

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
JUNE 28, 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 28, 2021, IN THE MANVILLE MUNICIPAL COUNCIL MEETING ROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 7:00 P.M.

MAYOR RICHARD ONDERKO PRESIDED

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

ROLL CALL:

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

ALSO PRESENT:

THADDEUS R. MACIAG, BOROUGH ATTORNEY
WENDY BARRAS, BOROUGH CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko requested a moment of silence to longtime Shade Tree Commissioner Al Fiori who passed away recently.

Mayor Onderko requested a motion to amend the agenda. Council President Petrock seconded by Councilwoman Magnani made a motion to amend the agenda and add Resolutions #2021-133 and #2021-134.

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

APPROVAL OF MINUTES

Mayor Onderko requested a motion to approve the following minutes:

A/ Regular Meeting of June 14, 2021

Council President Petrock seconded by Councilwoman Magnani made a motion to approve the minutes of the Regular Meeting of June 14, 2021

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

B/ Special Meeting of June 22, 2021

Councilman Lukac seconded by Councilwoman Magnani made a motion to approve the minutes of the Regular Meeting of June 22, 2021

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

ORDINANCES- PUBLIC HEARING AND FINAL READING

Mayor Onderko requested a motion to open the Public Hearing on Ordinance #2021-1263. Councilman Lukac seconded by Councilwoman Magnani made a motion to open the Public Hearing on Ordinance #2021-1263.

ALL Present Were in Favor.

When no one wished to comment, Mayor Onderko requested a motion to close the Public Hearing on Ordinance #2021-1263. Councilwoman Zamorski seconded by Councilman Lukac made a motion to close the Public Hearing.

ALL Present Were in Favor

Mayor Onderko requested a motion to adopt Ordinance #2021-1263. Councilman Lukac seconded by Councilwoman Magnani made a motion to adopt Ordinance #2021-1263.

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

**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,

Borough of Manville
Resolution #2021-127
Approval of Vouchers

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

1. Current	\$304,552.16
2. Capital Checking	\$4,070.11
3. Sewer Checking	\$130,514.07
4. Developer's Escrow	\$2,849.00
5. Lien Premium	\$3,000.00
6. Redemption Checking	\$1,858.86
7. Recreation Dedicated	\$740.00
TOTAL	\$447,584.20

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. When no one on Council replied, Mayor Onderko requested a motion to adopt Resolutions #2021-128 through Resolutions #2021-134. Councilman Lukac, seconded by Councilwoman Magnani made a motion to adopt Resolutions #2021-128 through #2021-134.

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

Borough of Manville
Resolution #2021-128

**Authorization To Submit State of New Jersey Department of Environmental Protection
Urban Parks Initiative Enabling Resolution**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), is providing grants through the Urban Parks initiative; and

WHEREAS, the Borough of Manville desires to further the public interest by obtaining grant funding in the amount of \$315,000.00 from the State to fund the following project: the "Lincoln Park Fitness Playground" which includes improvements to Lincoln Park in the Lost Valley including a fitness park, quarter mile walking loop, and improved seating; at a cost of \$315,000;

NOW, THEREFORE, the governing body resolves that the Mayor or Borough Administrator, with input from the Council Member serving as Chair of the Building & Grounds Committee, are hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above-named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY the Borough Council of the Borough of Manville, County of Somerset, State of New Jersey

1. That **the Mayor, the Borough Administrator, or the Borough Clerk, in consultation with the Borough Attorney, the Borough Engineer, and the Borough Chief Financial Officer**, are hereby authorized to execute an agreement and any amendment thereto with the State known as Lincoln Park Fitness Playground;
2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
4. That this resolution shall take effect immediately.

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

Borough of Manville
Resolution #2021-129
Authorization to Purchase Police Vehicle

WHEREAS, the Manville Police Department is in need of one new police vehicle to replace older fleet vehicles which were included within the 2021 budget; and

WHEREAS, the Police Chief has located a vehicle under the Cranford Police Cooperative Pricing System - Contract #47-CPCPS and has secured financing through Ford Motor Credit; and

WHEREAS, Beyer Ford, Morristown, New Jersey, is the selected vendor for the new 2021 Ford Interceptor SUV which are smaller SUV's to serve as patrol vehicles; and

WHEREAS, this transaction will be effected by a "lease to own" arrangement, similar to previous patrol purchases.

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 Police Chief is authorized to lease to own one 2021 Ford Interceptor SUV under financing with Ford Motor credit, for a total purchase price of \$51,669.41.

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

Borough of Manville
Resolution #2021-130
Liquor License Renewal-Macgat, Inc t/a Drewby's

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

License Name	Business Name and Address	License Number
Macgat, Inc	Drewby's Grill Pub 58 South Main Ave.	1811-33-019-006

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 license renewals for the above establishments on June 28, 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 #2021-131
Liquor License Renewal-T.Trojanowski

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

License Name	Business Name and Address	License Number
T. Trojanowski	Thomas Trojanowski Pocket License	1811-33-022-002

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 license renewals for the above establishments on June 28, 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 #2021-132
Liquor License Renewal-Mata Holdings, LLC

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

License Name	Business Name and Address	License Number
Mata Holdings, LLC	Casa Mata 100 North Main St.	1811-32-007-013

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 license renewals for the above establishments on June 28, 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 #2021-133
Liquor License Renewal-Gonzalez Holdings, LLC

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

License Name	Business Name and Address	License Number
Gonzalez Holdings, LLC	La Cascada 500 W. Camplain Rd.	1811-33-018-013

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 license renewals for the above establishments on June 28, 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 #2021-134
Liquor License Renewal-Kohinoor Mahal, LLC

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

License Name	Business Name and Address	License Number
Kohinoor Mahal, LLC	Kohinoor Mahal, LLC 729-731 South Main St.	1811-33-020-008

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 license renewals for the above establishments on June 28, 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/Municipal Court Report- May, 2021

Mayor Onderko stated the above report was on file in the Clerk's office.

NEW BUSINESS

A/ Massage License
Deep Sea Facial

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

COMMUNICATIONS

There were no communications presented.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Council President Petrock, as Chairperson of the Finance Committee reported the Borough has received the first half from the American Rescue Act Plan in the amount of \$529,675.22 and the Committee will discuss at their meeting what the funds can be used for. He stated its intention is to be used for replacing lost public sector revenue, investing in water, sewer, and broadband infrastructure, providing premium pay for essential workers, and addressing the COVID 19 negative economic impact. Mayor Onderko stated he would like to be able to give money to the 501 c organizations within the Borough that were heavily impacted from the pandemic.

Councilwoman Zamorski, as Chairperson of the Public Safety Committee reported the body cameras for the Police Dept will be delivered July 6th and once installed training will begin. There were 23 fire calls for the month of May, 11 calls so far for the month of June, and 116 calls year to date.

Councilman Lukac, as Chairperson of the Department of Public Works Committee stated the DPW crews have completed milling and patching and there is ongoing maintenance of the catch basins. The ball fields are being raked and lined as needed and daily maintenance of the three pools. He attended the Korean War Memorial at the VFW.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated registrations are underway for adult swim programs and Weston summer camps. The Recreation Dept. will begin registration for sports camps soon. She asked Clerk Barras to arrange for a PPP committee

meeting on July 19th with Chief Herbst and DPW Director LoMedico to discuss parking during snowstorms.

Mayor Onderko stated he met with the County Commissioner Director, Shanel Robinson regarding decreasing the speed to 25 on Main St based on results from a speed study conducted by Van Cleef Engineering. The Road Diet Project for Main St. is still on schedule, currently right of entry easements need to be completed by property owners on Main St. The tax rate has not been issued as of today's date. Mayor Onderko thanked Manville PD for apprehending an alleged shooter. The search for a new Administrator is underway. He wished all residents a Happy 4th.

PUBLIC PORTION

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

All present were in favor.

Basil Kuhlick, 1019 Huff Ave., Commented on commercial vehicles parked at the Municipal Lot on South Main St. and the need for a police presence on Main St.

Councilwoman Magnani addressed his concerns.

When no one from the Public wished to speak, Mayor Onderko requested a motion to close the public portion. Councilman Lukac seconded by Councilwoman Magnani made a motion to close the public portion.

All present were in favor.

Mayor Onderko requested a motion to adjourn the meeting. Councilman Lukac seconded by Council President Petrock made a motion to adjourn the meeting.

All present were in favor.

The meeting was adjourned at approximately 7:35 pm.

ATTEST:



Wendy Barras
Borough Clerk

