordinance and objected to the registration requirements for properties with ≥ 3 rental units. No Council action was required or taken.
2. Maria Janucik, 720 E. Frech Ave.: commented on Borough zoning and the status of truck traffic plan for Borough streets, also requested that pages in Council meeting materials be numbered. Council action was not warranted or taken.
3. Richard Reiget, 225 N. 8th Ave.: commented on abandoned Walmart shopping carts being collected by the Borough, Manville PD presence at Adesa and the cost/liability to Manville. No Council action was needed or taken.
4. Anita Mente, 269 N. 7th Ave.: commented on the 2024 budget increases, the wish for an Ordinance to help Manville’s flood victims, and inter-municipal cooperation to strengthen collective abilities. No Council action was needed or taken.

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

All Present Were in Favor.

ADJOURNMENT

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

All Present Were in Favor.

The meeting was adjourned at approximately 9:07 p.m.

ATTEST:

GP Caminiti
Acting Borough Clerk