

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
SEPTEMBER 13, 2021**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON SEPTEMBER 16, 2021, IN THE MANVILLE MUNICIPAL COUNCIL MEETING ROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 7:00 P.M.

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
WENDY BARRAS, BOROUGH CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko requested a moment of silence for the victims of Hurricane Ida.

RESOLUTION TO BE TAKEN SEPARATELY

Mayor Onderko requested a motion to adopt Resolution #2021-158. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Resolution #2021-158.

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

**Borough of Manville
Resolution #2021-158
Closed Session**

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

- Anticipated/Pending Litigation

Exclusion of the public for this purpose (s) stated is expressly permitted by the provisions of the "OPEN PUBLIC MEETINGS ACT", N.J.S.A. 10:4-6, et. seq. It is not anticipated that the contents of the discussion will be made known until it has been determined that disclosure of the subject matter will not adversely affect the public interest and until the Mayor and Council have adopted a Resolution so concluding.

Borough of Manville

/s/ Richard M. Onderko, Mayor

At 6:09 P.M. the Mayor and Council entered into a Closed Session.

At 7:06 P.M. the Mayor and Council reconvened in the Public Meeting.

Mayor Onderko requested a motion to adopt Resolution #2021-159. Council President Petrock Seconded by Councilman Lukac made a motion to adopt Resolution #2021-159.

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

Borough of Manville
Resolution #2021-159

Designating The Property Identified As Block 310.01, Lots 2.01, 2.02 And 3 And Block 310, Lot 2.03 On The Tax Map Of The Borough Of Manville, State Of New Jersey (The Former Rustic Mall Site), As An Area In Need Of Redevelopment (Condemnation Redevelopment Area), Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40A:12-1, Et Seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law, the Borough Council (the "Borough Council") of the Borough of Manville (the "Borough") must authorize the Land Use Board to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and

WHEREAS, the Borough Council has, by Resolution 2021-77 authorized and directed the Land Use Board to conduct an investigation with respect to the property commonly known as Block 310.01, Lots 2.01, 2.02 and 3 and Block 310, Lot 2.03 on the tax map of the Borough of Manville, State of New Jersey, which is in the central portion of the Borough, directly adjacent to the Borough's Main Street, and is more commonly known as the former Rustic Mall Site (the "Study Area"), to determine whether the Study Area satisfies the criteria set forth in Section 5 of the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, including Eminent Domain pursuant to N.J.S.A. 40A:12A-8(c) (as designated, a "Condemnation Redevelopment Area"); and

WHEREAS, the Land Use Board authorized the firm of Van Cleef Engineering Associates, (the "Planning Consultant") to conduct an investigation and perform a study pursuant to 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 to be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to determining whether or not the Study Area should be designated as a Condemnation Redevelopment Area, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law further requires the Land Use Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made no fewer than ten days prior to such public hearing; and

WHEREAS, the Redevelopment Law further requires notice to be mailed to the last known owner(s) of the subject properties, as listed in the Borough's assessment records, at least ten (10) days prior to such public hearing; and

WHEREAS, the Land Use Board caused the aforementioned notices to be published in the *Courier News* on July 23, 2021 and July 30, 2021 and served by certified mail to the owners of the subject properties within the Study Area on July 30, 2021, all of the aforesaid dates being at least ten (10) days before the August 10, 2021 public hearing date; and

WHEREAS, the Planning Consultant prepared an investigative report titled "Area in Need of Redevelopment Investigation" and dated June 21, 2021 (the "Report"), a copy of which Report has been on file and available to the public at least ten (10) days before the public hearing date; and

WHEREAS, the Land Use Board reviewed the Report, received testimony from the Planning Consultant, conducted a public hearing on August 10, 2021, and found that there was substantial evidence to support a finding that the entire Study Area meets multiple redevelopment criteria provided under the Redevelopment Law, and recommended, by Resolution dated August 10, 2021, that same be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Borough Council has determined that, based upon the recommendation of the Land Use Board, the Study Area should be designated as a Condemnation Redevelopment Area under the Redevelopment Law, with such designation authorizing 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

WHEREAS, the Borough Council now desires to authorize and direct the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

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

- Section 1.** The foregoing recitals are incorporated herein as if set forth in full.
- Section 2.** The recommendations and conclusions of the Land Use Board are hereby accepted, and adopted by reference herein, by the Borough Council.
- Section 3.** Based on the findings and recommendations of the Land Use Board as to the Study Area, the Borough Council hereby designates the Study Area as a Condemnation Redevelopment Area pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law.
- Section 4.** The Borough Council authorizes and directs the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).
- Section 5.** The Borough Clerk shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs, as the transmittal pursuant to Section 6b(5)(c) of the Redevelopment Law.

Section 6. The Borough Clerk shall serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection to the designation and stated, in or upon the written submission, an address to which notice of the determination may be sent, such service to be in the manner provided by Section 6 of the Redevelopment Law.

Section 7. This Resolution shall take effect immediately.

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

Mayor Onderko requested a motion to make the following amendments to the meeting agenda.
Add Ordinance #2021-1269
Add Resolution #2021-169
Remove Item A in New Business

Council President Petrock seconded by Councilman Lukac made a motion to make the amendments to the agenda.

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

MAYOR'S APPOINTMENT

Mayor Onderko appointed GP Caminiti as Borough Administrator with consent of the Council.

**ROLL CALL: AYES: PETROCK, LUKAC, MAGNANI, MAEDER
NO: SZABO, ZAMORSKI**

With a vote of 4 to 2, the appointment carried.

Mayor Onderko read the Proclamation for National POW/MIA Recognition Day into the Public Record.

**PROCLAMATION
NATIONAL POW/MIA RECOGNITION DAY 2021**

WHEREAS, in 1979 the families of missing Vietnam POW's and MIA's pressured Congress to increase their efforts to find answers, resulting in POW/MIA Recognition Day; and

WHEREAS, POW/MIA Recognition Day in New Jersey is an opportunity to honor and recognize our brave service members who are classified as either Prisoner of War or Missing in Action; and

WHEREAS, families, friends, and veterans still await recovery and identification of missing and unaccounted for service members from our Nation's past wars and conflicts; and

WHEREAS, as one of the most veteran friendly towns in New Jersey, Manville supports, commands, and shares our Nation's commitment to account as fully as possible for our service members still missing and unaccounted for; and

WHEREAS, World War II pilot, Newt Heisley designed the POW/MIA flag made in black and white to symbolize sorrow, anxiety, and hope, and has flown at all federal locations where the United States flag is flown; and

WHEREAS, on May 14, 2018 the Borough of Manville along with Rolling Thunder dedicated in honor of all POW's and MIA's the POW/MIA Chair of Honor that sits in the Council Meeting Room at Borough Hall.

NOW, THEREFORE BE IT RESOLVED, I Richard M. Onderko, Mayor of the Borough of Manville, County of Somerset, State of New Jersey along with the Borough Council hereby recognizes September 17, 2021 as National POW/MIA Recognition Day in the Borough of Manville and reminds all residents to remember those brave service men and women whose families still wait for either closure or to be reunited.

Borough of Manville



Richard M. Onderko, Mayor

Councilman Joseph A. Lukac, III

Council President Ted Petrock III

Councilwoman Suzanne Maeder

Councilman Stephen Szabo

Councilwoman Michele Magnani

Councilwoman Patricia Zamorski

Read into Record: September 13, 2021

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of August 16, 2021

Councilman Szabo seconded by Councilman Lukac made a motion to approve the minutes of the Regular Meeting of August 16, 2021

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

B/ Closed Session Meeting of August 16, 2021

Councilman Szabo seconded by Councilwoman Magnani made a motion to approve the minutes of the Closed Session Meeting of August 16, 2021.

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

ORDINANCES- FIRST READING AND INTRODUCTION

Mayor Onderko requested a motion to introduce Ordinance #2021-1268. Councilman Szabo seconded by Councilman Lukac made a motion to introduce Ordinance #2021-1268.

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

Borough of Manville

Ordinance # 2021-1268

An Ordinance By The Borough Of Manville Authorizing The Acquisition Of Temporary Construction Access Easements In Regard To The Repaving Of Brooks Boulevard

Statement of Purpose

The purpose of this Ordinance is to authorize the Borough of Manville to enter into Temporary Construction Access Easements in order to facilitate the Borough's removal, repairs and replacement

of existing sidewalks and other related improvements in regard to the Repaving of Brooks Boulevard, including the installation of sidewalks compliant with the Americans with Disabilities Act.

WHEREAS, the Mayor & Council of the Borough of Manville previously approved, by Resolution #2021-40, an Agreement for the Repaving of Brooks Boulevard; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the Borough Engineer has recommended that the Borough of Manville enter into Temporary Construction Access Easements in order to facilitate the Borough's removal and replacement of existing sidewalks and other related improvements in regard to the Repaving of Brooks Boulevard; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed the proposed form of Temporary Construction Access Easements and recommend that said easements be acquired by the Borough of Manville,

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: The Borough of Manville hereby approves and authorizes the acquisition, at a cost not to exceed \$10.00 (ten dollars) per easement, of Temporary Construction Access Easements in the form annexed to this Ordinance as Exhibit A hereto, for such properties located along Brooks Boulevard as the Borough Engineer may recommend, including but not limited to the following properties along Brooks Boulevard, as indicated on the construction surveys listed as Sheets 4 through 11, as attached to this Ordinance at Exhibit B hereto, and as identified by the following Lots and Blocks:

Sheet 04: Block 64, Lot 75	Block 68, Lot 1	Block 57, Lot 56
Sheet 05: Block 66, Lot 1 Block 64, Lot 69	Sheet 07: Block 71, Lot 1 Block 71, Lot 55	Sheet 10: Block 59, Lot 12 Block 82 Lot 1 Block 82, Lot 3
Sheet 06: Block 68, Lot 1 Block 69, Lot 161	Sheet 08: Block 74, Lot 46 Block 53.01 Lot 52 Block 53.01 Lot 54 Block 53.01 Lot 56	Sheet 11: Block 36, Lot 72 Block 36, Lot 75 Block 36, Lot 79 Block 82, Lot 43 Block 82, Lot 3
	Sheet 09: Block 57, Lot 53	

SECTION 2. The Mayor, Borough Administrator, and Borough Clerk, in consultation with the Borough Engineer and the Borough Attorney, are hereby authorized and directed to take such steps as are necessary to effectuate the purposes of this Ordinance, and to execute on behalf of the Borough such documents as are necessary to effectuate the purposes of this Ordinance.

The Borough further ordains, authorizes and approves any non-substantive modifications to the annexed form of easement as may be recommended and approved by the Borough Engineer or Borough Attorney prior to final execution of same.

SECTION 3: 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 4: 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 5: 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 6: Effective Date. This ordinance shall be effective immediately after final adoption and publication in accordance with law.

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

Council President Petrock seconded by Councilwoman Maeder made a motion to amend Ordinance #2021-1269 to include plumbing permits.

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

Mayor Onderko requested a motion to introduce Ordinance #2021-1269 as amended. Council President Petrock seconded by Councilwoman Maeder made a motion to introduce Ordinance #2021-1269 as amended.

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

Borough of Manville
Ordinance # 2021-1269

**An Ordinance By The Borough Of Manville Authorizing The Temporary
Waiver Of Certain Construction Permits As A Result Of Damage By Hurricane Ida**

Statement of Purpose

The purpose of this Ordinance is to authorize the Borough of Manville to waive Construction Permit Fees for borough residents who suffered damage to electrical, plumbing, hot water, HVAC, and furnace equipment in their homes, as a result of Hurricane Ida.

WHEREAS, flooding and storm damage occurred in the Borough of Manville from Hurricane Ida leaving Borough home owners with damaged electrical, plumbing, hot water, HVAC and furnace equipment in their homes; and

WHEREAS, the Mayor & Council believe it to be in the best interest of the Borough to afford victims of Hurricane Ida with emergency relief from the cost of some construction permit fees for repair and recovery efforts from Hurricane Ida;

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

SECTION 1: Notwithstanding any other Borough Ordinances or Borough Code to the contrary, all permit fees for this six-month period from September 1, 2021 through March 1, 2022, for flood damaged homes, for, for hot water heater, electrical panel, plumbing, HVAC, furnaces, and related electrical work being performed, shall, upon the signing and filing with the Borough Clerk of a Certification of Flood Damage by the Applicant certifying that such construction work is a result of Hurricane Ida damage, be waived for the period

September 1, 2021 through March 1, 2022; that six-month time period may be further extended by further Resolution of the Mayor & Council.

SECTION 2: Any resident or applicant who has already paid a permit fee for such work due and paid between September 1, 2021 and the Effective Date of this adopted Ordinance, shall, upon the signing and filing with the Borough Clerk of a Certification of Flood Damage by the Applicant certifying that such construction work is a result of Hurricane Ida damage, be issued a refund for any such fees due and paid on or after September 1, 2021.

SECTION 3: The Ordinance does NOT relax any requirements to apply for and obtain all required construction permits, inspections and approvals; the intent of this Ordinance is only to waive the fees, and there is no relaxation or waiver of the requirement to obtain all necessary permits, inspections and approvals.

SECTION 4: All other Fees for matters other than hot water heater, electrical panel, plumbing, HVAC, furnaces, and related electrical work, are NOT waived by this Ordinance, and shall remain in full force and effect, including but not limited to fees for Zoning, Fire Safety inspections, Fire Safety, home sales, and housing inspections.

SECTION 5. The Mayor, Borough Administrator, and Borough Clerk are hereby authorized and directed to take such steps as are necessary to effectuate the purposes of this Ordinance.

SECTION 6: 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 7: 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 8: 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 9: Effective Date. This ordinance shall be effective immediately after final adoption and publication in accordance with law.

SECTION 10: Termination Date. The waiver of fees as provided herein shall expire on March 1, 2022, unless such date is extended by further Resolution of the Mayor & Council.

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

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2021-158 through #2021-169. Councilman Szabo seconded by Councilman Lukac made a motion to open the public portion on Resolutions #2021-158 through #2021-69.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Requested an explanation of Resolutions #2021-168, #2021-161, #2021-165.

Mayor Onderko and the Council answered her questions.

Phil Petrone, 7 N. 11th Ave., Questioned if the North 9th Ave. will carry both names from Resolution #2021-162.

Mayor Onderko answered his question.

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

All present were in favor.

RESOLUTIONS- TAKEN SEPARATELY

Council President Petrock requested a motion to adopt Resolution #2021-149. Councilwoman Maeder seconded by Councilman Lukac made a motion to adopt Resolution #2021-149.

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

Borough of Manville
Resolution #2021-160
Approval of Vouchers

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

1. Current	\$1,405,621.92
2. Sewer Checking	\$2,586.68

3. Lien Premium	\$10,600.00
4. Developer's Escrow	\$4,687.50
5. Recreation Dedicated	\$320.00
6. Capital Checking	\$8,616.50
TOTAL	\$1,432,432.60

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 wanted to take any resolution separately. Councilwoman Zamorski requested to take Resolution #2021-168 separately. Mayor Onderko requested a motion to adopt Resolutions #2021-161 through Resolution #2021-167 and Resolution #2021-169. Council President Petrock seconded by Councilman Lukac made a motion to adopt Resolutions #2021-161 through #2021-167 and Resolution #2021-169.

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

Borough of Manville
Resolution #2021-161
Refund of Annual Rental Housing Application Fee- Bijak

WHEREAS, a request for a refund of the annual rental housing application fee has been received from Henry Bijak of 50 North 16th Ave.; and

WHEREAS, the homeowner, Henry Bijak occupies the lower unit of the property and an inspection is not required; and

WHEREAS, the annual rental housing application fee was \$150 per unit.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Henry Bijak of 50 North 16th Ave. is hereby granted a refund of the annual rental housing application in the amount of \$150.00.

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

Borough of Manville
Resolution #2021-162
A Resolution By The Mayor & Council Of The Borough Of Manville
Authorizing The Ceremonial Renaming Of South 9th Avenue As
“Colonel Dudash Avenue”

WHEREAS, Colonel John F. Dudash was a resident of 9th Avenue in Manville, New Jersey, and

WHEREAS, Colonel Dudash served in the United States Air Force with the 333rd Tactical Fighter Squadron, 355th Tactical Fighter Wing, 7th Air Force, as a combat pilot of the F-105F Thunderchief fighter-bomber; and

WHEREAS, Colonel Dudash in 1967 was heroically flying missions over Hanoi, North Vietnam as part of the Air Force's "Wild Weasel" program where U.S. Air Force pilot like Colonel Dudash would

deliberately seek out attacks from enemy anti-aircraft defenses in order to identify those anti-aircraft sites to save the lives of fellow American pilots; and

WHEREAS, Colonel Dudash on April 26, 1967 was flying his F-105F over Hanoi, North Vietnam, when his aircraft was shut down; and

WHEREAS, Colonel Dudash's remains were repatriated to the United States sixteen years later, in 1983, and he now rests as a hero in Arlington National Cemetery; and

WHEREAS, Colonel Dudash was a decorated American Hero, and was awarded several decorations and medals, including the Purple Heart, the Vietnam Gallantry Cross, the National Defense Service Medal, the Vietnam Campaign Medal, the Air Force Presidential Unit Citation, Air Force Good Conduct Medal, and the United States Aviator Badge; and

WHEREAS, Colonel John F. Dudash is an inspiration to present and future generations of residents of Manville, and of all Americans; and

WHEREAS, the Mayor & Council, on behalf of all of the citizens of Manville, wish to honor this brave American hero by ceremonially renaming the street in where John Dudash lived in the Borough of Manville;

NOW BE IT RESOLVED by the Mayor & Council of the Borough of Manville in the County of Somerset, that, for the reasons stated above, SOUTH 9TH AVENUE is hereby ceremonially renamed "COLONEL DUDASH AVENUE," and that appropriate ceremonial signage shall be installed by the Borough on South 9th Avenue to commemorate same.

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

Borough of Manville
Resolution #2021-163
Amending Resolution #2021-87, Authorization to Hire Summer Intern

WHEREAS, the Borough of Manville adopted Resolution #2021-87 on May 10, 2021 authorizing the hiring of Nicholas Mattei as the intern to the Borough Administrator; and

WHEREAS, his employment was authorized by the Mayor and Council through the fall of 2021; and

WHEREAS, the Finance Committee has approved his employment to be extended to February of 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, authorizes the extension of the employment of Nicholas Mattei through February of 2022. Nicholas Mattei will work hours as convenient with his college fall classes.

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

Borough of Manville
Resolution #2021-164
Authorizing Extension of Grace Period for Third Quarter Property Tax Payments

WHEREAS, N.J.S.A. 54:4-67(a) permits the governing body by resolution to fix the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges, on or before the date when they would become delinquent, and may provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same became delinquent; and

WHEREAS, the statute provides that the rate of interest cannot exceed 8% per annum on the first \$1,500 of the delinquency and 18% per annum on any amount in excess of \$1,500.00 to be calculated from the date the tax was payable until the date that actual payment to the tax collector is made; and

WHEREAS, the Borough of Manville adopted, on January 4, 2021, Resolution #2021-02 setting the Rate of Interest for Delinquent Taxes at the rate of 8% per annum on the first \$1,500.00 of a delinquency and 18% per annum on that amount of delinquency, as defined in N.J.S.A. 54:4-67, in excess of \$1,500 on all delinquent taxes and sewer fees during the 2021, to be calculated from the date the tax or fee was due until the date of actual payment: and

WHEREAS, taxes payable for the third quarter for 2021 were due on September 8 due to the County striking the tax rate late therefore preventing the tax bills to be mailed out on time; and

WHEREAS, on September 6, 2021 President Biden declared Manville a federal disaster area due to flooding from the remnants of Hurricane Ida and many property taxpayers throughout the Borough of Manville are suffering from one or more severe hardships.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, does hereby extend the delinquency grace period on the payment of third quarter property taxes through and until November 1, 2021.

BE IT FURTHER RESOLVED, in accordance with N.J.S.A. 54:4-67(a), all interest due will be calculated from the date of August 1, 2021 at 8% per annum up to \$1,500.00 and 18% per annum over \$1,500.00.

BE IT FURTHER RESOLVED, that the Clerk of the Borough of Manville shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of this action taken by the Borough Council, as memorialized in this Resolution, not later than the third business day next following the adoption of this resolution.

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

Borough of Manville
Resolution #2021-165

Resolution Of The Mayor & Council Of The Borough Of Manville
Authorizing The Discharge Of A Property Rehabilitation Mortgage
At 160 East Camplain Road

WHEREAS, a Property Rehabilitation Mortgage between the Borough of Manville and Alicia M. Howe (the "borrower"), was executed on September 1, 2005, for real property at Lot 15, Block 345, commonly known as "160 East Camplain Road, Manville, NJ 08835" and

WHEREAS, said Mortgage provides that it shall no longer be due after six years, or by September 1, 2011, provided that the conditions set forth in said mortgage were met; and

WHEREAS, the borrower on June 27, 2012 executed and provided to the then Borough Attorney Francis P. Linnus Esq. a sworn Affidavit certifying that all conditions were duly met; and

WHEREAS, a 2021 title search revealed that said mortgage, notwithstanding said June 27, 2021 Affidavit, was, for unknown reasons, never cancelled of record in the office of the Somerset County Clerk.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville that the Mayor, Borough Administrator or Borough Clerk, are hereby authorized to execute the Discharge of Property Rehabilitation Mortgage for 160 East Camplain Road, Manville NJ 08835, Lot 15, Block 345, as Recorded in Book 5837 Pages 2001-2002 in the office of the Somerset County Clerk; a copy of said form of Discharge of Mortgage is attached hereto and made a part of this Resolution.

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

Borough of Manville
Resolution #2021-166

Temporary Increase of Work Hours for Construction Code Official- J. Tamburini

WHEREAS, on September 1, 2021 remnants of Hurricane Ida caused major devastation to the Borough of Manville; and

WHEREAS, the Construction Code Official for the Borough of Manville is part time and schedule to work twelve (12) hours; and

WHEREAS, the Construction Code Official is needed on a temporary full time basis to perform the necessary permits and inspections for the residents to restore and repair their property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that John Tamburini, Construction Code Official for the Borough of Manville is authorized to temporarily work beyond his scheduled twelve (12) hours at the hourly rate of \$63.06.

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

Borough of Manville
Resolution #2021-167

**Manville Borough Emergency Resolution Requiring
Approval Of The Director Of The Division Of Local Government Services
– N.J.S.A. 40a:4-49 (Over 3% Limitation)**

WHEREAS, an emergency has arisen with respect to Hurricane Ida storm damage, And, no adequate provision was made in the 2021 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and **WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$1,000,000.00 and three (3) percent of the total operating appropriations in the budget for 2021 is \$423,194.06 and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2021,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for:
 - a. Salary & Wages: \$50,000
 - b. Buildings & Grounds, Vehicles & Equipment: \$950,000
2. That said emergency appropriation shall be provided for in full in the 2022 budget, within CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That the statement required by the Local Finance Board has been filed with the Clerk and a copy transmitted to the Director of the Division of Local Government Services
4. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

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

Borough of Manville
Resolution #2021-168

**A Resolution By The Mayor & Council Of The Borough Of Manville
Authorizing The Appointment Of A Borough Administrator**

WHEREAS, the need exists within the Borough of Manville for appointment of a Borough Administrator; and

WHEREAS, after interviewing and screening, the Mayor has recommended that Mr. Gian-Paolo Caminiti be appointed to the position of Borough Administrator; and

WHEREAS, the Mayor and Council agree that said appointment is in the best interest of the Borough of Manville,

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

- (1) Gian-Paolo Caminiti is hereby appointed to the position of Borough Administrator at the initial annual salary of \$105,000; effective immediately upon passage of this Resolution and Mr. Caminiti's assumption of his duties. Mr. Caminiti will receive an increase of \$5,000 (to \$110,000 per annum) for calendar year 2022 and an additional increase of \$5,000 (to \$115,000 per annum) for calendar year 2023. Any subsequent changes in compensation, after December 31, 2023, will be subject to further resolutions of the Mayor & Council.
- (2) The terms and conditions of the Borough Administrator's employment shall be in accord with State law and as set forth in Ordinance #2015-1161 and the Memorandum of Employment attached to and a made a part of this Resolution.
- (3) The Mayor is hereby authorized to sign and execute said Memorandum of Employment on behalf of the Borough
- (4) This Resolution shall be construed in accordance with the Ordinances of the Borough of Manville, the Laws of the State of New Jersey, and the Laws of the United States.
- (5) This Resolution shall take effect immediately upon enactment of same.

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

Borough of Manville
Resolution #2021-169

Authorization to Hire Temporary Plumbing/Building Inspector- Warenebold

WHEREAS, on September 1, 2021 remnants of Hurricane Ida caused major devastation to the Borough of Manville; and

WHEREAS, there is a need for a temporary plumbing/ building inspector in the Construction Department to perform the necessary permits and inspections for the residents to restore and repair their property; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Hons Warenbold is hired as a temporary Plumbing/Building Inspector in the Construction Dept. until January 30, 2022. Mr. Warenbold will be scheduled to work ten (10) hours per week at an hourly rate of \$50.00.

NOW THEREFORE BE IT FURTHER RESOLVED, this position is not eligible for health insurance benefits and will not be entitled to paid time off.

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

NEW BUSINESS

There was no New Business to discuss.

COMMUNICATIONS

A/ Letter from PBA Manville Local 236 regarding American Rescue Plan Act.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilman Lukac, as Chairperson of Department of Public Works Committee reported the crews were cleaning up from Hurricane Ida in various tasks from street sweeping to trash removal. Normal garbage collection is still taking place. Borough Hall has been pumped out and the remediation company is cleaning out the building. Rehab will start in the coming weeks. He thanked the DPW, OEM, Fire Dept., Police Dept., EMS and the Borough employees for the outstanding job they have done. He explained to keep checking the website and social media for updates regarding cleaning and garbage pickup from the storm.

Councilwoman Zamorski, as Chairperson of the Public Safety Committee thanked all the departments, volunteers, and employees for their dedication to the Borough.

Council President Petrock, as Chairperson of the Finance Committee stated the grace period for the tax and sewer payments has been extended to November 1st. He explained the reasons for the emergency appropriations. He recognized the hard work of the Construction Dept in the aftermath of the storm.

Councilwoman Maeder, as Chairperson of the Building and Grounds Committee reported Borough Hall was damaged in the storm and the borough hall has started to be remediated. Then once complete, the rehab will begin.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the focus at this point is on the Borough and the necessary rebuilding that needs to take place. She thanked all the Borough employees and volunteers.

Councilman Szabo, as Chairperson of Progress and Development Committee questioned why both Valerie Drive and Clare Court flooded during this storm as they have never before and if the building of Valerie Villas contributed to it.

Mayor Onderko stated it was an honor to meet President Biden when he came to town to inspect the damage from Hurricane Ida. FEMA and the Disaster Recovery Center will be in the Borough within next few days to assist the residents affected. They are waiting on the damage assessment report for Borough Hall. There will be a substantial damage report completed for all homes in the AE flood zone to determine if the home needs to be elevated or torn down. Mayor Onderko commented the most important factor was that there was no loss of life. He thanked all the employees and volunteers for their dedication to the Borough as well PSE&G for helping the Borough. There will be a public community outreach meeting in the future with different organizations.

PUBLIC PORTION

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

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Commented on the Sherman Tract Project being built in Hillsborough and the impact that will have on the Royce Brook flooding in the Borough.

Mayor Onderko thanked her for her comments.

Phil Petrone, 7 North 11th Ave., Commended PSE&G for their service to the Borough, explained what should be happening regarding the procedure for garbage removal after the flooding and the Green Brook Flood Control.

Mayor Onderko thanked him for his comments.

OEM Director John Bentz stated the Borough is now in the recovery phase from Hurricane Ida. The regional office of FEMA has been stationed in the Borough as well as the Red Cross to assist residents that were affected. He thanked the Police Dept., Fire Dept., Mayor and Council for their assistance. He stated going forward there will be a definite plan in place for situations like this.

Mayor Onderko thanked the VFW for operating a shelter at their location and also for the September 11th memorial ceremony.

Mayor Onderko requested a motion to adjourn the meeting. Councilman Szabo seconded by Councilwoman Magnani made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 8:13 pm.

ATTEST:



Wendy Barras
Borough Clerk

