

WHEREAS, due to the resignation of one Police Officer, the Borough of Manville has the need to fill one position; and

WHEREAS, the Chief of Police has conducted the necessary advertising, interviews, and background checks for said position and has selected the qualified candidate.

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 applicant be appointed to the position of Police Officer of the Borough of Manville Police Department, as of February 26, 2019:

Tanner Namiotka

Salary: \$48,118.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Tanner Namiotka, Chief Mark Peltack, and the Borough Administrator upon adoption.

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

Mayor Onderko administered the Oath of Office to Tanner Namiotka.

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/Regular Meeting of February 25, 2019

Councilman Lukac asked an amendment be made to the second public portion under Mr. Kassick's comments. He stated he would like a specific comment made towards him by Mr. Kassick included in the minutes. Borough Clerk suggested the best course of action was to table the Approval of Minutes. She would need to listen to the audio recording. Once a determination was made the minutes would be put on the next agenda for approval. Mayor Onderko stated this was acceptable to him.

The Approval of Minutes from February 11th meeting will be tabled to the meeting of March 11th.

MAYOR'S APPOINTMENTS

A/ Somerset Regional Animal Shelter Tina Breen
1-year term (ex. 12/31/19)

B/Library Board Tina Breen
(filling unexpired term of Joe Patero)

ORDINANCES - FINAL READING AND PUBLIC HEARING

Mayor Onderko read the Ordinance by title, and requested a motion to open the public portion on Ordinance #2019-1213.

Councilman Szabo seconded by Councilman Lukac, made a motion to open the public hearing on Ordinance #2019-1213.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., asked for an explanation of Ordinance #2019-1213 and the need for it.

Mayor Onderko answered her questions.

Council President Magnani, seconded by Councilman Szabo made to motion to close the public portion on Ordinance #209-1213.

All present were in favor.

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

Councilman Szabo, seconded by Councilman Skirkanish made a motion to adopt 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

SECTION 2. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 3. SEVERABILITY

In the event that any provision of this ordinance, or the application of thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, and to realize this intent, the provisions and application of this ordinance are declared to be severable.

SECTION 4. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitation reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. EFFECTIVE DATE

This shall be effective immediately upon final adoption, approval and publication in accordance with law.

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

Mayor Onderko read the Ordinance by title.

Mayor Onderko requested a motion to introduce Ordinance #2019-1215.

Councilman Szabo, seconded by Council President Mangnani , made a motion to introduce Ordinance #2019-1215.

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

Ordinance #2019-1215

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE #2016-1175
ENTITLED THE FLOOD DAMAGE PREVENTION ORDINANCE**

**Section 1.0
STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND
OBJECTIVES**

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Manville, of New Jersey does ordain as follows:

1.2 FINDINGS OF FACT

a) The flood hazard areas of Borough of Manville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a) To protect human life and health;
- b) To minimize expenditure of public money for costly flood control projects;
- c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) To minimize prolonged business interruptions;
- e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- i) To maintain eligibility in FEMA's National Flood Insurance Program (NFIP).

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the Construction Code Official's interpretation of any provision of this ordinance or a request for a variance.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone AE.

"Base flood" A flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation (BFE)" – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Elevated Building" — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor elevated above the

base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

“Existing Manufactured Home Park or Subdivision” — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- [1] The overflow of inland or tidal waters and/or
- [2] The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" (FIS) means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

“Floodproofing” — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

“Freeboard” — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated

for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

"Historic structure" means any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved State program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in States without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the municipality.

"Recreational vehicle" means a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

"Substantial damage" Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" Any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed or "repetitive loss". The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Variance" means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Manville, Somerset County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Borough of Manville, Community No. 340437, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

a) A scientific and engineering report "Flood Insurance Study, Somerset County, New Jersey (All Jurisdictions)" dated November 4, 2016.

b) "Flood Insurance Rate Map for Somerset County, New Jersey (All Jurisdictions)" as shown on Index and panel numbers 161E, 162E, with a panel date of September 28, 2007, and panel numbers 163F, 164F with a panel date of November 4, 2016; whose collective effective date is November 4, 2016.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at 325 North Main Street, Manville, NJ 08835-1800.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2,000.00 or imprisoned for not more than 90 days, or

both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Manville from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Borough of Manville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Section 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Code Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Construction Code Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Construction Code Official shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3a) are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, Construction Code Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.2-1, SPECIFIC STANDARDS, Residential Construction, and 5.2-2, SPECIFIC STANDARDS, Nonresidential Construction.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

