

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
February 11, 2019**

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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 FEBRUARY 11, 2019 IN THE MANVILLE MUNICIPAL COURTROOM, 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.

Borough Clerk Borek stated Councilman Szabo would be attending the meeting via telephone.

ROLL CALL:

MAYOR RICHARD ONDERKO  
COUNCILMAN JOSEPH LUKAC, III  
COUNCILMAN PHILIP E. PETRONE  
COUNCILMAN RON SKIRKANISH  
COUNCILMAN STEPHEN SZABO  
COUNCILWOMAN PATRICIA ZAMORSKI  
COUNCIL PRESIDENT MICHELE MAGNANI

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY  
ANDREA WARDROP, BOROUGH ADMINISTRATOR  
JOHN CRATER, POLICE LT.  
PAMELA BOREK, BOROUGH CLERK

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

Councilman Petrone reminded the Mayor and Council the vote for Attorney Maciag's appointment was defeated at the previous meeting and his term expired February 4<sup>th</sup>. Attorney Maciag explained his term would remain into effect until his successor was appointed.

**PROCLAMATION**

Mayor Onderko read the following into record:

***PROCLAMATION***

*WHEREAS, Matthew Henrys has earned the rank of Eagle Scout; and*

*WHEREAS, to attain the highly coveted rank of Eagle Scout, many hours, working with diligence and sacrificing other pleasures are required; and*

*WHEREAS, Matthew's project was to paint the fire department insignia in front of all Borough fire hydrants as an alert to Fire Departments responding to a fire call.*

*WHEREAS, Matthew Henrys has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him; and*

*WHEREAS, Matthew Henrys, through his efforts, serves as an encouragement to the youth of the Borough of Manville.*

*NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that Matthew Henrys be and is hereby publicly commended for having achieved the Rank of Eagle Scout.*

*BOROUGH OF MANVILLE*



*Richard M. Onderko, Mayor*

*Councilman Joseph A. Lukac, III  
Councilman Philip Petrone  
Councilman Ron Skirkanish*

*Councilman Stephen Szabo  
Councilwoman Patricia A. Zamorski  
Council President Michele Magnani*

*Presented: February 11, 2019*

Councilman Petrone requested to move Agenda Item #14 to present time. Mayor Onderko stated he would need 4 votes to do so. Councilman Petrone seconded by Councilman Skirkanish made to motion to move Agenda Item #14 to the present time.

ROLL CALL: AYES: LUKAC, PETRONE, SKIRKANISH,  
SZABO, ZAMORSKI  
NO: MAGNANI

### **APPROVAL OF MINUTES**

Mayor Onderko requested a motion to approve the following minutes:

*A/Regular Meeting of January 28, 2019*

Councilman Szabo, seconded by Councilman Lukac, made a motion to approve the minutes of the Regular Meeting of January 28, 2019

ROLL CALL: AYES: MAGNANI, LUKAC, PETRONE, SKIRKANISH,

SZABO, ZAMORSKI

Councilman Petrone told the Mayor the Appointments for the Attorney were moved to the present. Mayor Onderko stated he would like to include the Attorney Appointments with the Resolutions.

**ORDINANCES – FIRST READING AND INTRODUCTION**

Mayor Onderko read the Ordinance by title.

Mayor Onderko requested a motion to introduce Ordinance #2019-1213.

Councilman Szabo, seconded by Councilman Lukac, made a motion to introduce Ordinance #2019-1213.

ROLL CALL:                   AYES: MAGNANI, LUKAC, PETRONE, SKIRKANISH,  
  SZABO, ZAMORSKI

**Ordinance #2019-1213**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2019 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO NJSA 40A:4-45.14**

**WHEREAS**, the Local Government CAP Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of the actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Council of the Borough of Manville in the County of Somerset finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$102,411.10 in excess of the increase in final appropriations otherwise permitted by the Local Government CAP Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Manville, in the County of Somerset, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Manville shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$358,438.85, and that the CY 2019 municipal budget for the Borough of Manville be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with the Director of the Division of Local Government Services within 5 days after such adoption.

