

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
JUNE 14, 2021**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JUNE 14, 2021 VIA ZOOM MEETING AT 7:00 P.M.

Join Zoom Meeting

<https://us02web.zoom.us/j/7918384106?pwd=dFlzMStgamhvQkFrVlFwbIZrVEkwUT09>

Meeting ID: 791 838 4106
Passcode: 08835
Dial by your location
+1 929 205 6099 US (New York)
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Passcode: 08835

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 former Councilman Thomas Weiss who recently passed away.

Mayor Onderko requested a motion to amend the agenda. Council President Petrock seconded by Councilwoman Magnani made a motion to change the number of Resolution #2021-125 to Resolution #2021-105 and to add Resolution #2021-125.

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

OEM Director Bentz reported there had been no new positive COVID cases in 10 days. The Governor issued an order ending the Public Health Emergency and has rescinded most executive orders pertaining to the COVID health emergency. He stated he will rescinding the state of emergency for the

Borough the following day. There will be a final decision in September regarding whether or not children will still be required to wear face masks in school.



PROCLAMATIONS
A/ LGBTQ Month 2021

Councilman Lukac read the Proclamation for LGBTQ Month 2021 into the Public Record.

BOROUGH OF MANVILLE
PRIDE MONTH 2021

WHEREAS, the Borough of Manville recognizes that the pursuit of equality, respect, and inclusion for all individuals is an attainable goal; and

WHEREAS, all human beings should be equal in dignity and rights, and no one should live in fear or violence due to their sexual orientation or gender identity; and

WHEREAS, our Community celebrates and encourages diversity, acceptance and inclusion within our community and supports the self-affirmation, equality, and increased visibility of lesbian, gay, bisexual and transgender people; and

WHEREAS, LGBTQ+ individuals have made and continue to make vital contributions to our county and nation, including cultural, scientific, political, civic, educational, economic, and in many other areas; and

WHEREAS, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination, biases and prejudice; and

WHEREAS, the Borough of Manville calls upon residents of our community to embrace this principle and work together to foster a warm and hospitable place for all to live; and

WHEREAS, celebrating Pride Month influences awareness and provides support and advocacy for the LGBTQ+ community, and fosters dialogue to build understanding and acceptance and advance equal rights for all Manville residents.

NOW, THEREFORE, I, Richard M. Onderko, Mayor of the Borough of Manville, County of Somerset, State of New Jersey along with the Borough Council, do hereby proclaim that June 2021 be Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Plus (LGBTQ+) Pride Month in Borough of Manville and that our residents continue to respect all fellow human beings, irrespective of their sexual orientation or gender identity.

Borough of Manville

Richard M. Onderko, Mayor

Councilman Joseph A. Lukac, III
Councilwoman Suzanne Maeder
Councilwoman Michele Magnani

Council President Ted Petrock III
Councilman Stephen Szabo
Councilwoman Patricia Zamorski

Read into Record: June 14, 2021

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of May 24, 2021

Councilwoman Magnani seconded by Councilwoman Zamorski made a motion to approve the minutes of the Regular Meeting of May 24, 2021

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

ORDINANCES- PUBLIC HEARING AND FINAL READING

Mayor Onderko requested a motion to open the Public Hearing on Ordinance #2021-161. Councilwoman Magnani seconded by Councilman Lukac made a motion to open the Public Hearing on Ordinance #2021-1261.

ALL Present Were in Favor.

Maria Janucik, 720 E. Frech Ave., Questioned items purchased from the Bond Ordinance in 2018 and who was responsible for the issuance of the bond.

Mayor Onderko answered her questions.

Phil Petrone, 7 N. 11th Ave., Questioned the items addressed through the Ordinance, the rate of interest and the tax point.

Mayor Onderko and Council President Petrock answered his questions.

When no one else wished to comment, Mayor Onderko requested a motion to close the Public Hearing on Ordinance #2021-1261. Councilwoman Magnani seconded by Councilwoman Maeder made a motion to close the Public Hearing.

ALL Present Were in Favor

Mayor Onderko requested a motion to adopt Ordinance #2021-1261. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1261.

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

Borough of Manville **Ordinance #2021-1261**

Bond Ordinance To Authorize The Making Of Various Public Improvements And The Acquisition Of New Additional Or Replacement Equipment And Machinery, New Communication And Signal Systems Equipment And New Automotive Vehicles, Including Original Apparatus And Equipment, In, By And For The Borough Of Manville, In The County Of Somerset, State Of New Jersey, To Appropriate The Sum Of \$1,000,000 To Pay The Cost Thereof, To Make A Down Payment, To Authorize The Issuance Of Bonds To Finance Such Appropriation And To Provide For The Issuance Of Bond Anticipation Notes In Anticipation Of The Issuance Of Such Bonds.

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

Section 1. The Borough of Manville, in the County of Somerset, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment and new automotive vehicles, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized and the down payment appropriated by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (3) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (4) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Undertaking the Road Improvement Program at various locations in the Borough, including curb, sidewalk and drainage improvements, where necessary, as set forth on a list prepared by the Borough Engineer on file or to be placed on file with the Borough Clerk, and hereby approved as if set forth herein in full. Depending upon the contract price and other exigent circumstances, and upon approval by the Borough Council, there may be additions to or deletions from the aforesaid list. It is hereby determined and stated that said roads being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	\$ 264,500
Down Payment Appropriated	\$ 12,600
Bonds and Notes Authorized	\$ 251,900
Period of Usefulness	10 years

B. Crack-sealing various roads.

Appropriation and Estimated Cost	\$ 100,000
Down Payment Appropriated	\$ 5,000
Bonds and Notes Authorized	\$ 95,000
Period of Usefulness	5 years

C. Construction or replacement of curbs and gutters at various locations.

Appropriation and Estimated Cost	\$ 236,500
Down Payment Appropriated	\$ 11,270
Bonds and Notes Authorized	\$ 225,230
Period of Usefulness	10 years

D.	Acquisition of new automotive vehicles, including original apparatus and equipment, for the use of the Department of Public Works ("DPW") consisting of (i) a roll-off truck and (ii) pickup trucks.		
	Appropriation and Estimated Cost		\$ 275,000
	Down Payment Appropriated		\$ 13,750
	Bonds and Notes Authorized		\$ 261,250
	Period of Usefulness		5 years
E.	Acquisition of new additional or replacement equipment and machinery consisting of a field grooming machine for the use of the DPW.		
	Appropriation and Estimated Cost		\$ 25,000
	Down Payment Appropriated		\$ 1,200
	Bonds and Notes Authorized		\$ 23,800
	Period of Usefulness		15 years
F.	Acquisition of new communication and signal systems equipment consisting of a mobile radio for a vehicle for the use of the Office of Emergency Management.		
	Appropriation and Estimated Cost		\$ 9,000
	Down Payment Appropriated		\$ 430
	Bonds and Notes Authorized		\$ 8,570
	Period of Usefulness		10 years
G.	Acquisition of new additional or replacement equipment and machinery consisting of body cameras and related equipment for the use of the Police Department.		
	Appropriation and Estimated Cost		\$ 30,000
	Down Payment Appropriated		\$ 1,500
	Bonds and Notes Authorized		\$ 28,500
	Period of Usefulness		5 years
H.	Acquisition of a new automotive vehicle, including original apparatus and equipment, consisting of an SUV for the use of the Fire Department.		
	Appropriation and Estimated Cost		\$ 60,000
	Down Payment Appropriated		\$ 4,250
	Bonds and Notes Authorized		\$ 55,750
	Period of Usefulness		5 years

	Aggregate Appropriation and Estimated Cost	\$1,000,000
	Aggregate Down Payment Appropriated	\$ 50,000
	Aggregate Amount of Bonds and Notes Authorized	\$ 950,000

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of \$90,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. It is hereby determined and stated that moneys exceeding \$50,000, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of \$50,000 is hereby appropriated from such moneys to the payment of the cost of said purposes.

Section 7. To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed

by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 8. To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding \$950,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 9. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 10. It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 7.80 years computed from the date of said bonds.

Section 11. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$950,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 12. Any funds received from private parties, the County of Somerset, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes, shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 13. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 14. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 15. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 16. This ordinance shall take effect twenty days after the first publication thereof after final passage.

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

Mayor Onderko requested a motion to open the Public Hearing on Ordinance #2021-1262. Councilwoman Zamorski seconded by Councilwoman Magnani made a motion to open the Public Hearing on Ordinance #2021-1262.

ALL Present Were in Favor

Maria Janucik, 720 E. Frech Ave., Asked if it was the Borough's intent to create affordable housing in the Borough and did Manville have an obligation under COAH.

Borough Attorney Maciag answered her questions.

When no one else wished to comment, Mayor Onderko requested a motion to close the Public Hearing on Ordinance #2021-1262. Councilwoman Magnani seconded by Councilwoman Zamorski made a motion to close the Public Hearing.

ALL Present Were in Favor

Mayor Onderko requested a motion to adopt Ordinance #2021-1262. Councilwoman Magnani seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1262.

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

Borough of Manville
Ordinance #2021-1262

An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey, Providing For The Collection Of Affordable Housing Redevelopment Fees, Repealing And Replacing Ordinances #2007-1047 And #2009-1075

WHEREAS, the Mayor and Council of the Borough of Manville (the "Borough") finds that the creation of desirable affordable housing in the Borough serves the public interest; and

WHEREAS, in the case Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the Supreme Court of New Jersey determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to rules and regulations to be adopted; and

WHEREAS, the Borough previously adopted Ordinance #2007-1047 and Ordinance #2009-1075, establishing mandatory affordable housing development fees, thereby creating a dedicated revenue source for affordable housing; and

WHEREAS, said ordinance established standards for the collection, maintenance, and expenditure of development fees consistent with then applicable Council on Affordable Housing ("COAH") rules and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq.; and

WHEREAS, statutes, caselaw and regulations dealing with development fees have resulted in changes in the law since the adoption of Ordinances #2007-1047 and #2009-1075, and so it is necessary to revise the Borough's development fee ordinance, as consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7);

NOW THEREFORE, BE IT ORDAINED, by the Mayor & Council of the Borough of Manville in the County of Somerset, State of New Jersey, Ordinances #2007-1747 and #2009-1075 shall be repealed, and replaced as follows:

Section 1. Purpose

- a) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's rules. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees.

Section 2. Definitions

The following terms, as used in this ordinance, shall have the following meanings:

- (a) "Development Fee" means funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as provided by this Ordinance.
- (b) "Equalized assessed value" means the value of a property determined by the municipal tax assessor through a process designed to ensure that all property in a municipality is assessed at the same assessment ratio or ratios required bylaw. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the municipal tax assessor.

Section 3. Residential Development fees

Unless authorized by future changes in State law and adoption of a future Ordinance by the Mayor & Council of the Borough of Manville incorporating any such future changes, no affordable housing fees shall be imposed on Residential Development in the Borough

Section 4. Non-Residential Development fees

- (a) Developers within all zoning districts shall pay a fee of two and one-half percent (2.5%) percent of the equalized assessed value for all Non-Residential development .
- (b) If an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur an additional development fee of two-and-one-half percent (thus 5% total) of the equalized assessed value for such increased floor ratio. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, then the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.
- ©) In addition to Non-Residential new construction, the 2.5% development fee shall be imposed and collected when an existing structure is expanded and the equalized assessed value is increased as a result of such expansion. The development fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, renovations and repairs within the existing footprint of the structure.
- (d) The Non-Residential portion of a mixed-use inclusionary or market rate development shall be subject to the 2.5% development fee.
- (e) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting Non-Residential land and improvements and the equalized assessed value of the Non-Residential portion of

the newly improved structure, i.e., Non-Residential land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the Non-Residential development fee shall be zero.

Section 5. Exemptions

- (a) Developments that have received preliminary or final approval prior to the imposition of a municipal development fee shall be exempt from development fees unless the developer seeks a substantial change in the approval.
- (b) All Non-Residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, which are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status under that statute for a period of at least three years from the date of issuance of the certificate of occupancy.
- (c) In addition, any property exempted by State law, including as set forth at N.J.S.A. 40:55D-8.4, may be exempt from the imposition of a Non-Residential development fee, as specified in Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption", or such other forms or regulations as may be applicable. Any exemption claimed by a developer shall be substantiated by that developer.
- (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to this section shall be subject to it at such time the basis for the exemption set forth in this subsection no longer applies (by way of example, if a previously-exempt building is no longer used for a religious or educational purpose), and shall make the payment of the non-residential development fee within six months of such event, or prior to the issuance of the final certificate of occupancy of such non-residential development.
- (e) Any exemption claimed by a developer pursuant shall be substantiated by that developer, who shall have the burden of proof in showing entitlement to the claimed exemption.

Section 7. Collection of Fees

- (a) Prior to requesting a building permit, the developer shall submit to the Tax Assessor a request for a calculation of the development fee amount. The amount of the development fee shall be calculated based upon the difference in the equalized assessed value of the property before and after the development activity which is subject to the development fee.
- (b) Fifty percent (50%) of the development fee must be paid prior to the issuance of the building permit, and the balance prior to the issuance of a Certificate of Occupancy ("CO). Payment shall be made directly to the "Treasurer, State of New Jersey" as set forth in Section 8 of this Ordinance. The amount of the development fee shall be based initially on an estimate by the Tax Assessor of the increase in equalized assessed value attributable to the improvements to be constructed.
- (c) The remaining portion of the development fee must be paid prior to the issuance of the CO, . At that time the Tax Assessor shall calculate the actual equalized assessed value, which may differ from the estimate provided prior to the issuance of the building permit. The amount of the fee will at that time be recalculated, and the developer shall be responsible for paying the difference between the development free amount and the amount paid prior to issuance of the building permit.
- (d) No building permit or certificate of occupancy shall be issued unless or until such development fee, as set forth above, has been paid to the Treasurer, State of New Jersey

in accord with Section 8 of this Ordinance, and a Receipt of Payment provided to the Borough.

Section 8. Collection Procedures

- (a) Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.
- (b) The developer shall also be provided with a copy of Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify any exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- (c) The Construction Official responsible for the issuance of a construction permit shall notify the Township Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- (d) Within 90 days of receipt of such notification, the Township Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- (e) The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- (f) Within ten (10) business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (g) Should the Borough fail to determine or notify the developer of the amount of the development fee within ten (10) business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- (h) Prior to the issuance of a building permit, the developer shall pay 50% of the calculated development fee, by payment of same to the "Treasurer, State of New Jersey" and submitting same to the Office of Local Planning Services, N.J. Department of Community Affairs for deposit into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320) in accord with Form N-RDF, and obtaining from the State a receipt of payment of same. When preparing the building permit, the Construction Official is to compare the Developer's Receipt of Payment from the "New Jersey Affordable Trust Fund" to the copy of the form N-RDF in the Construction Permit File, and if the sums match, then issue the building permit. A non-residential developer may deposit with the State Treasurer the development fees as calculated by the municipality under protest, and the local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy.
- (i) A final Certificate of Occupancy ("CO") shall not be issued for any nonresidential development until such time as the fee imposed pursuant to this section has been paid by the developer. The developer shall be responsible for paying to the "New Jersey Affordable Housing Trust Fund", the difference between the fee calculated upon issuance of the building permit and the final fee upon the issuance of the CO. Prior to the issuance of a CO, the developer shall pay the balance of the development fee, by payment of same

to the "Treasurer, State of New Jersey" and submitting same to the Office of Local Planning Services, N.J. Department of Community Affairs for deposit into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320) in accord with Form N-RDF, and obtaining from the State a receipt of payment of same prior to the issuance of a CO. When preparing the CO, the Construction Official is to compare the Developer's Receipt of Payment from the "New Jersey Affordable Trust Fund" to the copy of the final form N-RDF in the Construction Permit File, and if the sums match, then issue the Certificate of Occupancy.

Section 9. Contested fees; Appeals

If the fee imposed is being contested, the payment must equal the estimated amount as calculated by the Borough, prior to a CO being issued. If payment does not match the final or the estimated fee, a CO will not be issued. A Developer may challenge Non-Residential Development Fees imposed pursuant to N.J.S.A. 40:55D-8.1 et seq. by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the State of New Jersey. Appeals from a determination of the Director may be made to the Tax Court of New Jersey in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party

Section 10. Monitoring

The Borough of Manville shall complete and return to the State of New Jersey, Office Local Planning Services, N.J. Department of Community Affairs an annual monitoring report summarizing the collection of development fees from Non-Residential developers. All monitoring reports shall be completed on forms designed by COAH.

Section 11. Repealer

Repealer: Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

Section 12. Severability

Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, or is found to be inconsistent with or precluded by any overriding State Statute or Regulation, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

Section 14. Inconsistency with other Ordinances

Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

Section 15. Effective Date

Effective Date: This ordinance shall take effect upon its passage and publication and filing with the Somerset County Planning Board and as otherwise provided for by law.

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

ORDINANCES-INTRODUCTION AND FIRST READING

Mayor Onderko read Ordinance #2021-1263 by title and requested a motion to introduce. Councilman Szabo seconded by Councilman Lukac made a motion to introduce Ordinance #2021-1263.

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

Borough of Manville **Ordinance #2021-1263**

An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey, To Prohibit The Smoking, Vaping, Aerosolizing, Or Otherwise Consuming Of Cannabis Or Cannabis Items In Public Places

Statement of Purpose.

The purpose of this Ordinance is to regulate the use and consumption of cannabis and cannabis items in Public Places, as discussed in Section 46 of the New Jersey CREAMM Act (P.L. 2021, c. 16). Pursuant to Section 46 of that Act and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or carries lighted cannabis, or who consumes cannabis not by smoking, vaping, or aerosolizing, in any Public Place,

WHEREAS, on February 22, 2021, New Jersey Governor Murphy signed into law the New Jersey “Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “CREAMM Act”), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

WHEREAS, the Administration and Council of the Borough of Manville of Bridgewater has already determined that the licensing of cannabis establishments within Township jurisdiction would be detrimental to the public health, safety, and welfare of the Township and its residents, per Borough of Manville Ordinance No. 2021-1258, as Adopted April 12, 2021; and

WHEREAS, the Act already provides that the fines or civil penalties that may be assessed for the smoking of tobacco in designated places under the “New Jersey Smoke-Free Air Act,” P.L.2005, c.383 (N.J.S.A. 26:3D-55 et seq.) shall also be applicable to the smoking, vaping, or aerosolizing of cannabis items; and

WHEREAS, the Smoke-Free Air Act allows a municipality to enact an ordinance preventing an individual from smoking or carrying lighted tobacco in any Public Place, including, but not limited to, places of public accommodation; and

WHEREAS, municipalities are given the discretion to enact an ordinance making it unlawful for any person who is of legal age to consume a cannabis item in a manner not from smoking, vaping, or aerosolizing in a Public Place, as well;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor & Council of the Borough of Manville in the County of Somerset and State of New Jersey, per N.J.S.A. 40:48-1 and 40:48-2, as follows:

SECTION 1: Statement of Purpose.

The purpose of this Ordinance is to regulate the use and consumption of cannabis and cannabis items in Public Places, as discussed in Section 46 of the New Jersey CREAMM Act (P.L. 2021, c.

16). Pursuant to Section 46 of that Act and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or carries lighted cannabis, or who consumes cannabis not by smoking, vaping, or aerosolizing, in any Public Place,

SECTION 2: Definition of “Public Place”

For purposes of this Ordinance, "Public Place" means "any place to which the public has access that is not privately owned; or to any place to which the public has access where alcohol consumption is not allowed; including but not limited to a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area".

SECTION 3: Findings

The Borough of Manville finds that in Public Places, the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke, and also finds that the consumption of cannabis in Public Places is inimical to the health, safety, and welfare of the Township and its residents.

SECTION 4: Cannabis Limitations in Public Places

No person shall engage in the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis in a public place as defined in this Chapter.

SECTION 5: Signage

“No smoking, vaping, aerosolizing, or otherwise consuming Cannabis or Cannabis items” signs adequately providing notice of the prohibition on the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items shall be clearly, sufficiently, and conspicuously posted in all public places affected by this section. Such signs shall also indicate that violators are subject to the penalty provisions of this Chapter.

SECTION 6: Violations and Penalties

Pursuant to N.J.S.A. 26:3D-65(a) and Section 46 of the New Jersey CREAMM Act (P.L. 2021, c. 16), any person who violates this Chapter by smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items in a public place is subject to a civil penalty of up to \$200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," (P.L. 1999, c. 274) (C.2A:58-10 et. seq.).

SECTION 7: Repealer

Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

SECTION 8: Severability

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent,

the provisions and applications of this ordinance are declared to be severable, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 9: Inconsistency with Other Ordinances

Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 10: Effective Date: This ordinance shall take effect upon its adoption and publication in the manner required by New Jersey law, including as applicable filing with the Somerset County Planning Board.

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

PRESENTATION/PUBLIC HEARING-URBAN PARKS GRANT APPLICATION

Councilwoman Maeder stated the requirements of the grant and provided a conceptual drawing for the Public to view. She explained the components that would be installed to improve and provide a recreational space in the Lost Valley Park. The project would be entirely funded by the NJDEP if the Borough received the grant with no financial cost to the Borough. The resolution authorizing the Borough to submit the grant application will be on the agenda for the next Council Meeting. Once finished with her presentation, Councilwoman Maeder opened the floor to Public for any questions or comments.

Maria Janucik, 720 E. Frech Ave., Questioned if there would be any cost to the Borough and why was the Borough deemed an overburdened community.

Councilwoman Maeder answered her questions.

Tim Kenyon, 925 Haran Ave., Voice his support for the project

Mayor Onderko requested a motion to end the Public Hearing for the Urban Park Grant application. Councilman Szabo seconded by Councilman Lukac made a motion to close the Public Hearing.

All present were in favor.

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2021-103 through #2021-125. Councilman Szabo seconded by Councilman Lukac ,made a motion to open the public portion on Resolutions #2021-103 through #2021-125.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Requested an explanation of Lost Valley Nature Preserve and the grant that was awarded in 2018 and questioned Resolution #2021-112.

Mayor Onderko and Administrator Radi answered her questions.

When no one else 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 Resolution #2021-103 through #2021-125.

All present were in favor.

RESOLUTIONS- TAKEN SEPARATELY

Mayor Onderko requested a motion to adopt Resolution #2021-103. Councilwoman Magnani seconded by Councilman Lukac made a motion to adopt Resolution #2021-103.

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

**Borough of Manville
Resolution #2021-103
Approval of Vouchers**

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

1. Current	\$1,475,874.21
2. Sewer Checking	\$6,726.27
3. Sewer Capital Checking	\$15,485.00
4. Trust Checking	\$625.00
5. Developer's Escrow	\$5,451.00
6. Lien Premium	\$100.00
7. Redemption Checking	\$639.65
8. Recreation Dedicated	\$1,500.00
TOTAL	\$1,506,401.13

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 would like to take any resolution individually. Council President Petrock stated #2021-114 was a conflict license and would need to be taken individually. Mayor Onderko requested a motion to adopt Resolutions #2021-104 through #2021-113 and Resolutions #2021-115 through 2021-125. Councilwoman Magnani seconded by Councilwoman Zamorski made a motion to adopt Resolution #2021-104 through #2021-113 and Resolutions #2021-115 through #2021-125.

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

**Borough of Manville
Resolution #2021-104**

Resolution to Authorize Abatement and Lien on Nuisance Properties

WHEREAS, in accordance with Ordinance #2012-1109, "An Ordinance to Regulate Unsafe Buildings" and Ordinance #2019-1223, "An Ordinance Repealing Ordinance No. 2001-960 And Adopting, As Per The State Of New Jersey Regulations That Are Currently Adopted By State

Statute, The Most Recent Version Of The *International Property Maintenance Code*, As Sections Thereof Are Revised And Deleted Herein, As A New Property Maintenance Code Of And For The Borough Of Manville ", the Property Maintenance Officer has determined nuisances such as overgrown grass, weeds, and plant growth higher than 6" and rodent harborage in the way of trash and abandoned items in the yard exists at certain properties; and

WHEREAS, the Property Maintenance Officer has sent numerous notices to certain properties to abate high grass and rodent harborage nuisances, and those nuisances have not been abated to date; and

WHEREAS, Ordinance #2012-1109, **Section 8. Abatement of nuisance; correction of defect; lien against premises**, states:

The Borough Council, by resolution of its governing body, may abate a nuisance, correct a defect or put the premises in proper condition so as to comply with the requirements of any municipal ordinance or state law applicable thereto, at the cost of the owner or lessor, and expend municipal funds for such purpose and charge the same against the premises, and the amount thereof as determined by the governing body of the municipality shall be a lien against the premises.

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 properties:

Address	Block	Lot
225 South Main St.	152	1
11 Griggs Pl.	307	12
834 Huff Ave.	184	16

have failed to abate nuisances on the property, despite being properly noticed by the Property Maintenance Officer to abate said nuisances; and

BE IT FURTHER RESOLVED that the Mayor and Council hereby authorize the Public Works Director to abate the nuisances at the listed property and to provide the cost of such minimal abatement to the Tax Collector, which shall be a lien against that property on the tax records.

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

Borough of Manville
Resolution #2021-105

Pursuant To N.J.S.A. 40a:4-87 (Chapter 159, P.L. 1948) –
2021 Somerset County Open Space Grant

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any County or Municipality when such item shall have been made by law and the

amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Manville hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2021, in the amounts listed below, which items is now available as a revenue from the County of Somerset;

2021 County Open Space Grant	\$250,000.00
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BE IT FURTHER RESOLVED That a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

BE IT FURTHER RESOLVED That the Chief Financial Officer shall file an electronic Special Item of Revenue Resolution submittal form to the Division of Local Government Services.

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

Borough of Manville
Resolution #2021-106

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Improvements to North 13th Avenue project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Borough of Manville, County of Somerset, and State of New Jersey that they formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**MA-2022-Improvements to North 13th Avenue-00268**” to the New Jersey Department of Transportation on behalf of the Borough of Manville; and

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Borough of Manville
Resolution #2021-107

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Knopf Street Improvements Phase 2 project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Borough of Manville, County of Somerset, and State of New Jersey that they formally approve the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as “**MA-2022-Knopf Street Improvements Phase 2–00263**” to the New Jersey Department of Transportation on behalf of the Borough of Manville; and

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Manville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Borough of Manville
Resolution #2021-108
Authorization to Hire Temporary Seasonal DPW Employee

WHEREAS, the Public Works Department has the need to hire two temporary seasonal employees as there was a vacancy created by injuries and COVID-19 quarantines; and

WHEREAS, the Director of Public Works and the Borough Administrator recommend the hiring of two temporary seasonal employees to work 29 hours per week; and

WHEREAS, the Borough Administrator supports the recommendation of the DPW Director to hire Dylan Whitenight and Jake Thompson to serve in the position of temporary seasonal sanitation worker; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that the Director of Public Works is hereby authorized:

To hire Dylan Whitenight and Jake Thompson as temporary, seasonal part-time employee for the Public Works Department at the rate of \$15 per hour, for 29 hours per week, effective June 15, 2021.

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

Borough of Manville
Resolution #2021-109
Temporary Seasonal Employees- Recreation

WHEREAS, the Recreation Department is in need of personnel for their seasonal programs; and
WHEREAS, in accordance with Ordinance #2018-1212, these employees are now referred to as Temporary Seasonal Employees.

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 Temporary Seasonal Employees shall be hired by the Recreation Department:

First Name	Last Name	Title	Salary
Antonio	McFadden	Lead Counselor	\$13.00
Melanie	Alcantara	Camp Counselor	\$12.00
Megan	Shimp	Camp Counselor	\$12.00
John	Wilczek	Camp Counselor	\$12.00
Brandon	Roche	Certified Lifeguard Supervisor, 5+ Years	\$13.00
Brittney	Kozioski	Certified Lifeguard Supervisor, 5+ Years	\$13.00
Matthew	Rogalski	Certified Lifeguard, 4 Years	\$12.00
Gabriel	Van Buren	Certified Lifeguard, 2 Years	\$12.00
Megan	Harabin	Lifeguard	\$12.00
Grace	Perun	Lifeguard	\$12.00
Sophia	Starzynski	Lifeguard	\$12.00
Alekander	Starzynski	Lifeguard	\$12.00
Brandon	Alvarado	Lifeguard	\$12.00
Kathryn	Sanders	Lifeguard	\$12.00

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

Borough of Manville
Resolution #2021-110

Approval of Fire Department Member- Peter Krepic

WHEREAS, Peter Krepic has applied to become a member of the Manville Fire Department; and

WHEREAS, all required criminal history background checks and fingerprinting has been completed; and

WHEREAS, in accordance with Ordinance #2014-1153, the Mayor and Council must approve, by Resolution, membership to the Fire Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Peter Krepic is approved as a member of the Manville Fire Department.

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

Borough of Manville
Resolution #2021-111

Approval of Fire Department Member- Carlos Grajdes

WHEREAS, Carlos Grajdes has applied to become a member of the Manville Fire Department; and

WHEREAS, all required criminal history background checks and fingerprinting has been completed; and

WHEREAS, in accordance with Ordinance #2014-1153, the Mayor and Council must approve, by Resolution, membership to the Fire Department.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Carlos Grajdes is approved as a member of the Manville Fire Department.

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

Borough of Manville
Resolution #2021-112

WHEREAS, the Public Safety Committee recommends the hiring of one additional police officer; and

WHEREAS, the Chief of Police has the authorization to advertise for the hiring of such officer.

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 Chief of Police Thomas Herbst is hereby authorized to advertise for such position.

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

Borough of Manville
Resolution #2021-113

Liquor License Renewal-LK Group, LLC t/a The Extra Pint

WHEREAS, an application was filed for renewal of the following Plenary Consumption License:

License Name	Business Name and Address	License Number
LK Group, LLC	The Extra Pint 1001 West Camplain Rd.	1811-33-001-008

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix

her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-115

Liquor License Renewal-Manville Pizza, L.L.C

WHEREAS, an application was filed for renewal of the following Plenary Consumption License:

License Name	Business Name and Address	License Number
Manville Pizza, L.L.C.	Manville Pizza 31 South Main St.	1811-33-005-009

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control

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

Borough of Manville
Resolution #2021-116

Liquor License Renewal-Pizza & Pasta, L.L.C.

WHEREAS, an application was filed for renewal of the following Plenary Consumption License:

License Name	Business Name and Address	License Number
Mark&Gina's Pizza & Pasta, LLC	Pizza & Pasta 930 South Main St.	1811-33-009-005

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-117

Liquor License Renewal-Legion Home of Manville

WHEREAS, an application was filed for renewal of the following Club License:

License Name	Business Name and Address	License Number
Legion Home of Manville, Inc.	Legion Home of Manville 429 South Main St.	1811-31-024-003

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-118
Liquor License Renewal-Reading Cinemas

WHEREAS, an application was filed for renewal of the following Plenary Consumption License:

License Name	Business Name and Address	License Number
Reading Cinemas	Reading Cinemas 180 North Main St.	1811-33-010-012

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-119

Liquor License Renewal-Boscia Liquors, t/a Camplain Liquors

WHEREAS, an application was filed for renewal of the following Plenary Distribution License:

License Name	Business Name and Address	License Number
Boscia Liquors, Inc.	Camplain Liquors 519 West Camplain Rd.	1811-44-002-005

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-120

Liquor License Renewal-Apak Liquors, L.L.P

WHEREAS, an application was filed for renewal of the following Plenary Distribution License:

License Name	Business Name and Address	License Number
Apak Liquors, L.L.P	Cybert's Liquor's, Inc. 26 South Main St.	1811-44-003-006

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-121

Liquor License Renewal-Pegajoso, LLC t/a Northside

WHEREAS, an application was filed for renewal of the following Plenary Distribution License:

License Name	Business Name and Address	License Number
Pegajoso, LLC	Northside Lounge 100 Brooks Blvd.	1811-33-017-004

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100’ in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

Borough of Manville
Resolution #2021-122
Police Vehicle to County Auction

WHEREAS, the Police Department has deemed that certain vehicles and equipment is no longer needed for Department use; and

WHEREAS, N.J.S.A. 40A:11-36 provides that any contracting unit, by resolution of its governing body, may authorize the disposition of its personal property; and

WHEREAS, the vehicle is specified below:

2011 Ford Crown Victoria	VIN 2FABP7BV5BX158091
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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, New Jersey, that the above mentioned vehicle is no longer needed for public use and will be forwarded to Somerset County Vehicle Maintenance Department for auction.

BE IT FURTHER RESOLVED the Chief of Police may arrange for the disposition of this vehicle as indicated above.

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

Borough of Manville
Resolution #2021-123
**Authorizing the Execution of Additional Services Request Between
the Borough of Manville and Van Cleef Engineering for
Engineering Services for 2020 & 2021 CDBG Sidewalk Improvement Program**

WHEREAS, the Mayor and the Council of the Borough of Manville adopted resolution #2019-39 authorizing the execution of a Professional Services Agreement with Stan Shrek of Van Cleef Engineering Associates, LLC for Engineering Services; and

WHEREAS, additional services are for Engineering Design and Construction Administration Services to the 2020 & 2021 CDBG Sidewalk Improvement Program

NOW, THEREFORE, BE IT RESOLVED THAT

- 1. This contract is amended without competitive bidding as “Professional Service” in accordance with N.J.S.A. 40:11-5(1)(a) of the Local Public Contracts Law;

2. Compensation and expenses to be paid to Van Cleef Engineering Associates, LLC shall be in the amount of \$18,000.00
3. The Mayor and Clerk are hereby authorized to execute this additional services request,
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

Borough of Manville
Resolution #2021-124
Tax Collector Adjustment- Refund to Property Owner

WHEREAS, several a real 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 owner;
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</u>	<u>Lot</u>	<u>Name of Owner</u>	<u>Amount</u>
105	45	Lazowski, F	\$4541.13

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

Borough of Manville
Resolution #2021-125
Authorizing the Execution of a Contract with Taylor Wiseman Taylor, for Preliminary Design related to the Restoration of Lost Valley Nature Park

WHEREAS, the Department of Transportation (NJDOT) awarded a 2018 Transportation Alternative Program (TAP) Grant to the Borough of Manville in the amount of \$800,000.00

WHEREAS, NJDOT and the Borough of Manville are in the process of finalizing the Federal Agreement which is required to obtain the project funding.

WHEREAS, the Borough of Manville has elected to participate in the NJDOT Design Pool for Professional Services related to the completion of Contract Documents related to the Restoration of Lost Valley Nature Park. NJDOT will reimburse the Borough of Manville for costs related to the preparation of said Contract Documents.

WHEREAS, the Borough of Manville has received the following proposal for professional services from Taylor Wiseman Taylor of Mount Laurel, NJ:

- Preliminary Engineering dated August 26, 2020 for \$150,900.00

WHEREAS, the executing of the Federal Agreement between NJDOT and the governing body and the Professional Services Contract with the consultant selected through the aforementioned Design Pool, will provide initial funding to enable Preliminary Engineering.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that the contract for Professional Services related to Preliminary Engineering be awarded to Taylor Wiseman Taylor in the amount of \$150,900.00

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 contract.

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

Mayor Onderko requested a motion to adopt Resolution #2021-114. Councilwoman Zamorski seconded by Councilwoman Magnani made a motion to adopt Resolution #2021-114.

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

Borough of Manville
Resolution #2021-114
Liquor License Renewal-Veterans of Manville

WHEREAS, an application was filed for renewal of the following Club License:

License Name	Business Name and Address	License Number
Veterans of Manville	VFW Post 2290 600 Washington Ave.	1811-31-025-001

WHEREAS, investigations were conducted by the Police, Health and Fire Departments and reports were made; and

WHEREAS, no objections were filed and no appearances were made by the public opposing renewals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey hereby authorize the Borough Clerk to issue a license renewal for the above establishment on June 14, 2021, with the terms and conditions set forth herein

for all licensed premises, and place the seal of the Borough of Manville upon said licenses and to affix her signature thereon; and

BE IT FURTHER RESOLVED that this Resolution is subject to change or revision.

TERMS AND CONDITIONS FOR ALL LICENSES

- 1.The licensee shall, at closing time, police an area of 100' in all directions of the licensed premises, and remove any and all bottles, broken glass and debris from said area.
- 2.The licensee shall keep all doors and windows closed during times when entertainment or juke box music is provided. The foregoing terms and conditions of renewal shall become binding on the licensee upon approval of this resolution by the commissioner of Alcoholic Beverage Control.

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

OFFICIAL REPORTS

- A/**Clerk's Report- May, 2021
- B/**Registrar's Report- May, 2021
- C/** Registrar's Report, Animal Control- May, 2021
- D/** Registrar's Report, Board of Health-May, 2021
- E/**Code Enforcement Report- May, 2021
- F/**Bureau of Fire Safety Report- May, 2021
- G/**Fireman Board of Engineers Report- May, 2021

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

NEW BUSINESS

- A/** Amusement Device Renewal
 - VFW #2290
 - Northside
- B/** Peddler Permit License-Rachid S. Aboujaoude
- C/** Towing License
 - Dave's Heavy Towing
 - Rich's Offroad Towing
 - Somerset Hills Towing
 - Value Towing

Mayor Onderko stated hearing no denials, all new business has been accepted.

COMMUNICATIONS

- A/** Request from Christ the Redeemer Church for permission to hold their Summer Festival from Wednesday, July 28th through Saturday, July 31st, along with permission to close Msgr. Kryzstofik Lane for the duration of the Festival.
- B/** Letter from Administrator Radi stating his resignation
- C/** Letter from NJ DOT regarding safe routes to school request for applications
- D/** Letter from Woodbridge Mayor McCormac announcing Woodbridge as the host to the New Jersey Senior Olympic games

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilwoman Zamorski, as Chairperson of the Public Safety Committee stated the Committee met and discussed hiring one officer to increase the force due to a resignation from last year. The Police Department will start wearing the body cameras by the mandatory date at the end of June. There were railroad safety presentations at the High School and ABIS for the students. She wished Administrator Radi success in his position.

Councilman Lukac, as Chairperson of the Department of Public Works Committee stated the Committee met on June 7th and the NJ American Water projects for next year, replacing two seasonal employees and an update on lien properties were discussed. All three Borough pools are ready for the season. DPW crews have been cleaned Main St and repaired the sidewalk on Bridge St. Councilman Lukac wished Administrator Radi much success in his new adventures and stated it was a pleasure and honor to work with him.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee met today and discussed the sign ordinance and necessary revisions that Code Enforcement needs to maintain. She explained there needs to be a clean up of Main St. Councilwoman Magnani thanked Administrator Radi for his professionalism and stated she enjoyed working with him. Lastly, she asked Mayor Onderko as to who the employees will be reporting to in the absence of an administrator.

Council President Petrock, as Chairperson of the Finance Committee stated the Finance Committee is an integral part for all the committees and there are ongoing finance meetings. He wished Administrator Radi much success and happiness and stated that he was instrumental in the day to day operations of the Borough with his excellent dedication.

Councilwoman Maeder, as Chairperson of the Building and Grounds Committee stated the Committee met on June 7th. The generator for the library is on back order. Led lighting has been installed at Borough Hall. The pools are completely operation and ready for the season, a ribbon cutting ceremony is expected on June 26th at the Kiddie Pool. A volunteer clean up group is being formed for anyone wishing to help. The Board of Health will be meeting on Tuesday, June 15th. The Economic Development Committee met on June 1st, Chief Herbst discussed public safety issues along Main St. with the members. Registration for the Recreation Dept's summer programs is open via Community Pass. Councilwoman Maeder wished Administrator Radi the best in his future endeavors.

Councilman Szabo, as Chairperson of the Progress and Development Committee, reported construction is ongoing on Valerie Dr.

Administrator Radi announced his resignation with the Borough of Manville and thanked the community along with the Mayor and Council for their support.

Mayor Onderko reported the tax rate from the County should be released shortly. He was pleased to see the many people who came out for the recent Motorcycle event and supporting Main St. businesses. He stated the art expo sponsored by the Manville Arts Council at the Library had started.

PUBLIC PORTION

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

All present were in favor.

Roberta Walters, 93 S. 16th Ave., Thanked Mayor Onderko for the Pride Month proclamation and inquired if the Pride flag could be flown outside Borough Hall.

Phil Petrone, 7 N. 11th Ave., Commended the DPW for the wonderful job at the parks. Recommended the Recreation Dept. have insurance in place for all summer aquatic programs.

Mayor Onderko thanked him for his comments.

Maria Janucik, 720 E. Frech Ave., thanked DPW employee, Ronnie Mroz for the outstanding work at the pools. Questioned which Hillsborough properties are serviced through Manville sewer utility and the shared service agreement with Raritan for DPW Director.

Mayor Onderko thanked her for her comments.

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 8:55 pm.

ATTEST:



Wendy Barras
Borough Clerk