- b) For all new or substantially improved floodproofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the floodproofing certifications required in Section 4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Planning Board as established by the Borough of Manville shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Code Official in the enforcement or administration of this ordinance.

c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, Somerset County, as provided in N.J.S.A. 40:55D.

d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- i. the danger that materials may be swept onto other lands to the injury of others;
- ii. the danger to life and property due to flooding or erosion damage;
- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv. the importance of the services provided by the proposed facility to the community;
- v. the necessity to the facility of a waterfront location, where applicable;
- vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. the compatibility of the proposed use with existing and anticipated development;
- viii. the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;
- ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Section 4.4-1d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Construction Code Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in section 4.4-1d) have been fully considered. As the lot size

increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e) Variances shall only be issued upon

i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1d), or conflict with existing local laws or ordinances.

f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

5.1-1 ANCHORING

a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements, the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped

with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities (including all electrical, heating, ventilating, air-conditioning and other service equipment), elevated at or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities (including all electrical, heating, ventilating, air-conditioning and other service equipment):

either

a) Elevated to or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;

or

b) Be floodproofed so that below the base flood level plus two (2) feet or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;

c) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

d) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

a) Manufactured homes shall be anchored in accordance with section 5.1-1b).

b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

- i. Be consistent with the need to minimize flood damage,
- ii. Be constructed to minimize flood damage,
- iii. Have adequate drainage provided to reduce exposure to flood damage; and,
- iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus two (2) feet or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b) If section 5.3(a) is satisfied, all new construction and substantial improvements must comply with SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

SECTION 6.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 7.0 ENACTMENT

7.01 ADOPTION

This Ordinance shall be effective on and shall remain in force until modified, amended or rescinded by the Borough of Manville, Somerset County, New Jersey.

Borough of Manville

/s/ Richard M. Onderko, Mayor

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2019-42 through #2019-59.

Councilman Szabo, seconded by Council President Magnani, made a motion to open the public portion on Resolutions #2019-42 through #2019-59.
All present were in favor.

Maria Janucik, 720 E. Frech Ave., inquired as to why #2019-53 was voted on before the Public portion and the Public has a chance to comment, questioned what does the extension cover in #2019-52 and asked for an explanation of the specifics of the Shared Service Agreement with Somerville for Sanitary Sewer in Resolution #2019-54.

Eva Janucik, 720 E. Frech Ave., donated her five minutes to Maria Janucik so that she may continue speaking.

Maria Janucik continued and questioned #2019-58 as to the contract amount in Resolution #2019-56 and if Attorney Maciag was paid for any litigation in addition to his flat fee rate.

Mayor Onderko, Chief Peltack, Administrator Wardrop, and Councilman Petrone answered her questions.

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

All present were in favor.

RESOLUTIONS (To Be Taken Separately)

Mayor Onderko requested a motion to adopt Resolution #2019-42.

Councilman Szabo, seconded by Councilman Skirkanish made a motion to adopt Resolution #2019-42.

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

Resolution #2019-42

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

1. Current	\$223,667.77
2. Dedicated Dog	\$288.00
3. Capital Checking	\$0.00
4. Sewer Checking	\$3,141.07
5. Sewer Capital Checking	\$320.50

6. Trust Checking	\$750.00
7. Lien Premium	\$100.00
8. Redemption Checking	\$2,250.90
9. Unemployment	\$0.00
10. Federal Asset	\$0.00
11. Developer's Escrow	\$ 0.00
12. Recreation Dedicated	\$2,270.00
TOTAL	\$232,788.24

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

Borough of Manville

/s/ Richard M. Onderko, Mayor

RESOLUTIONS BY CONSENT

Mayor Onderko asked if any Council Member wished to take any Resolution individually. When no one wished to take any Resolutions individually, Mayor Onderko requested a motion to adopt Resolutions #2019-44 through #2019-52 and Resolutions #2019-54 through #2019-59 .