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

## **PUBLIC PORTION ON RESOLUTIONS**

Mayor Onderko requested a motion to open the public portion on Resolutions #2019-27 through #2019-41 as well as Appointments for Borough Attorney, Tax Attorney, and Redevelopment Attorney

Councilman Szabo, seconded by Council President Magnani, made a motion to open the public portion on Resolutions #2019-27 through #2019-41 as well as Appointments for Borough Attorney, Tax Attorney, and Redevelopment Attorney.

All present were in favor.

Rudy Nowak, 100 Driscoll St., Cited a piece of literature from the Manville Republican Committee that reported on supposed facts regarding previous Borough Attorney Linnus. Asked questions of Councilman Lukac regarding piece of literature from Manville Republican Committee. He asked questions of Councilwoman Zamorski regarding the hours and pay of previous Borough Attorney Linnus. Councilwoman Zamorski stated he was hired per resolution of the Mayor and Council. He asked questions of Councilman Petrone regarding the hours and other positions of previous Borough Attorney Linnus. Councilman Petrone stated previous Borough Attorney Linnus was hired by Resolution of the Mayor and Council. Administrator Wardrop stated she had started an inquiry with the Pensions & Benefits Division with the State of NJ to look into this matter.

Mike Kassik, 24 N.19<sup>th</sup> Ave., donated his 5 minutes to Rudy Nowak in order to keep speaking.

Maria Janucik, 720 E. Frech Ave., Questioned Resolution #2019-31 and the need for a Borough Deputy Clerk. Questioned who is paying for the classes of Deputy Clerk Barras. Questioned the hours of Borough Clerk Borek. She also questioned Resolution #2019-35, Public Agency Compliance Officer. Questioned the appointment of Angela Knowles, Borough Planning Consultant. Borough Administrator, Mayor Onderko, and Borough Clerk Borek answered her questions.

Ruth Slovik, 1321 Green St., Questioned the need for a change of attorney. Mayor Onderko answered her question.

Councilman Skirkanish, seconded by Council Lukac, made a motion to close the public portion on Resolutions.

All present were in favor.

## **OPEN PROFESSIONAL APPOINTMENTS**

**Borough Attorney**  
**Tax Attorney**  
**Redevelopment Attorney**

### **Nomination of Class 3 Council Member to Joint Land Use Board:**

One (1) year term expiring December 31, 2019

Council President Magnani questioned if the appointment of Borough Attorney should wait until there has been correspondence from the state regarding the Pension and Benefits Fraud Inquiry submitted by Administrator Wardrop. Councilman Szabo moved to have this appointment tabled. Mayor Onderko deferred the question to Borough Attorney Maciag. Borough Attorney Maciag stated due to the conflict of interest he could not make an opinion on the matter and Borough Administrator Wardrop would be

getting an answer from a third party. Council President Magnani stated it would be irresponsible of the Council to vote on this matter without an answer from the State.

Councilman Szabo seconded by Council President Magnani made a motion to table the appointment of the Borough Attorney.

ROLL CALL:                   AYES: MAGNANI, SZABO  
                                      NO: LUKAC, PETRONE, SKIRKANISH, ZAMORSKI

The vote to table the appointment of Borough Attorney failed 4-2.

Mayor Onderko stated there had to be a nomination from the Council for Borough Attorney.

Councilman Petrone made the nomination of Frank Linnus for Borough Attorney, seconded by Councilwoman Zamorski.

ROLL CALL:                   AYES: LUKAC, PETRONE, SKIRKANISH, ZAMORSKI  
                                      NO: MAGNANI, SZABO

Appointment of Borough Attorney passed with a 4-2 vote.

Attorney Frank Linnus was sworn in by Sheriff Provenzano as Borough Attorney.

Borough Attorney Maciag made a final statement and thanked the Borough for the opportunity to serve with the Borough Council.

Mayor Onderko thanked Attorney Maciag for his hard work serving the Borough.

At 7:55 p.m. Attorney Maciag left the Dias and Borough Attorney Linnus joined the Dias.

Borough Attorney Linnus made an introductory statement.

Councilman Skirkanish made the nomination of Shain Schaffer for Tax Attorney seconded by Councilman Petrone.

ROLL CALL:                   AYES: PETRONE, SKIRKANISH, ZAMORSKI  
                                      NO: MAGNANI, SZABO  
                                      ABSTAIN: LUKAC

Appointment of Tax Attorney passed with a 3-2-1 vote.

Councilman Szabo made the nomination of Attorney Maciag for Redevelopment Attorney seconded by Council President Magnani.

ROLL CALL:                   AYES: MAGNANI, SZABO  
                                      NO: LUKAC, PETRONE, SKIRKANISH, ZAMORSKI

The vote failed 4-2.

Mayor Onderko called for any other nominations.

Councilman Lukac nominated Ventura, Miseowitz, Keough, & Warner for Redevelopment Attorney seconded by Councilwoman Zamorski.

ROLL CALL: AYES: LUKAC, PETRONE, SKIRKANISH, ZAMORSKI  
NO: SZABO  
ABSTAIN: MAGNANI

Appointment of Redevelopment Attorney passed with a 4-1-1 vote.

Councilman Lukac made a motion seconded by Council President Magnani to have Attorney Maciag continue with the Foxtails litigation.

ROLL CALL: AYES: MAGNANI, LUKAC, PETRONE, SKIRKANISH,  
SZABO, ZAMORSKI

Mayor Onderko requested a nomination of a Class 3 Council Member to the Joint Land Use Board.

Councilman Petrone seconded by Councilman Skirkanish nominated Councilwoman Zamorski to the Joint Land Use Board. Councilman Lukac asked Mayor Onderko if he was still eligible to be considered for this nomination.

ROLL CALL: AYES: PETRONE, SKIRKANISH, ZAMORSKI, SZABO  
NO: MAGNANI, LUKAC

The vote on Councilwoman Zamorski appointment to Joint Land Use Board passed with a 4-2 vote.

### **RESOLUTIONS (To Be Taken Separately)**

Mayor Onderko requested a motion to adopt Resolution #2019-27.

Councilman Szabo, seconded by Councilman Skirkanish made a motion to adopt Resolution #2019-27.

ROLL CALL: AYES: MAGNANI, LUKAC, PETRONE, SKIRKANISH,  
SZABO, ZAMORSKI

### **Resolution #2019-27**

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

1. Current	\$2,321,710.73
2. Dedicated Dog	\$0.00
3. Capital Checking	\$39,760.38
4. Sewer Checking	\$1,971.72
5. Sewer Capital Checking	\$15,837.61
6. Trust Checking	\$0.00

7. Lien Premium	\$5,000.00
8. Redemption Checking	\$9,073.62
9. Unemployment	\$0.00
10. Federal Asset	\$783.36
11. Developer's Escrow	\$ 3,576.50
12. Recreation Dedicated	\$2,029.00
<b>TOTAL</b>	<b>\$2,399,742.92</b>

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

Borough of Manville

/s/ Richard M. Onderko, Mayor

Mayor Onderko stated the Borough had done their due diligence in researching whether the Borough can continue to financially support the First Aid Squad.

Mayor Onderko requested a motion to adopt Resolution #2019-34.

Council President Magnani, seconded by Councilman Lukac made a motion to adopt Resolution #2019-34.

Councilman Petrone stated he spoke with Ms. Lessig and stated he would like to see the financial records of the First Aid Squad.

ROLL CALL: AYES: MAGNANI, LUKAC, PETRONE, SKIRKANISH,  
SZABO, ZAMORSKI

#### **Resolution #2019 - 34**

#### **Support For Borough Of Manville First Aid & Rescue Squad**

**WHEREAS**, the Manville First Aid and Rescue Squad (the "Squad") has been in existence since 1935 as a "volunteer" organization within the Borough of Manville and relies on the financial support from the Borough of Manville to assist annually with the costs associated with running the Squad including an annual stipend of support, insurance costs and fuel costs; and

**WHEREAS**, the Manville First Aid and Rescue Squad remains a 501(c)(3) organization and it is the opinion of the Borough Attorney, Chief Financial Officer, Auditor and Administrator, that this status does not change because third party billing has been implemented by the Squad. Furthermore, Rescue Squad Director, David Kohler, explained in his report to the Mayor & Council dated October 2016 that the hybrid model of volunteer and career members is a model utilized successfully throughout the State of NJ by Rescue Squads legally and as a best practice. The user fees collected are "...applied to the corporation for operational expenses that are allowable by the federal regulation;"<sup>1</sup> and

**WHEREAS**, the volunteer status of the Squad remains intact as the volunteer members are always available to service community events including high school functions, Borough of Manville Community Day, and any other occasions requiring the Squad's services, and they do so without collecting service fees; and

**WHEREAS**, N.J.S.A. 40:5-2 states that a municipality may contribute up to \$70,000 annually to any duly incorporated first aid and emergency or volunteer ambulance or



/s/ Richard M. Onderko, Mayor

**Resolution #2019-29**  
**SOMERSET REGIONAL ANIMAL SHELTER AGREEMENT**

**WHEREAS**, the municipalities of Bridgewater and Manville entered into a Regional Animal Shelter Agreement in 2015 through December 31, 2018, pursuant to the authority of N.J.S.A. 40:48B-1 et seq., known as the Somerset Regional Animal Shelter (SRAS), located in Bridgewater Township adjacent to the Bridgewater Municipal Building; and

**WHEREAS**, the SRAS continues to remain a strong and important service for the residents of Manville for animal control and sheltering needs; and

**WHEREAS**, the municipalities of Bridgewater and Manville wish to continue their association, and recognize that revisions to this agreement are necessary with regard to the rights and obligations of the parties regarding the operation of the facility.

**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 Mayor and Clerk are authorized to sign the attached Agreement.

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

**Resolution #2019-30**

**Resolution of Support from Borough of Manville, Somerset County,  
Authorizing the  
Sustainable Jersey Grant Application in the amount of \$10,000.00 for the  
Installation and Implementation of a Water Bottle Refilling Program**

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Borough of Manville strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Manville is participating in, and certified under, the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, Sustainable Manville wishes to install three water bottle refilling stations in the Manville Public Library, Roosevelt Elementary School and Weston Elementary School; and

WHEREAS, this project will be coupled with an extensive educational program in which residents and students will be encouraged to use refillable bottles in place of plastic water bottles; and

WHEREAS, grant funding will enable the Borough of Manville to purchase and install three water bottle refilling stations, refillable water bottles for students and participants in educational programs, and marketing of the program on a larger scale.

THEREFORE, the Mayor and Council of the Borough of Manville has determined that Sustainable Manville should apply for the aforementioned Grant for the Borough of Manville.

**THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Manville, Somerset County, State of New Jersey, authorizes the submission of the aforementioned Sustainable Jersey Grant in the amount of \$10,000.00.

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

#### **Resolution #2019-31**

##### **Appointment Of Deputy Municipal Clerk**

**WHEREAS**, there is a need within the Borough to create a Deputy Municipal Clerk position to have proper support for municipal registered clerk duties in the case of absences due to illness or vacation of the Municipal Clerk; and

**WHEREAS**, the Borough Administrator recommends the appointment of Deputy Borough Clerk to Ms. Wendy Barras effective February 12, 2019; and

**WHEREAS**, Ms. Barras is currently enrolled in Rutgers's Center for Government Services for Municipal Clerk coursework and has performed extremely well on the assessments for the program coursework. Furthermore, Ms. Barras is very familiar with the Manville Municipal Clerk responsibilities as she provides assistance to the Clerk on a routine basis; and

**WHEREAS**, the Policy, Planning and Personnel Committee supported the recommendation by the Borough Administrator to appoint Ms. Barras as Deputy Municipal Clerk at their meeting dated February 4, 2019.

**NOW, THEREFORE BE IT RESOLVED** by the Manville Borough Council that Wendy Barras be appointed the Deputy Municipal Clerk for the Borough of Manville effective February 12, 2019 and;

**BE IT FURTHER RESOLVED** that the Ms. Barras shall receive additional compensation, in the amount of \$1,800 annually for her services as Deputy Borough Clerk.

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

**Resolution #2019-32**

**Resolution Authorizing The Adoption Of The Cash Management Plan For The Year 2019**

**WHEREAS**, the State of New Jersey Local Fiscal Affairs Law, N.J.S.A. 40A:5, et seq. requires that municipalities adopt a Cash Management Plan which is designed to assure, to the extent practical, investment of local funds in interest bearing accounts and other permitted investments; and

**WHEREAS**, the Cash Management Plan must include:

1. The designation of a public depository or depositories.
2. The authorization for investments as permitted by various applicable laws.
3. The annual submission of the Cash Management Plan to the governing body, which must be approved by a majority vote.
4. An annual audit of the Cash Management Plan.
5. That when an investment is in bonds which mature in more than one year, a determination that the maturity approximates the prospective time when such funds are needed.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Manville that the attached Cash Management Plan is hereby adopted for the year 2019.

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

**Resolution #2019-33**

**St. Patrick's Day Early Opening of Liquor Establishments**

**WHEREAS**, by the adoption of Ordinance #2013-1127, the Mayor and Council may, by resolution, change or alter the hours between which the sale of alcoholic beverages at retail may be made from time to time; and

**WHEREAS**, there have been requests from liquor establishments to open earlier than 12:00 p.m. on Sunday, March 17, 2019 to serve breakfast/brunch for St. Patrick's Day observance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that on Sunday, March 17, 2019, liquor establishments in the Borough of Manville may open at 7:00 a.m.; and

**BE IT FURTHER RESOLVED** that this Resolution be forwarded to all active liquor license establishments in the Borough of Manville.

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

**Resolution #2019 - 34**

**Support For Borough Of Manville First Aid & Rescue Squad**

**WHEREAS**, the Manville First Aid and Rescue Squad (the “Squad”) has been in existence since 1935 as a “volunteer” organization within the Borough of Manville and relies on the financial support from the Borough of Manville to assist annually with the costs associated with running the Squad including an annual stipend of support, insurance costs and fuel costs; and

**WHEREAS**, the Manville First Aid and Rescue Squad remains a 501(c)(3) organization and it is the opinion of the Borough Attorney, Chief Financial Officer, Auditor and Administrator, that this status does not change because third party billing has been implemented by the Squad. Furthermore, Rescue Squad Director, David Kohler, explained in his report to the Mayor & Council dated October 2016 that the hybrid model of volunteer and career members is a model utilized successfully throughout the State of NJ by Rescue Squads legally and as a best practice. The user fees collected are “...applied to the corporation for operational expenses that are allowable by the federal regulation;”<sup>1</sup> and

**WHEREAS**, the volunteer status of the Squad remains intact as the volunteer members are always available to service community events including high school functions, Borough of Manville Community Day, and any other occasions requiring the Squad’s services, and they do so without collecting service fees; and

**WHEREAS**, N.J.S.A. 40:5-2 states that a municipality may contribute up to \$70,000 annually to any duly incorporated first aid and emergency or volunteer ambulance or rescue squad plus as much as an additional \$35,000 upon a finding of extraordinary need; and

**WHEREAS**, neighboring towns including Somerville, New Jersey, support their volunteer Rescue Squad by providing a total of \$70,000 to assist the Squad financially whilst Manville Borough provides a stipend in the amount of \$8,000, pays the insurance costs and fueling costs to a total of approximately \$44,000 annually.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Manville in the County of Somerset in the State of New Jersey, that the Manville First Aid and Rescue Squad, is duly operating as volunteer squad under the 501(c)(3) rules and regulations and should continue to be supported by the Borough of Manville by receiving an annual stipend, insurance reimbursement and fuel costs in an amount not to exceed \$70,000 annually according to N.J.S.A. 40:5-2 and, **BE IT FURTHER RESOLVED**, that the Borough of Manville will reimburse the Manville First Aid and Rescue Squad for its insurance premium paid on January 31, 2019 in the amount of \$16,840.50 and will continue to pay \$8,000 as an annual stipend and will continue to pay for fuel costs according to the regulations within N.J.S.A. 40:5-2.

<sup>1</sup>Proposal for Expansion of Emergency Medical Services, D.Kohler, October 2016, pg.9

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

**Resolution #2019-35  
Public Agency Compliance Officer**

**WHEREAS**, the State of New Jersey, Division of Purchase and Property, Contract Compliance Audit Unit, EEO Monitoring Program, requires that municipalities name a Public Agency Compliance Officer (P.A.C.O.).

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that Pamela Borek, Borough Clerk, is named as the Public Agency Compliance Officer for the Borough of Manville.

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

**Resolution #2019-36  
Tax Collector Adjustment—Tax Lien Redemption**

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Name of Owner</u>	<u>Amount</u>	<u>Lienholder</u>
109	5	Davis, S & M	\$996.21	Borough of Manville
138	24	Fendt, R & J	\$2,987.51	Borough of Manville
110	45	Guamba, E & RE	\$1,290.82	Natu Patel
318	12	Burke, K & T	\$992.28	Jing Yang
232	32	Ortega, M & P	\$4,152.93	PC6 Sterling
196	27	Spera, J & R	\$503.01	ActLien Holding
121	29	Goceljak, G & V	\$211.73	ActLien Holding
305	26	Sawicki, J & K	\$1,536.16	Cazenovia Creek
308	20.01	Baita, E	\$894.62	Cazenovia Creek

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

**Resolution #2019-37  
Tax Collector Adjustment—Refund of Overpayment**

**WHEREAS**, a property tax payer has overpaid their real property taxes and;

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

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

<u>Block Lot</u>	<u>Name of Owner</u>	<u>Amount</u>	<u>Year</u>	<u>Quarter</u>
297 25	Dhiman c/o FIS	\$2000.00	2019	1 <sup>st</sup>

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

**Resolution #2019-38  
Increase of Temporary Budget**

**WHEREAS**, The 2019 Budget has not been adopted and there is a need to increase the Temporary Budget prior to the 2019 Budget being adopted in order to maintain operations until such time as the Township Budget is in place; and

**WHEREAS**, N.J.S.A. 40A:4-20 provides for approval of emergency temporary appropriations prior to the Budget being adopted, by a confirming vote of two-thirds of the full governing body.

**NOW, THEREFORE, BE IT RESOLVED**, by confirmation of two-thirds of the full governing body, that the Chief Finance Officer is authorized to increase the temporary emergency appropriations as follows:

<b>Account Name</b>	<b>Account Type</b>	<b>Amount</b>
Administrative & Executive	O/E	\$10,000.00
Mayor & Council	O/E	\$1,000.00
Financial Administration	O/E	\$5,000.00
Collection of Taxes	O/E	\$3,000.00
Planning Board	S/W	\$2,000.00
Engineering	O/E	\$5,000.00
Public Buildings & Grounds	O/E	\$20,000.00
Group Insurance for Employees	O/E	\$100,000.00
Police Department	O/E	\$20,000.00
Public Works Department	O/E	\$100,000.00

<b>Total</b>		<b>\$266,000.00</b>

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

**Resolution #2019-39  
Professional Services Agreement—Borough Engineer**

**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 28, 2019; 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) A Notice of Award of this contract shall be published once, in accord with N.J.S.A 40:11-5(1)(a)(i).
- 5) The Chief Financial Officer shall provide a Certification of Funds.

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

**Resolution #2019-40**

**Authorizing Agreement  
With Franklin G. Whittlesey, Esq.  
Of Scholl, Whittlesey & Gruenberg Llc,**

**For Professional Services As Labor Law Attorney  
For The Year 2019**

**WHEREAS**, the governing body of the Borough of Manville appointed Franklin G. Whittlesey Esq, as Manville Borough Labor Law Attorney for the calendar year 2019, at its January 28, 2019 Meeting; and

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

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

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

- 1) The proposed Professional Services Agreement from Franklin Whittlesey, Esq., in the form annexed to and made a part of this Resolution, is accepted.
- 2) This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law;
- 3) The Mayor and Borough Administrator are hereby authorized to execute the attached Professional Services Agreement, as consistent with the terms of this Resolution, and not to exceed \$10,000.00.
- 4) A Notice of award of this contract shall be published once, in accord with N.J.S.A 40:11-5(1)(a)(i).
- 5) The Chief Financial Officer shall provide a Certification of Funds.

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

**Resolution #2019-41  
Professional Services Agreement—Planning Consultant**

**WHEREAS**, the Borough has appointed a Borough Planning Consultant; and

**WHEREAS**, the Mayor and Council appointed Angela Knowles of Van Cleef Associates, LLC, 755 Memorial Parkway, Phillipsburg, NJ 08865 as Borough Planning Consultant on January 28, 2019; and

**WHEREAS**, Angela Knowles has the necessary qualifications to perform the duties of Borough Planning Consultant 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 Angela Knowles 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 hourly rate of \$136.00 as set forth in the attached Contract.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 4) A Notice of Award of this contract shall be published once, in accord with N.J.S.A 40:11-5(1)(a)(i).
- 5) The Chief Financial Officer shall provide a Certification of Funds.

#### **OFFICIAL REPORTS**

A/ Clerk’s Report—January, 2019

B/ Code Enforcement Report—January, 2019

C/Police Department Report—January, 2019

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

#### **COMMUNICATIONS**

A/ Letter from Christ the Redeemer Parish inviting Mayor and Council to 100<sup>th</sup> Anniversary Mass on March 10, 2019

B/ Somerset County Commission on the Status of Women announcing Borough Clerk Pam Borek as one of their Outstanding Women of the Year for 2019.

#### **COMMITTEE REPORTS AND COUNCIL COMMENTS**

Councilman Petrone, as Chairperson of the Building and Grounds stated the demolition of the bought out properties on Huff and Boesel Ave has begun. He stated he spoke with Engineer Schrek about the Green Acres diversion plan and swapping of properties. He stated he would like to this as well as the reconstruction of the kiddie pool on the agenda for the committee meeting.

Councilman Szabo stated the Committee met on February 4<sup>th</sup> and in attendance were Councilwoman Zamorski, Council President Magnani, Administrator Wardrop, State of

NJ Local Planning Services Team, Land Use Board Member Suzanne Maeder, Director of Planning Walter Lane, and Borough Planner Angela Knowles. He reported a draft of the Redevelopment Plan for the "Manville Town Center" was presented by the planning team. The members of the Committee and professionals expressed their opinions about the various sections of the Plan and recommendations were made for the next draft of the plan. A Focus group meeting report was provided with the results from the July 2018 session. Walter Lane suggested a business improvement district with an executive manager be considered for the best chance to succeed. He also suggested the Borough incorporate public art and green building design. Councilman Szabo stated the committee will meet on February 25<sup>th</sup> with the State Planning Team and will present the plan to the Planning Board on March 5<sup>th</sup>.

Councilman Skirkanish as Chairperson of Finance committee stated the Finance Committee met on February 4<sup>th</sup> and in attendance were Councilman Szabo, Councilman Lukac, CFO Michael Pitts, and Administrator Wardrop. CFO Michael Pitts explained the Cash Flow Report to all committee members. In January 2019 the Borough had a positive cash flow of \$2.2 million due to early property tax payments and a positive cash flow is expected for the month of February. The Borough staff and Finance continue to work on the budget and will continue to work under a temporary budget till the final budget is adopted in April. CFO Pitts discussed the Sewer Fund needs with the Committee. A \$20 increase per household per year for the next 5 years was agreed upon by the Committee. The Board of Health will have the Rabies Clinic on Saturday, February 16<sup>th</sup> at Fire House #3 and is free to all Somerset County residents.

Council President Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee met on February 4<sup>th</sup> and in attendance were Councilman Lukac, Councilman Skirkanish, Borough Administrator Wardrop, Borough Clerk Borek and Allen Kurdyla from Foveonics Document Solutions. Administrator Wardrop introduced Allen Kurdyla from Foveonics Document Solutions to the Committee. Borough Clerk Borek explained the Borough needs to develop a document archival solution and they recommend scanning documents to eliminate the volumes of paper. Mr. Kurdyla explained his firm is in the State Contract pricing cooperative and a \$15,000 first year investment would be needed to begin the process. Administrator Wardrop explained the amended Somerset Regional Animal Shelter Agreement with Bridgewater Township. It was recommended the Agreement be renewed for one year. Administrator Wardrop informed the Committee it would benefit the Borough to appoint Wendy Barras as Deputy Clerk.

Councilman Lukac, as Chairperson of the Public Works Committee stated the DPW have completed catch basin cleaning in all parts of town and the necessary repairs are underway. The emergency generators have been tested and preventative maintenance has been completed. All the Borough's pool pumps have been sent out for maintenance. DPW crews are in the process of installing Bocce Ball Courts at Memorial Park. Due to the recent favorable weather the street sweeper has been able to come back out. Councilman Lukac reminded the Public of snow removal practices. NJ American Water Company released its water main replacement project list and it

included South 16<sup>th</sup> between Camplain and Vermont, North 7<sup>th</sup> between Brooks Blvd and Dukes Parkway, and E. Frech Ave. 6" lines and main will be replaced and the street will be repaved from curb to curb. Councilman Lukac commented on the Path to Progress, which is being led by State President Sweeney.

Councilwoman Zamorski as Chairperson of the Public Safety Committee stated the Committee will meet on February 19<sup>th</sup>. She stated the clock on Main St. was given to the Borough by MBPA. There were some replacement parts for it however they were broken. The DPW will look into getting replacement parts for the clock. Mayor Onderko stated the MBPA has not met in two years and Councilwoman Zamorski stated she will contact Oscar Gonzalez again.

Mayor Onderko stated on January 31<sup>st</sup> he attended the Conference of Mayors in Trenton. He stated while there he attended a conference about the legalization of marijuana. He stated he hoped Manville continues to opt out of legalization. He doesn't believe the tax revenue would be enough of a benefit. Mayor Onderko commented on the new Redevelopment Plan for the Rustic Mall. He stated he will be contacting the property owner of the Rustic Mall. The Borough's new website was launched today and believes it is a vast improvement for the Borough and thanked Violet Hall, Kim Monto, Alyssa Moreno and Administrator Wardrop for their hard work. Mayor Onderko explained the need for an increased Sewer Rate. The generator for the OEM building will be in place by the end of the week. He plans on contacting Assemblymen Zwicker and Frieman to find additional aid for the Blue Acres Buy Out Program.

## **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.

Tim Kenyon, 952 Haran Ave., Informed the public about an environmental movie event being sponsored by Sustainable Manville at Reading Cinemas on February 19<sup>th</sup>. Stated Sustainable Manville was recognized by the Dodge Foundation on their blog post.

Mayor Onderko thanked him for his work on Sustainable Manville.

Ray Walsh, 26 N. 17<sup>th</sup> Ave., Stated the Weston School was looking for volunteers to read for Read Across America Day on March 26<sup>th</sup>. Suggested a larger poster of the artist's rendition of the Lost Valley Nature Trail so that the Public can see.

Administrator Wardrop stated she would look into that idea.

Ruth Slovik, 1321 Green St., Questioned the Council if there was a process to explain why they vote a particular way. She feels it would be in the best interest of the Public to have a discussion or debate as to the reasoning for voting. She would like to see more transparency.

Mayor Onderko stated each Council member has the right to discuss their voting if they choose to.

Maria Janucik, 720 E. Frech Ave., Questioned why there wasn't a copy of the Ordinance available. Inquired what properties are being considered in the Green Acres Diversion plan. Questioned who Angela Knowles is a planner for? Questioned how much input can the Borough can give to the owners of the Rustic Mall?

Mayor Onderko, Administrator Wardrop, and the Council answered her questions.

John Muhalik, 1461 Dominic St., Questioned why Mayor Onderko referenced him during the meeting as to curbs and sidewalks. Voiced displeasure regarding how curbs and sidewalks are installed at the Borough's expense should be placed on the property owner. Commented that the sewer bill should be in a tenant's name not in the landlord's name.

Mayor Onderko thanked him for his comments.

Rudy Nowak, 100 Driscoll St., Questioned the communication Administrator Wardrop is sending to the State of NJ regarding health benefits of Attorney Linnus. Questioned if any sums would be recouped by the Borough?

Mayor Onderko thanked him for his comments.

Mike Kassik, 24 N. 19<sup>th</sup> Ave., Questioned a piece of literature from the Manville Republican Committee.

Mayor Onderko thanked him for his comments.

When no else from the public wished to speak, 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.**

Councilman Szabo seconded by Council President Magnani made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 9:06 pm.

ATTEST:

