

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
MARCH 14, 2016**

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THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON MARCH 14, 2016 IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 7:00 P.M.

**MAYOR RICHARD ONDERKO PRESIDED**

The Clerk announced that proper notice had been given by the posting of the Regular Meeting Notice and by providing adequate notice of the Regular Meeting to the Courier News and the Star Ledger.

**ROLL CALL:**

MAYOR RICHARD ONDERKO  
COUNCILWOMAN SUSAN ASHER  
COUNCILWOMAN DAYNA CAMACHO  
COUNCILMAN MICHAEL KASSICK  
COUNCILWOMAN MICHELE MAGNANI  
COUNCILMAN THEODORE PETROCK, III  
COUNCIL PRESIDENT STEPHEN SZABO

**ALSO PRESENT:**

THADDEUS R. MACIAG, BOROUGH ATTORNEY  
DAN MASON, ACTING BOROUGH ADMINISTRATOR  
PATRICIA A. ZAMORSKI, BOROUGH CLERK  
CHIEF MARK PELTACK, MANVILLE POLICE DEPARTMENT

**SALUTE TO THE FLAG AND A MOMENT OF SILENCE**

Mayor Onderko asked that the Moment of Silence tonight be dedicated to Ed Zygiel a Borough employee for 39 years who recently passed away.

Mayor Onderko introduced the Girl Scouts who would lead everyone in the Pledge of Allegiance.

## **PROCLAMATIONS**

Mayor Onderko gave information regarding the Girl Scouts in Manville, and asked Councilwoman Magnani to read the Proclamation honoring the Girl Scouts.

Mayor Onderko requested that Councilwoman Asher read the Proclamation for American Red Cross month into the record. He noted that the Borough has sought assistance from the Red Cross in the past.

At this point, Mayor Onderko requested a five-minute recess. Recess began at 7:10 p.m.

Mayor Onderko called the meeting back to order at 7:13 p.m.

## **ORDINANCE - FIRST READING AND INTRODUCTION**

Mayor Onderko requested a motion to pull Ordinance #2016-1170 and send it back to the Public Works Committee.

Councilman Petrock, seconded by Councilwoman Camacho, made a motion to pull Ordinance #2016-1170 and send it back to the Public Works Committee.

All present were in favor.

Mayor Onderko stated that this Ordinance is a Pay-to-Play Ordinance, which we are required to adopt in order to apply for Transitional Aid.

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

Mayor Onderko requested a motion to introduce Ordinance #2016-1169.

Councilwoman Asher, seconded by Council President Szabo, made a motion to introduce Ordinance #2016-1169.

Ordinance #2016-1169

### **AN ORDINANCE ESTABLISHING THAT A BUSINESS ENTITY WHICH MAKES POLITICAL CONTRIBUTIONS TO MUNICIPAL CANDIDATES AND MUNICIPAL AND COUNTY POLITICAL PARTIES IN EXCESS OF CERTAIN THRESHOLDS SHALL BE LIMITED IN ITS ABILITY TO RECEIVE PUBLIC CONTRACTS FROM THE BOROUGH OF MANVILLE IN THE COUNTY OF SOMERSET**

The governing body of the Borough of Manville does hereby Ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good

government, as well as the public health, safety and welfare; and,  
WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,  
WHEREAS, in the interest of good government, the people and the government of the Borough of Manville desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

**NOW, THEREFORE, BE IT RESOLVED**, it shall be the policy of the Borough of Manville to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Manville; and,

BE IT ORDAINED by the Borough of Manville, in the County of Somerset, and State of New Jersey, as follows:

#### DEFINITIONS

As used in this ordinance:

(a) "Campaign Committee" means (i) every candidate for Borough of Manville elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for Borough of Manville elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for Borough of Manville elective municipal office; (iv) every political party committee of the Borough of Manville; (v) every political party committee of the Somerset County; and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of Manville municipal or Somerset County elective offices or Borough of Manville municipal or Somerset County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

(b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

(c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.

(d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension

contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

### **SECTION 1 - PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS**

(a) To the extent that it is not inconsistent with state or federal law, the Borough of Manville and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Borough of Manville or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Manville or Somerset County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Borough of Manville municipal or Somerset County elections and/or Borough of Manville municipal or Somerset County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.

(b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of Manville or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Borough of Manville, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Manville or Somerset County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee, of the Borough of Manville; (ii) \$500 maximum per calendar year to a Somerset County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in

subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Borough of Manville candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of Manville or Somerset County political committees and political party committees as described herein combined, without violating subsection (a) of this section.

(d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of Manville Mayor or Governing Body, if the contract requires approval or appropriation from the Mayor or Governing Body, or (ii) the Mayor of the Borough of Manville, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

## **SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE**

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

## **SECTION 3 - CONTRACT RENEWAL**

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be allowable under the provisions of this ordinance if it were an initial contract.

## **SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY**

(a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Borough of Manville or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Borough of Manville, its purchasing agents and departments shall be responsible for informing the governing body of the Borough of Manville that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.

(b) A Business Entity shall have a continuing duty to report to the Borough of Manville any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of Manville, its purchasing agents and departments shall be responsible for informing the Governing Body within ten (10) business days after receipt of said report from the Business Entity, or at the next Manville Mayor & Council meeting following receipt of said report from the Business Entity, or whichever comes first.

(c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Manville, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that

may be required by any other provision of law.

#### **SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS**

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

#### **SECTION 6 - EXEMPTIONS**

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefor within the meaning of N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

#### **SECTION 7 - PENALTY**

(a) It shall be a material breach of the terms of a Borough of Manville agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Borough of Manville, or a holder of public office having ultimate responsibility for the award of a contract, or any Borough of Manville or Somerset County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Borough of Manville contracts for a period of four (4) calendar years from the date of the violation.

(c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of Manville.

#### **SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION**

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this

ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of Manville has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys' fees and costs, arising from or related to a violation of this ordinance.

#### **SECTION 9 - SEVERABILITY**

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

#### **SECTION 10 - INDEXING**

The monetary thresholds of "Definitions" Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the <New York-Northern New Jersey-Long Island> or <Philadelphia> region, rounded to the nearest \$10.00. The Clerk of the Borough of Manville shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

#### **SECTION 11 - REPEALER**

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

#### **SECTION 12 - EFFECTIVE DATE**

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Mayor & Council of the Borough of Manville and shall be published as required by law.

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

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

#### **INTRODUCTION OF MUNICIPAL BUDGET**

Mayor Onderko requested a motion to introduce the 2016 Municipal Budget.

Councilman Petrock, seconded by Councilman Kassick, made a motion to introduce the 2016 Municipal Budget.

Resolution #2016-48

#### **DISCUSSION**

Acting Borough Administrator gave an overview of the Budget to be introduced and provided the Mayor and Council with Memos regarding the Budget process. He also stated that this Introduced form of the Budget is a best estimate at this time, since the Borough must file an Introduced Budget with Trenton in order to apply for Transitional

Aid. He also stated that the second reading, Public Hearing, and Adoption will be done on May 23<sup>rd</sup>. He further noted that the Borough will not have a final determination on Transitional Aid from the State until early July. He thanked the Auditors for all of the information provided.

**Municipal Budget of the BOROUGH OF MANVILLE,  
COUNTY OF SOMERSET, for the Fiscal Year 2016**

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016; and

BE IT FURTHER RESOLVED that said Budget be published in the Courier News issue of May 12<sup>th</sup>; and

The governing body of the Borough of Manville does hereby approve the following as the Budget for the year 2016.

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the Borough of Manville, County of Somerset, on March 14, 2016. A Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 23, 2016 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons.

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

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

**APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

A/     Regular Meeting of February 22, 2016

Councilwoman Asher, seconded by Council President Szabo, made a motion to approve the minutes of February 22, 2016.

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

**PUBLIC PORTION ON RESOLUTIONS**

Mayor Onderko requested a motion to open the public portion on Resolutions #2016-49 through #2016-58.

Councilman Petrock, seconded by Councilman Kassick, made a motion to open the public portion on Resolutions.

All present were in favor.

Rudy Nowak, 100 Driscoll Street - thanked Dan Mason for his wonderful explanation of the Budget. He asked how much of last year's budget was collected taxes.

Mr. Mason stated that it was 95%.



Wayne Miller of Suplee, Clooney Associates stated that the collection rate for this Budget is 97%.

Mr. Nowak stated that he felt 97% was very high.

Mayor Onderko requested that Wayne Miller give an explanation.

Wayne Miller, of Suplee, Clooney and Company explained that the Budget is anticipating a 95% collection rate, and the collection rate for 2015 was 97.6%.

Mr. Nowak thanked the Mayor for going to Trenton to begin the application process for Transitional Aid.

John Mehalick, 1461 Dominic Street - asked about the municipal rate for the Budget.

Mr. Mason stated that the local tax rate anticipated for 2016 is \$1.078, and it previously was \$0.802. He stated that the tax rate increased because valuations were reduced. He stated that this was an increase of \$0.276, which accounts for the loss of the houses and the revaluation.

Mr. Mehalick questioned the debt service and asked if it was because we increased our debt.

Mr. Mason stated that it was a carry-over from interest and principal of previous loans, and the cost of the revaluation, which amounts to a short-term loan of five-years.

Dean Shepard, P.O. Box 222 -regarding Resolution #2016-56, he asked what the Improvement Authority Lease was, and asked if Resolution #2016-57 was extension of the Interim Administrator Contract and asked if it was for a three-month basis. He also thanked Mr. Mason for his explanation of the Budget.

Mayor Onderko stated that the Improvement Authority Lease is a payment for automobiles and a backhoe.

Mr. Mason stated that the County set up a type of bank to lend to municipalities at a lower rate than banks. Mr. Mason also stated that the Resolution for Interim Administrator is to allow the Borough to pay until a new Administrator is hired.

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

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

All present were in favor.

## RESOLUTION (TO BE TAKEN SEPARATELY)

Mayor Onderko requested a motion to adopt Resolution #2016-49.

Councilman Petrock, seconded by Councilman Kassick, made a motion to adopt Resolution #2016-49.

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

|                        |                            |
|------------------------|----------------------------|
| 1. Current             | \$<br>1,423,438.95         |
| 2. Water/Sewer Utility | \$<br>9,700.30             |
| 3. General Capital     | \$<br>9,473.18             |
| 4. Recreation Trust    | \$<br>1,000.00             |
| 5. Other Trust         | \$<br>999.00               |
| 6. Dedicated Dog       | \$                         |
| 7. Housing Trust       | \$                         |
|                        |                            |
| <b>Total</b>           | <b>\$<br/>1,444,611.43</b> |

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

Borough of Manville,

/s/ Richard M. Onderko, Mayor

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

## RESOLUTIONS BY CONSENT

Mayor Onderko requested a motion to adopt Resolutions #2016-50 through #2016-58.

Councilman Petrock, seconded by Councilman Kassick, made a motion to adopt Resolutions #2016-50 through #2016-58.

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

Resolution #2016-50

WHEREAS, the Borough is required by statute to appoint a Borough Engineer; and  
WHEREAS, the Mayor and Council appointed Stanley J. Schrek, P.E. of Van Cleef Associates, LLC, 755 Memorial Parkway, Phillipsburg, NJ 08865 as Borough Engineer on January 25, 2016; and  
WHEREAS, Stanley J. Schrek has the necessary qualifications to perform the duties of Borough Engineer and has provided the Borough with a satisfactory proposal.

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

- 1) The proposal from Stanley J. Schrek, P.E. of Van Cleef Associates, LLC, 755 Memorial Parkway, Phillipsburg, NJ 08865, be accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law, at a monthly retainer rate of \$4,500.00 as set forth in the attached Contract.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 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  
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-51

WHEREAS, N.J.S.A. 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 rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing, and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Manville wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2016 electronic tax sale to be held on June 23, 2016 at 9:00 a.m.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-52

WHEREAS, Resolution #2015-140 was adopted by the Mayor and Council on August 10, 2015 and provided a salary adjustment to the Acting Court Administrator, Jennifer Jeremiah; and

WHEREAS, as of January 1, 2016, the Borough of Manville has merged their Municipal Court with the Hillsborough Township Municipal Court, and therefore, there is no longer a need for an Acting Court Administrator; and

WHEREAS, Jennifer Jeremiah has been assigned new duties within the Borough of Manville which requires a salary adjustment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that Jennifer Jeremiah's salary shall be adjusted from \$48,000 to \$43,274.00; retroactive to February 1, 2016.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-53

WHEREAS, the Public Works Committee has discussed cost and time saving options for the Department of Public Works; and

WHEREAS, the Committee has recommended a reduction in the amount of pickups for Bulk Trash and Yard Waste.

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 will be the schedule for Bulk Trash and Yard Waste for the remainder of 2016:

**Bulk Trash Pickups**

March 22<sup>nd</sup>  
April 5<sup>th</sup> and 19<sup>th</sup>  
May 17<sup>th</sup>  
June 21<sup>st</sup>  
July 12<sup>th</sup>  
August 9<sup>th</sup>  
September 13<sup>th</sup>  
October 11<sup>th</sup>  
November 8<sup>th</sup>

**Yard Waste Pickups**

March 15<sup>th</sup> and 29<sup>th</sup>  
April 12<sup>th</sup> and 26<sup>th</sup>  
May 24<sup>th</sup>  
June 14<sup>th</sup>  
July 19<sup>th</sup>  
August 16<sup>th</sup>  
September 20<sup>th</sup>  
October 18<sup>th</sup>  
November 15<sup>th</sup>

BE IT FURTHER RESOLVED that there will be no Bulk Trash or Yard Waste pickups during the month of December, 2016, and pickups will resume in March of 2017, weather permitting, and will occur once per month for both Bulk Trash and Yard Waste.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-54

1.) WHEREAS, several real property tax payers have redeemed liens held against their property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

NOW, THEREFORE BE IT RESOLVED that the Mayor and 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.

| <b>Block</b> | <b>Lot</b> | <b>Name of Owner</b> | <b>Amount</b> | <b>Lienholder</b> |
|--------------|------------|----------------------|---------------|-------------------|
| 164          | 1          | Zagaja, Andrzej      | \$ 798.21     | Ebury             |
| 26           | 52         | Malencheck, F & R    | \$ 6,956.41   | Patel, Natu       |

2.) WHEREAS, several real property tax payers have overpaid their real property taxes and the Tax Collector has received proof of such payments after correspondence with said property owners.

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

| <b>Block</b> | <b>Lot</b> | <b>Name of Owner</b> | <b>Amount</b> | <b>Year</b> | <b>Quarter</b>  |
|--------------|------------|----------------------|---------------|-------------|-----------------|
| 56           | 56         | Booth, Scott & Tammy | \$4,282.78    | 2015        | 4 <sup>th</sup> |

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-55

WHEREAS, the Borough of Manville has annually applied for grants with Somerset County Community Development Block Grant Program; and

WHEREAS, a requirement of the grant is that the applications are discussed at a public meeting; and

WHEREAS, the Borough Administrator and Borough Clerk have determined the applications that have the best chance of success in receiving funding.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey, that the following application is endorsed:

Accessibility Improvements, Manville Public Library  
Sidewalk and Handicap Ramp Improvements  
VFW Parking Lot Improvements

BE IT FURTHER RESOLVED that the Mayor and Council authorize the submission of the application of the Arc of Somerset County.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-56

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1 and the adoption of the annual budget; and  
 WHEREAS, 26.25% of the total appropriations for the year 2015, exclusive of Public Assistance, Municipal Debt, and Capital Improvement Fund is \$3,105,300.61.  
 NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville that the following appropriations shall be added to the Temporary Budget for the year 2016:

| Account Name                | Line Item Number | Account Type | Amount             |
|-----------------------------|------------------|--------------|--------------------|
| Buildings and Grounds       | 6-01-26-310-020  | O/E          | \$15,000.00        |
| Improvement Authority Lease | 6-01-45-941-020  | O/E          | \$32,000.00        |
| <b>Total</b>                |                  |              | <b>\$47,000.00</b> |

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-57

**RESOLUTION CONTINUING A CONTRACT WITH JERSEY PROFESSIONAL  
 MANAGEMENT FOR TEMPORARY ADMINISTRATOR AND MANAGEMENT  
 CONSULTANT SERVICES**

**WHEREAS**, on November 9, 2015, by Resolution #2015-183, the Borough Council appointed Thomas B. Shannon, an Associate of the firm of Jersey Professional Management, as the Acting Borough Administrator to serve in this capacity at the pleasure of the Borough Council or until a permanent Borough Administrator assumes the position; and

**WHEREAS**, there exists a need for specialized and qualitative services for temporary Borough Administrator and Management Consulting Services and overseeing various Borough functions that requires expertise, extensive training and proven reputation in this field of endeavor; and

**WHEREAS**, Thomas B. Shannon has extensive experience, training and proven reputation in the area of municipal administration and has offered his services as an Associate of the firm of Jersey Professional Management; and

**WHEREAS**, the original amount of the contract in question was \$17,600.00, and an additional \$17,600.00 is needed to continue the service. Sufficient funding is available and has been certified as evidenced by the Borough Finance Officer's Certification attached hereto; and

**WHEREAS**, it is important that the person serving as the Acting Borough Administrator have the legal authority granted in the Code or Ordinances of the Borough of Manville, as well as the Public Liability protection offered to employees of the Borough of Manville; and

**WHEREAS**, the designation of Thomas B. Shannon of Jersey Professional Management as a management consultant, is specifically designed and intended to be a temporary appointment and contract; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable

Services” without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, the contract with Jersey Professional Management meets the statute and regulations governing the award of said contracts, as per the attached Certification.

**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. The Mayor and the Borough Clerk are hereby authorized and directed to continue the agreement with Jersey Professional Management for Temporary Borough Administrator and Management Consultant Services.

2. This contract is awarded without competitive bidding as an “Extraordinary, Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the services requested are specialized municipal administrative consulting services that require expertise, substantial experience and proven reputation in the multi-faceted aspects of overseeing municipal functions. These qualifications require an individual whose background includes substantial experience and training in administration, finance, budget and purchasing, personnel, State and federal grants, management and oversight of municipal employees and general government administration and governmental relations. Knowledge and familiarity of applicable Borough and State laws and regulations are also required. Thomas B. Shannon has satisfied all of these requirements, and his services are required to permit the Borough to maintain critically important managerial oversight and administrative services pending the commencement of services by a duly appointed Borough Administrator. Precise specifications are not feasible because the services are multi-faceted and dependent on evolving day to day operational needs of the Borough, emergent needs and unanticipated matters that will require the services of the management consultant. Likewise, it is not possible to delineate the specific knowledge or tasks required of the person providing this assistance since this will vary according to the work being undertaken. In general, this work is common to most developing communities of comparable size and structure to the Borough of Manville. These factors as well as critical time constraints in securing the immediate services of an Acting Borough Administrator do not permit the formulation of precise specifications.

3. Funding shall be paid from budget account #5-01-20-100-020 in an amount not to exceed \$17,600.00, at the rate of \$110 per hour.

4. A notice of this action shall be published in the official newspaper authorized to publish notices for the Borough of Manville within 20 days after passage of this resolution.

5. A copy of this Resolution and executed contract shall be filed in the Office of the Borough Clerk.

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

ALL PRESENT IN FAVOR PER ROLL CALL

Resolution #2016-58

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  
/s/ Richard M. Onderko, Mayor

ALL PRESENT IN FAVOR PER ROLL CALL

## **OFFICIAL REPORTS**

Mayor Onderko announced that the following reports are on file in the Clerk's Office:

- A/ Police Department Report - February, 2016
- B/ Board of Health Report, Animal Control - February, 2016
- C/ Board of Health Report, General Account - February, 2016
- D/ Board of Health Report, Registrar - February, 2016
- E/ Clerk's Report - February, 2016
- F/ Code Enforcement Report - February, 2016

## **NEW BUSINESS**

A/ Request from North End Volunteer Fire Company No. 3 Ladies Auxiliary to hold their annual Easter Flower Sale on March 25<sup>th</sup> from 12:00 noon to 6:00 p.m. and March 26<sup>th</sup> from 8:00 a.m. to 6:00 p.m.; and request to hold their annual Mother's Day Flower Sale on May 7<sup>th</sup> from 8 a.m. to 6 p.m.

B/ Request from Friends of the Manville Library to hold their Town-Wide Yard sale on Saturday, October 8<sup>th</sup> with a rain date of Sunday, October 9<sup>th</sup>.

All present were in favor.



## **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Mayor Onderko reported that he is very optimistic that we will receive Aid from the State. He further stated that as he watched his childhood home demolished the other day, he thought about how the town has changed, and he feels that Manville will survive with good leadership and the best interests of the residents in mind.

Council President Szabo, as Chairman of the Progress and Development Committee reported that they will be discussing this in Closed Session tonight.

Councilwoman Asher, as Chairperson of the Public Safety Committee reported that they met on February 23<sup>rd</sup> and March 8<sup>th</sup>. She stated that the Emergency Sirens will resume testing on April 2<sup>nd</sup> at noon. She further reported that Instant Verification Company will be providing services for criminal background checks on volunteer coaches for Recreation at the cost of \$38 per person. She further reported that they have completed the investigation on the pistol range, and all the residents that signed the petition will receive a detailed letter addressing the issues and a public meeting will be held on March 22<sup>nd</sup> at 7:00 p.m., and residents are urged to attend if they have additional questions. She further stated that the Council members are also invited to attend. She further reported that an OEM meeting was held on Sunday, March 6<sup>th</sup>, and the County drill held on March 9<sup>th</sup> went well. She further reported that a Deputy OEM Director, John Yanko, has resigned from his position, and the Committee and the Council has accepted his resignation. She further reported that a top priority is the crosswalks on Main Street, especially the one between Drewby's and Discount Mattress. The Committee discussed improvement of that crosswalk in the interim prior to the Rutger's study recommendations being implemented. She stated that they discussed reflector lights, a crosswalk ahead sign, which has been installed, and neon signs to replace the current pedestrian signs. She stated that the Chief of Police is going to apply for a Highway Traffic Safety Grant, and the Police will start to issue tickets for vehicles not yielding to pedestrians in the crosswalk. She stated that at intersections controlled by a traffic light, pedestrians must wait to cross, however, where there is no light, the driver of the vehicle must yield to pedestrians under State law. She further reported that she and the Mayor drafted a letter to Freeholder Pat Walsh detailing the seriousness of the crosswalk issue, and Mayor Onderko sent an email of a lighted sign he saw in Metuchen to Matthew Loper at Somerset County. She further reported that Vince LoMedico, our Public Works Director, has reached out to Vinnie Russo at the County about striping the crosswalk, which will be done in May, and he will be meeting with the County Traffic Division to apply for installation of the signs. She further reported that they have requested that the Weekenders from Somerset County Jail come and clean around the Post Office area. She further reported that the Recreation Easter Egg Hunt is scheduled for Saturday, March 19<sup>th</sup> at 1:00 at the Turf Field at the High School. She further reported that the Vendor Fair held on Saturday for the Rescue Squad was a big success. She reported that the Rescue Squad met last night and announced that their Filet Mignon dinner will be held on April 9<sup>th</sup> at 6:00 for \$37.50 per person. She reported that the Squad had 54 calls in the month of February. She stated a rescue drill is scheduled for April 2<sup>nd</sup>. She reported that the Fire Department had 26 calls in February and one Department drill. She wished everyone a Happy Easter.

Councilman Kassick, as Chairperson of the Buildings and Grounds Committee reported that the only change on the Blue Acres report is that the closings rose from 66 to 68.

|                           |     |
|---------------------------|-----|
| Homes                     | 104 |
| Appraisals Completed:     | 103 |
| Offers Made:              | 99  |
| Offers Accepted:          | 85  |
| Offers Rejected:          | 4   |
| Offers Cancelled:         | 0   |
| Appraisal Appeals:        | 1   |
| Contracts to Sellers:     | 83  |
| Fully Executed Contracts: | 81  |
| Closings:                 | 68  |
| Demos:                    | 36  |

He further reported that he met with Nan Peterson at the Manville Library regarding the lights in the parking lot. He also reported that he met with the Mayor regarding the generator for the VFW, and he met with a member of the VFW to discuss the generator. He stated it will be more complicated than a generator at the OEM Building. He also reported he attended the Governing Officials meeting at Robert Wood Johnson Medical Center, and it was very informative.

Councilwoman Magnani, as Chairperson of the Public Works Committee reported that they are getting ready for lawn maintenance and preparation of the ball fields for Spring Programs. She reported that the street sweepers are beginning to clean in different areas in town, and she requested that anyone having pot holes near their homes should report them. She stated that the Shade Tree Project is ongoing, and patch repairs are being completed. She wished everyone a good St. Patrick's Day.

Mayor Onderko commented that they have received a letter from the VFW regarding the generator that recaps the events of the Red Cross Shelter. He stated that they will be working together with the VFW, OEM, and Red Cross to put together an Agreement and hopefully provide a trailer generator.

Councilwoman Camacho, as Chairperson of Policy, Planning and Personnel reported that they have not yet met, however, she would like to set one up for possibly March 29<sup>th</sup> to include Richard Flaum and Ted Maciag. She asked Mr. Mason to set it up. She reported that they will be positing flyers at the High School for the summer work program the first week in April. She reported that on March 2<sup>nd</sup> she attended the Somerset County Development and Planning Commission meeting and they discussed the State requirements for redevelopment and land use, and it was very informative. She further reported that she attended the Governing Officials meeting on March 9<sup>th</sup> at Robert Wood Johnson Hospital. She further reported that she met with Tom Shannon to discuss Policy changes such as DPW payroll is to be determined by the time clock and not hand-written time sheets. She further stated that they discussed amending the 100% health care coverage for past retirees. She stated that she has been discussing this

issue with Attorney Maciag who informed her of a bill that may be passed to allow the coverage to be amended. She stated that she is waiting for a call back from the Governor's Office for more information.

Councilman Petrock, as Chairperson of the Finance Committee, thanked Mr. Mason for his explanation of the Budget Introduction and stressed that the Borough only controls the Municipal Budget, and there is also the School and County Budget that will play a part in the final numbers. He also stated that they are hopeful about Transitional Aid, but are ready to go to work on reductions if Aid is not received.

## **PUBLIC PORTION**

Attorney Maciag set forth the rules for Public Portion.

Mayor Onderko requested a motion to open the Public Portion.

Councilman Petrock, seconded by Councilman Kassick, made a motion to open the Public Portion.

All present were in favor.

Basil Kulick, 1019 Huff Avenue - commented on the underpass on Main Street and stated that the bird droppings must be addressed. He thanked Mr. Mason for bringing the residents up to date.

Mayor Onderko stated that he, along with our Engineer, will be contacting the railroad to obtain their cooperation in sprucing up the underpass.

Mr. Kulick commented about the development on 206 being done by Somerville.

Mayor Onderko stated that he will discuss the development with the Flood Commission to insure that they take proper run-off precautions.

Dean Shepard, P.O. Box 222 - asked how the Borough could adopt the Budget in May, but wait until July for word on Transitional Aid.

Mr. Mason stated that they must follow certain calendar dates, and a public hearing must be held within 60 days. The recommendation will be to not adopt the budget on the 23<sup>rd</sup> of May, but to table it. He stated that when word is received in July regarding Transitional Aid, amendments can be made.

Mr. Shepard stated that he wanted to be sure that items are not in place in an adopted budget and cannot be changed if enough Aid is not received. He also commented regarding the underpass on Main Street, and stated that the MBPA has discussed the underpass and stated that they have offered to purchase supplies for painting of the underpass. He also suggested that work be done on the abutments to the underpass, and he hopes that Mr. Schrek can make the necessary contacts to allow beautification

of Main Street and the underpass. He further commented that the County is not keeping up with the cleaning of Main Street and hopes that the Public Works Committee can urge the County Public Works to clean during hours when the street is not crowded.

Mayor Onderko stated that he has spoken to Vince LoMedico, Director of Public Works, and they are going to begin power washing the sidewalks on Main Street, so hopefully they can coordinate that with the County.

When no one else wished to comment, Mayor Onderko closed the public portion.

Mayor Onderko requested a motion to go into Closed Session.

### **CLOSED SESSION**

Council President Szabo, seconded by Councilman Kassick, made a motion to go into Closed Session.

Resolution #2016-59

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:

Contract Issues with the Rustic Mall

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

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

Mayor Onderko called the meeting back to order at 8:34 p.m., and requested that Council President Szabo provide an explanation of the Closed Session.

Council President Szabo stated that a sixteen-page letter was drafted to the Rustic Mall setting forth the Committee's expectations, and they are hopeful that they will be meeting with them in the next two weeks. He also reported that he attended the Public Safety Committee meeting and met with Assemblyman Andrew Zwicker. He further reported that they Progress and Development Committee met, and he attended the OEM and Public Safety meetings. He further reported that he attended the Governing Officials dinner at Robert Wood Johnson, the Rescue Squad Vendor Fair, and the Rescue Squad meeting yesterday.

Mayor Onderko introduced Dan Mason as the Borough's Temporary Administrator one day per week, and he stated he greatly appreciates his advice. He also stated that Tom Shannon is also in two days per week, and they make up the Temporary Administrator.

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

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

All present were in favor.

The meeting was adjourned at approximately 8:39 p.m.

ATTEST:

Patricia A. Zamorski  
Borough Clerk