Councilman Szabo, seconded by Councilman Lukac made a motion to adopt Resolutions #2019-44 through #2019-52 and Resolutions #2019-54 through #2019-59.

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

Resolution #2019-43

Authorizing the Borough of Manville to enter into a Contract with All County Services, Cedar Grove, New Jersey for the Demolition of Two Properties within the Borough under the Flood Mitigation Assistance Program

FMA-PJ-02-NJ-2016-011

WHEREAS, the Borough of Manville was awarded funding through FMA-PJ-02-NJ-2016-011 to purchase flood-prone properties with a reimbursement grant from FEMA and Somerset County; and

WHEREAS, two properties have been purchased and vacated and are set to be demolished; and

WHEREAS, bids have been solicited for demolition of the properties pursuant to N.J.S.A. 40A:11-1, et seq. Local Public Law; and

WHEREAS, nine bids were received, and, after a thorough review of all bids by the Borough Engineer, Stan Schrek, P.E., he recommends the lowest responsible bidder is All County Services of 128 Little Falls Road, Cedar Grove, New Jersey in the amount of \$25,800.00.

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 bid for the demolition of the two flood-prone properties be awarded to: All County Services, 128 Little Falls Road, Cedar Grove, New Jersey; and

BE IT FURTHER RESOLVED that the Mayor, Administrator and/or Borough Clerk be and are hereby authorized to execute any and all documents pertaining to this award of bid.

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

**Resolution #2019-44
Budget Transfers**

WHEREAS, there is a need for a retroactive transfer of funds to areas where there are insufficient funds to meet the demands of the Borough in the 2018 Budget, and

WHEREAS, there are sufficient funds to be retroactively transferred to those accounts as stated to meet the needs of the Borough,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Manville Borough, County of Somerset, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-59 hereby authorizes the Chief Finance Officer to make the following transfers:

FROM:

Current Fund	Account Name	Amount
01-201-42-999-250	Health Services – County (O/E)	\$ 10.00
01-201-31-440-241	Telephone (O/E)	\$ 2,355.00
01-201-31-460-245	Gasoline & Diesel (O/E)	\$ 880.00
TOTAL		\$ 3,245.00

TO:

Current Fund	Account Name	Amount
01-201-23-210-608	Liability Insurance (O/E)	\$ 3,245.00
TOTAL		\$ 3,245.00

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

Resolution #2019-45

Resolution Authorizing The Execution Of Municipal Certification For The Arc Of Somerset County 2019 Community Development Block Grant Application

WHEREAS, the Somerset County Community Development Block Grant Applications are due on March 31, 2019; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Manville to endorse the submission of said grant by The Arc of Somerset County, requesting funds to provide subsidized childcare for children with developmental and intellectual disabilities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the application requesting funds for subsidized childcare for children with developmental and intellectual disabilities be and hereby is endorsed and that the Mayor and Clerk are hereby authorized to execute the Municipal Certification for the ARC of Somerset County 2019 Community Development Block Grant Application.

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

**Resolution #2019-46
Community Development Block Grant 2019 Application Authorization to Apply for Grant Manville Library Emergency Generator**

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 Engineer, together with the Buildings and Grounds Committee, have selected the project applications they believe will 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:

Manville Public Library Emergency Generator including
Transfer Switch Installation and Natural Gas Line

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

**Resolution #2019-47
Cancellation of Stale Dated Checks**

WHEREAS, there are stale dated checks drawn on certain municipal accounts held at Investors Bank and the prior depository Fulton Bank of New Jersey that are over a year old and should be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the following stale-dated checks for the following be cancelled:

Current Fund Account #1000135283

Check Number	Amount
2139	\$15.00
2451	\$105.00
3607	\$63.99
3682	\$53.44
3872	660.29
3903	\$4,314.73
Total	\$5,212.45

Payroll Account #1000135344

27984	\$72.70
28005	\$157.18
28074	\$156.58
28337	\$53.63
28343	\$81.03
28357	\$240.27
10008	\$45.79
10009	\$68.13
10174	\$130.61
10194	\$80.33
10291	\$109.75
10313	\$55.17
Total	\$1,251.17

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

**Resolution #2019-48
Tax Collector Adjustment—Refund of Overpayment of Sewer**

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

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

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

<u>Sewer Acct #</u>	<u>Name of Owner</u>	<u>Amount</u>	<u>Year Quarter</u>
1093-0	Racine, L	\$24.87	2018 4 th

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

**Resolution #2019-49
Tax Collector Adjustments – Redeemed Liens**

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

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

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

<u>Block Lot</u>	<u>Name of Owner</u>	<u>Amount</u>	<u>Lienholder</u>
107 64	Nyc Reo Llc	\$13,598.42	Cazenovia Creek
317 16	Gravesande, W	\$1,155.20	Cazenovia Creek
274 4	Bank of America	\$1,117.60	Martella Investments
28 11	Bonge, R	\$44,685.73	ChristianaTrust
274 4	Obregon, Carlos	\$3,427.16	ActLien Holding
228 27	Howell, Craig	\$478.42	ActLien Holding

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

**Resolution #2019-50
Statewide Insurance Fund Resolution Appointing Fund Commissioner**

WHEREAS, (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Manville, County of Somerset, and State of New Jersey that **Andrea L. Wardrop, Borough Administrator** is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that **Pamela Borek, Borough Clerk**, is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2019**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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

Resolution #2019-51

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the Borough of Manville (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk Management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset and State of New Jersey (the governing body of "Local Unit"), as follows:

1. The Borough of Manville hereby appoints **Alliant-Boynton Insurance Agency** as its Risk Management Consultant.

2. The Borough Administrator and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2019 in the form attached.

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

Resolution #2019-52

Resolution Authorizing Consent Of NJDEP Treatment Works Approval (Twa) For Brook Townhouses, Llc, Brooks Boulevard, Borough Of Manville

WHEREAS, Brook Townhouses, LLC has filed a sewer extension permit application in conjunction with the Brook Townhouse development project; and

WHEREAS, a TWA permit was granted in 2014 by the Manville Mayor & Council with the adoption of Resolution 2014-57, dated March 24, 2014; and

WHEREAS, the sewer permit extension will extend the Borough's sanitary sewer system from Brooks Boulevard to the townhouse project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Borough Engineer is authorized to consent, on behalf of the Borough, to a treatment works approval (TWA) permit application and a statement of consent to the New Jersey Department of Environmental Protection (NJDEP) for the Brook Townhouse development project.

Resolution #2019-54

Authorizing A Shared Service Agreement For Sanitary Sewer Professional Licensed Services With Somerville Borough For The Years 2019 Through 2021

WHEREAS, the Borough of Somerville has a desire to contract with the Borough of Manville for sanitary sewer professional licensed services as outlined in the attached Shared Service Agreement; and

WHEREAS, the Borough of Manville DPW Committee approves of the shared service with Somerville Borough following discussion at its February 19, 2019 meeting; and

WHEREAS, the Borough Administrator and DPW Director recommend said shared service agreement between the Boroughs of Manville and Somerville to provide sanitary sewer collection systems operator services utilizing Mr. Vince LoMedico's (C-3) Advanced Collection Systems License; and

WHEREAS, the Borough of Manville and Borough of Somerville shall enter into an Agreement with the following terms and conditions:
Services will commence March 1, 2019. In consideration for the services rendered, Somerville Borough will pay the following fees:

March 1 – December 31, 2019: \$900/month for a total annual cost of \$ 9,000.00
January 1 – December 31, 2020: \$918/month for a total annual cost of \$11,016.00
January 1 – December 31, 2021: \$936/month for a total annual cost of \$11,232.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, authorizes the Shared Service Agreement with the Borough of Somerville for sanitary sewer services to commence March 1, 2019 and appoints Mr. Vincenzo LoMedico as the Sanitary Sewer Operator for the Borough of Somerville as per the requirements of the Agreement.

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

Resolution #2019-55

Authorizing Execution Of Memorandum Of Understanding Between Borough Of Manville And Manville Police Department, Manville Office Of Emergency Management, Manville Fire Department And Manville First Aid/Rescue Squad For The Implementation Of Rescue Task Force

WHEREAS, the Somerset County Office of Emergency Management recently acquired a grant to foster the development of local first responder agencies using the Rescue Task Force (“RTF”) concept; and

WHEREAS, a Memorandum of Understanding (“MOU”) between Borough of Manville, **Manville Police Department, Manville Office of Emergency Management, Manville Fire Department and Manville First Aid/Rescue Squad** is required in order to participate in the Somerset County RTF program and receive a portion of the federal funding provided for this project in the form of personal protective equipment and RTF-related medical equipment & supplies;

NOW, THEREFORE, BE IT RESOLVED by the governing body of Borough of Manville, in the County of Somerset, State of New Jersey, that the Mayor and Clerk are hereby authorized and directed to sign the MOU described in the preamble.

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

Resolution #2019-56

Authorizing Agreement with Francis P. Linnus, Esq. For Professional Services As Borough Attorney for the Year Ending December 31, 2019

WHEREAS, the governing body of the Borough of Manville appointed Francis P. Linnus, Esq., Somerset, New Jersey, as Manville Borough Attorney for the calendar year 2019 at its February 11, 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. Linnus has the necessary qualifications to perform the duties of Borough Attorney 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 proposed Borough Attorney Professional Services Agreement from Francis P. Linnus, 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 \$74,250 (for February 12, 2019 through December 31, 2019) for Borough Attorney services and not to exceed an hourly rate of \$175 per hour for attorney time for any attorney associated with the firm and \$75.00 per hour for any paralegal work, not to exceed \$10,000 without further resolution of the Council for general litigation. Real estate transactions shall provide compensation on a case by case basis by resolution of the Council.
- 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 #2019-57
**Resolution Authorizing Professional Service Agreement With Shain Schaffer
Pc For Professional Services As Tax Attorney Through December 31, 2019**

WHEREAS, the governing body of the Borough of Manville appointed the law firm, Shain Schaffer PC, Bernardsville, New Jersey, as the Borough’s Tax Attorney at its February 11, 2019 Mayor & Council meeting; and

WHEREAS, the Local Public Contacts 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, Gregory B. Pasquale, Esq. will serve as the primary tax attorney to Manville Borough from Shain Schaffer PC and is well qualified to perform the duties of Tax Attorney 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 Shain Schaffer PC, 150 Morristown Road, Suite 105, Bernardsville, New Jersey 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 the hourly rate of \$175 per hour for Tax Attorney time spent by Gregory Pasquale, not to exceed \$20,000 (dependent upon tax appeal action.)
- 3) The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.
- 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

Resolution #2019-58
**Resolution Authorizing Professional Service Agreement With Ventura,
Miesowitz, Keough & Warner, P.C. For Professional Services As Redevelopment
Attorney Through December 31, 2019**

WHEREAS, the governing body of the Borough of Manville appointed the law firm, Ventura, Miesowitz, Keough & Warner, P.C., Bernardsville, New Jersey, as the Borough’s Redevelopment Attorney at its February 11, 2019 Mayor & Council meeting; and

WHEREAS, the Local Public Contacts 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, Steven K. Warner, Esq. will serve as the primary redevelopment attorney to Manville Borough from the law firm, Ventura, Miesowitz, Keough & Warner, P.C., Summit, New Jersey, and is well qualified to perform the duties of Redevelopment Attorney 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, Ventura, Miesowitz, Keough & Warner, P.C., 783 Springfield Avenue, Summit, New Jersey 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 the hourly rate of \$175 per hour for Redevelopment Attorney time spent by Steven K. Warner, Esq., not to exceed \$10,000.

3) The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.

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

Resolution # 2019-59
Authorizing Professional Service Agreement With Maciag Law, LLC. For
Professional Services As Special Litigation Attorney (Foxtail Lounge) Through
December 31, 2019

WHEREAS, the governing body of the Borough of Manville appointed Thaddeus R. Maciag, Esq. and the law firm Maciag Law, LLC as the Borough's Special Litigation Attorney for the Foxtail Lounge N.J. Division of Alcoholic Beverage Control Licensing Appeal for the period through December 31, 2019; as approved by the Mayor & Council at its February 11, 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, Thaddeus R. Maciag, Esq. and the law firm Maciag Law, LLC have the necessary qualifications to perform the duties of Special Litigation Attorney (Foxtail Lounge) 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 Maciag Law, LLC, 475 Wall Street, Montgomery Twp., New Jersey, 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 the hourly rate of \$175 per hour for Attorney time of Mr. Maciag, \$135 per hour for Attorney time of any Maciag Law LLC associate or backup attorneys, and \$65 per hour for Paralegal time (not to exceed \$10,000 without further resolution of the governing body).

- 3) The Mayor and Borough Clerk are hereby authorized to execute a Professional Services Agreement, as consistent with the terms of this Resolution.
- 4) This Resolution shall be published once, as required by law.
- 5) The Chief Financial Officer shall provide a Certification of Funds.

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

OFFICIAL REPORTS

- A/ Board of Health Report, Registrar—January, 2019
- B/ Board of Health Report, Animal Control—January, 2019
- C/Board of Health Report—January, 2019
- D/Fireman Board of Engineers Report—January, 2019
- E/Hillsborough, Manville, & Montgomery Municipal Court—January, 2019

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

NEW BUSINESS

- A/ Friends of the Manville Library requesting a permission to hold Town Wide Yard Sale on October 12, 2019

All present were in favor

COMMUNICATIONS

- A/ SRSVA Public Notice

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilman Petrone, as Chairperson of the Building and Grounds stated the Committee met on February 19th and in attendance were Council President Magnani, Councilman Skirkanish, DPW Director LoMedico, and Administrator Wardrop. He stated the Committee will be receiving a copy of the survey for Schmitt St. from Mr. Horner at the Somerset County Airport. The committee will be submitting a Block Grant for an emergency generator for the Library in mid March. The Bid Opening for the Memorial Park Kiddie Pool will be March 7th. Work is continuing on the Green Acres Diversion Project by the Administrator, Engineer, and the Mayor and Council. A Bocce Ball Court is being installed at the Memorial Park. Councilman Petrone stated going forward all three Committee Members will all serve as Liaisons to the Recreation Committee since it is too much for just one Councilperson. Councilman Petrone stated he attended a meeting with Mayor Onderko, Nan Petererson, and a representative from the County Library system regarding a referendum for Public Libraries. It is a competitive grant that would fund Library Building rehabilitation. Councilman Petrone stated that Nan Peterson is part of pool of 28 applicants for an opportunity to attend a workshop in Chicago, he wished luck and thanked her all her hard work at the Library.

Councilman Szabo stated the Committee met today and more information would be available at the next Council Meeting. Mayor Onderko asked if there was a determination of when the final draft of the redevelopment plan would be ready. Councilman Szabo stated at the next meeting. Administrator Wardrop stated the meeting today was attended by representatives of the Local Planning Service, the committee, Suzanne Maeder, and Redevelopment Attorney, Steve Warner. It was decided to have one more meeting of the Progress and Development Committee meeting with Local Planning Service on March 18th. It is projected the plan will be presented to the Joint Land Use Board on April 2nd.

Councilman Skirkanish as Chairperson of Finance committee stated the Finance Committee will be meeting on Thursday, February 28th to review the budget for 2019. He stated he attended the Board of Health meeting on February 19th. There was 60 rabies vaccines administered at the Rabies Clinic on February 16th and the Food Handling Ordinance will be reviewed at the next Board of Health meeting in March.

Council President Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee will be meeting on March 4th and that she attended the Redevelopment meeting that was held today(2/25/19).

Councilman Lukac, as Chairperson of the Public Works Committee stated the Committee met on February 19th and in attendance were Councilman Petrone, Councilwoman Zamorski, Administrator Wardrop, and DPW Director LoMedico. All snow removal equipment has been maintained and is ready. DPW crews completed Right to Know, Blood Borne Pathogen, and Fire Extinguisher Training. The Sewer Ordinance needs to be updated to include sump pump usage. This is being worked on by Director LoMedico and Borough Engineer Schrek. The Borough's tipping fees rose from last year and the Committee is currently considering raising the price of bulk waste stickers to \$4. The new garbage truck should be arriving in May. A garbage truck from 2001 is starting to get into disrepair and will need to start considering replacing it. One of the leaf vacuum machines isn't operational and will need to be replaced. The committee will be recommending the request to hire 2 new employees to cover any future retirements or loss of manpower due to injury. All sewer mains from South Main St. to Schmidt St. have been cleaned. The committee discussed that when the borough receives grants for curbs and sidewalks that there are coordinated with the gas and water main replacement projects. Manville Community Clean Up Day will be Saturday, March 13th.

Councilwoman Zamorski as Chairperson of the Public Safety Committee stated the Committee met on February 19th. The Ordinance amending times of no left turn at Dakota St. and the hiring of the new police officer was discussed. She attended the Fireman Board of Engineers meeting on February 19th. There was a total of 25 fire calls for January and 12 so far for February. The OEM generator was installed and the members received training. Councilwoman Zamorski reminded the public of the Fisherman's Flea Market and the Ladies Auxiliary periogi casserole fundraiser. She asked Administrator Wardrop if going forward the Rescue Squad could be invited to the

committee meeting. Councilwoman Zamorski reported she had spoke with Oscar Gonzalez from the MBPA who stated the association isn't ready to meet with the Borough yet.

Administrator Wardrop reported there has been work on the Manville Farmer's Market and will be meeting with Mr. Norz to discuss possible changes this year for Farmer's Market such as change of location and longer hours. The latest edition of the Manville News was recently completed. The planning board had their Reorganization Meeting on February 21st. All the professional service agreements have been drafted following the appointments at the last council meeting. Work on the Community Rating System is continuing and the Flood Damage Prevention Ordinance had been reviewed and necessary changes have been made. Progress and Development committee continue to work on the Rustic Mall Redevelopment plan. Administrator Wardrop stated how fortunate the Borough was to have insight and help of Walter Lane from the Somerset County Planning Board. Sustainable Manville hosted a movie event at Reading Cinemas about the negative impact of plastics which was well received by the public. She thanked Nan Peterson for all her help with the event. The Lost Valley Nature Trail conceptual plan will be presented to the Planning Board at their next meeting.

Mayor Onderko stated he would be having a conference call with a representative from Blue Acres on February 26th for the close out of the Sandy grant. Mayor Onderko reported there is still a balance in the grant and would like to be able to still help residents and not return the money to the state. He stated the Borough collected over \$65,000 in 2018 in vacant and abandoned fees. Mayor Onderko asked Attorney Linnus to review two ordinances; no off roading on the fields in Lost Valley and the redevelopment zone of Rustic Mall to include a condemnation option. He reported new LED street lighting had been installed behind the ARC building which he hopes will prevent any further accidents in that area. Finally, Mayor Onderko stated he will participating in Read Across America Day and will be reading to students at Weston School.

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.

Rudy Nowak, 100 Driscoll St., inquired about the status of the Chester House and Royal Farms. He further asked about the condemnation of the Rustic Mall property. Finally, he inquired about a piece of literature from the Manville Republican Party. Lastly, he stated voiced his displeasure of swearing in the new Borough Attorney during the middle of the meeting.

Mayor Onderko thanked him for his comments.

Ruth Slovik, 1321 Green St., suggested the Borough reach out to the Somerset County 4-H for volunteers for Community Clean Up Day, made a recommendation of a Community garden and Kitchen at the Library to teach nutrition and food handling. She also recommended there should be discussion among the Council after a second motion before voting to provide more transparency. Mayor Onderko thanked her for her comments.

Maria Janucik, 720 E. Frech Ave., inquired as to how many Blue Acre Buy Outs were there in 2018, requested further explanation of Resolution #2019-43 and the demo of 2 Blue Acre properties. She inquired about the \$10,000 grant for the water bottling re filling station in the schools and also questioned the condemnation option for the Rustic Mall that Mayor Onderko had spoken about. Mayor Onderko, Administrator Wardrop, and the Council answered her questions.

Sam LaShoaf, Washington Ave., commented there are too many cars parked near the corner of Washington and South 13th and wanted to know if there could be anything done. Councilman Skirkanish and Mayor Onderko responded to his comments.

Mike Kassick, 24 N. 19th Ave., inquired about the video cameras in the courtroom and wanted to clarify a comment he made at the last Borough Council meeting. Mayor Onderko thanked him for his comments.

Mayor Onderko asked Council President Magnani if she could review the commercial vehicle parking Ordinance in Hillsborough.

When no else from the public wished to speak, Mayor Onderko requested a motion to close the public portion.

Councilman Szabo, seconded by Council President Magnani 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 8:31 pm.

ATTEST:

