

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
FEBRUARY 22, 2021**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON FEBRUARY 22, 2021 VIA ZOOM MEETING AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/89915993154?pwd=UUE1bW1BZ28vb1J6N1R6ZTdXQzQxdz09>

Meeting ID: 899 1599 3154

Passcode: 08835

Dial by your location

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MAYOR RICHARD ONDERKO PRESIDED

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

ROLL CALL:

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

ALSO PRESENT:

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

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko requested a moment of silence for all COVID victims and their families especially the residents of the Borough.

MAYOR'S APPOINTMENTS

Mayor Onderko stated he will be holding over his appointments for the Economic Development Committee till the first meeting in March.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of February 8, 2021

Councilman Szabo, seconded by Councilwoman Magnani made a motion to approve the minutes of the Regular Meeting of February 8, 2021

ROLL CALL:

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

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2021-47through #2021-52. Councilman Szabo, seconded by Councilwoman Zamorski, made a motion to open the public portion on Resolutions #2021-47 through #2021-52.

All present were in favor.

When no one from the public wished to comment, Mayor Onderko requested a motion to close the public portion on Resolutions. Councilman Szabo, seconded by Councilman Lukac, made a motion to close the public portion on Resolutions #2021-41 through #2021-46.

All present were in favor.

RESOLUTIONS- TAKEN SEPARATELY

Mayor Onderko requested a motion to adopt Resolution #2020-47. Councilman Szabo, seconded by Councilwoman Magnani made a motion to adopt Resolution #2020-47.

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

**Borough of Manville
Resolution #2021-47
Approval of Vouchers**

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

1. Current	\$164,291.95
2. Dedicated Dog	\$434.00
3. Capital Checking	\$17,000.00
4. Sewer Checking	\$3,780.36
5. Developer's Escrow	\$232.50
6. Lien Premium	\$5,700.00
7. Redemption Checking	\$11,307.14
TOTAL	\$202,745.95

After being examined by each respective committee, are hereby ordered to be paid
Borough of Manville
/s/ Richard M. Onderko, Mayor

Mayor Onderko requested a motion to adopt Resolution #2021-48. Councilman Szabo, seconded by Councilman Lukac made a motion to adopt Resolution #2021-48.

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

**Borough of Manville
Resolution #2021-48**

**Requesting that Somerset County, State of New Jersey, and the Congress
And Executive Branches of the United States Provide COVID-19 Related Financial
Financial Support to NonProfit Veteran and Community Service Organizations**

WHEREAS, the Borough of Manville strongly supports and appreciates the charitable efforts of the nonprofit Veteran Organizations and the sacrifices made by all men and women of the armed forces-- active duty, reserve and national Guard; and

WHEREAS, the Borough of Manville strongly supports and appreciates the Manville nonprofit Service Clubs that provide charitable work for the community; and

WHEREAS, nonprofit Veteran Organizations and Community Service Organizations have been severely affected by the COVID-19 Pandemic with a reduction in administrative and social gathering opportunities and the inability to conduct fund raising events; and

WHEREAS, the twin crises of the pandemic and the recession are straining service organizations and could force as many as a third of them to dissolve, with donors facing financial problems and turning cautious because of political gridlock; and

WHEREAS, Somerset County, State of New Jersey and the Congress and Executive Branches of the United States have not prioritized needed financial assistance to these organizations during this Pandemic crisis.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Manville formally requests that Somerset County, State of New Jersey, the Congress, and the Executive Branch of the United States work to promote the charitable activities of service organizations and provide COVID-19 related financial assistance grants to nonprofit Veteran and Community Service Organizations including the American Legion Post 304, Veterans of Foreign Wars Post 2290, Elks and Rotary Clubs in our area.

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

RESOLUTIONS-BY CONSENT

Mayor Onderko asked if any Council member would like to take any resolution individually. When no one answered, Mayor Onderko requested a motion to adopt Resolutions #2021-49 through #2021-52. Councilman Szabo, seconded by Councilwoman Zamorski made a motion to adopt Resolutions #2021-49 through #2021-52.

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

Borough of Manville **Resolution #2021-49**

Resolution Requesting Permission For The Dedication By Rider For Snow Removal Reserve Trust Fund Required By (P.L. 2001, C. 138 And N.J.S 40a:4-62.1) In The Borough Of Manville County Of Somerset, State Of New Jersey

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Manville, County of Somerset, State of New Jersey provides for receipt of Reserve for Snow Removal by the municipality to provide for the operating costs to administer this act: and

WHEREAS, N.J.S.A. 40A:4-39 provides for the dedication revenues anticipated from the Snow Removal Reserve are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement;

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Snow Removal Reserve (P.L. 2001, c. 138 and N.J.S. 40A:4-62.1).
2. The Clerk of the Borough of Manville, County of Somerset is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

Borough of Manville
Resolution #2021-50
Community Development Block Grant Program Appointments

WHEREAS, there exists a Cooperation Agreement between the County of Somerset and the Borough of Manville for the Community Development Block Grant (CDBG) Program; and

WHEREAS, the Program provides that each year every participating municipality will appoint two (2) representatives to the CD Committee; and

WHEREAS, the CD Committee Bylaws state that one representative shall be appointed by the Mayor and one representative be appointed by the governing body; and

WHEREAS, the Mayor has appointed Vincenzo LoMedico as representative for 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that the governing body hereby appoints Brett Radi as representative and Richard M. Onderko as Alternate representative to the Community Development Committee for the year 2021.

FURTHERMORE, that a copy of this resolution be forwarded to the Somerset County Development

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

Borough of Manville
Resolution #2021-51
Resolution Authorizing Professional Service Agreement
With Proetta, Oliver & Fay, P.C. For Professional Services as Special Counsel,
through December 31, 2021

WHEREAS, the governing body of the Borough of Manville appointed William Fay Esq. of the law firm the law firm Proetta, Oliver & Fay, Middletown, New Jersey, as Special Counsel for certain pending OAL matters; at its February 8, 2021 meeting by Resolution 2021-45; 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, William C. Fay IV, Esq. from the law firm Proetta, Oliver & Fay is well qualified to perform the duties of Special Counsel as set forth herein, 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) William C. Fay IV Esq, of Proetta, Oliver & Fay shall serve as Special Counsel to the Borough for the limited purpose of providing legal counsel to the Borough only in regard to the resolution of two pending appellate matters in the New Jersey State Office of Administrative Law, regarding Mike Wins Bar LLC d/b/a Foxtail Lounge, i.e. OAL Appellate case #ABC-01104-2019S and OAL Appellate case #ABC-02229-2020S;
- 2) Resolution 2021-45 is amended to clarify that Mr. Fay is retained for the limited purpose of the two above-cited OAL appellate cases;
- 3) The attached proposal from Proetta, Oliver & Fay, 180 Kings Highway, Middletown, New Jersey 07748 is accepted;
- 4) 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 the hourly rate of \$175 per hour for Special Counsel time spent by William C. Fay IV, Esq., not to exceed \$2500.
- 5) The Mayor and Borough Clerk are hereby authorized to execute the annexed Professional Services Agreement, as consistent with the terms of this Resolution.
- 6) This Resolution shall be advertised once in the Courier News.
- 7) The Chief Financial Officer shall provide a Certification of Funds.

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

Borough of Manville
Resolution #2021-52

Authorizing Agreement with Penn Medicine for Employee Assistance Program

WHEREAS, the Borough of Manville does not have a Human Resources Department with a professional on staff trained in behavioral and counseling issues;

WHEREAS, there is a need for employee assistance resources for management including employee behavioral concerns that can affect job performance;

WHEREAS, the EAP can provide Fitness for Duty assessments that can be critical for determining if an employee is able to return to work;

WHEREAS, having an employee assistance program (EAP) has proven to be highly effective for the wider success of organizations that employ them;

WHEREAS, studies have demonstrated that companies who utilize an EAP maintain a more productive, effective and functional working environment;

WHEREAS, the Princeton HealthCare System's EAP is a local, professional employee assistance program with exceptional resources including occupational medicine professionals and licensed social workers;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the proposal from the Princeton HealthCare Service EAP, 1000 Herron town Road, Princeton, New Jersey 08540 is hereby accepted as follows;

1. This contract is awarded following requests for quotes from EAP service providers as a "Professional Service" in accordance with N.J.S.A. 40A11-5(1)(a) of the Local Public Contracts Law, not to exceed \$1,716.00.
2. The contract terms include \$26.00 per employee for 66 total employees and will be paid monthly in the amount of \$143.00.
3. The Borough Administrator and Borough Clerk are hereby authorized to execute the Contract in this matter.
4. The Chief Finance Officer shall provide a Certification of Funds.

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

OFFICIAL REPORTS

A/ Fireman Board of Engineers- January, 2020

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

NEW BUSINESS

A/ Letter from Christ the Redeemer Parish requesting permission to hold their annual Holy Day Processions.

Mayor Onderko requested a motion to accept New Business.

All present were in favor.

COMMUNICATIONS

A/ Somerset Valley Sewerage Authority 2020 4th Quarter Analysis

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilwoman Zamorski, as Chairperson of the Public Safety Committee, stated the Committee met and discussed new body worn cameras that will be required by the State effective June 1st. As of right now the Committee is unaware how much funding the State will provide towards the cameras. The Municipality will be responsible for the storage fee in the Cloud at approximately \$25,000 yearly. For the month of January the Police Department issued 299 motor vehicle summonses, made 60 adult arrests, had 15 motor vehicle investigations, processed 38 investigations, and had 791 complaints. The Detective Bureau handled 16 investigations, 3 arrests, processed 32 firearm applications, and 2 juvenile investigations.

Councilman Lukac, as Chairperson of the Department of Public Works Committee state the Committee had met earlier that evening. Snow removal has been the main priority of the DPW lately. Temporary patching of potholes will begin in March. Somerset County will do permanent pothole repair on Main St. Due to the vast amount of snow and storms the County has reported that salt has become scarce and the cost may be increased.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee met that evening. The Rental Housing Ordinance was discussed and amendments are being considered. The Committee would like to see a 3 year inspection period and fines for late registration and non compliance is included. Borough Attorney Maciag provided guidance how the Borough can proceed with the latest cannabis ruling from the State.

Council President Petrock, as Chairperson of the Finance Committee, stated the Committee is currently reviewing items necessary for the budget. The 2021 Budget will be ready May 1st for adoption.

Councilwoman Maeder, as Chairperson of the Building and Grounds Committee, stated the new AC unit at the Library will be installed this week. The Committee is anticipating being able to open the three pools this summer. The Insurance Company will be reimbursing the Borough for the climber that was damaged. However, it will not be replaced at this time. The committee is looking to revitalize the Borough's Green Acres spaces for both adults and children and looking to draft a five year vision plan. The Rabies Clinic will be Saturday, February 27th at Firehouse #3 from 9 am-12 noon.

Councilman Szabo, as Chairperson of the Progress and Development Committee, stated he would like to see the Borough move forward with the condemnation against Rustic Mall since the time limit for new plans has expired. The work at Valerie Drive has been halted due to weather conditions.

Administrator Radi stated the Borough received a Safety Award from the Insurance Company in the amount of \$300.00. He discussed the presentation given by Somerset County on the Main St. Improvement plan. Once available the presentation will be on the Borough website.

Mayor Onderko explained the need for urgency to complete the Road Safety audit on Main St. He stated the green assessment cards will be mailed on March 1st. Mayor Onderko stressed the importance of removing vehicles from the Borough roads during snow storms as to ensure proper plowing by the DPW.

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.

When no one 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.

Mayor Onderko requested a motion to adjourn the meeting. Councilman Szabo, seconded by Councilman Lukac made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 7:32 pm.

ATTEST:

A handwritten signature in cursive script, appearing to read "Wendy Barras".

Wendy Barras
Borough Clerk