

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
AUGUST 12, 2019**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON AUGUST 12, 2019 IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 7:00 P.M.

MAYOR RICHARD ONDERKO PRESIDED

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

ROLL CALL:

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

ALSO PRESENT:

FRANCIS P. LINNUS, ESQ., BOROUGH ATTORNEY
MICHEAL PITTS, INTERIM BOROUGH ADMINISTRATOR
MARK PELTACK, CHIEF OF POLICE
WENDY BARRAS, TEMPORARY ACTING BOROUGH CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Mayor Onderko requested a moment of silence for George Brisebois, a Manville resident and involved member of the Manville Seniors Group who recently passed away.

RESOLUTIONS BY CONSENT

Mayor Onderko requested a motion to adopt Resolutions #2019-161 through #2019-163. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Resolutions #2019-161 through #2019-163.

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

Resolution #2019-161

**A Resolution Of Borough Of Manville Authorizing The Purchase Of
Electricity Supply Services For Public Use On An Online Auction Website**

WHEREAS, Borough of Manville has determined to move forward with the EMEX Reverse Auction in order procure electricity for Borough of Manville; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Borough of Manville will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.106/kWh or less for a 12 month term, a price of \$0.109/kWh or less for a 18 month term, a price of \$0.107/kWh or less for a 24 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

NOW, THEREFORE BE IT RESOLVED that the Borough Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Interim Administrator of the Borough of Manville to execute on behalf of the Borough of Manville any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.106/kWh or less for a 12 month term, a price of \$0.109/kWh or less for a 18 month term, a price of \$0.107/kWh or less for a 24 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

Borough of Manville
/s/ Richard M.

Onderko, Mayor

**Resolution #2019-162
A Resolution Of Borough Of Manville Authorizing The Purchase Of
Natural Gas Supply Services For Public Use On An Online Auction Website**

WHEREAS, Borough of Manville has determined to move forward with the EMEX Reverse Auction in order procure natural gas for Borough of Manville ; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, Borough of Manville will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.58/therm or less for a 12 month term, a price of \$0.59/therm or less for an 18 month term, a price of \$0.575/therm or less for a 24 month term, a price of \$0.58/therm or less for a 36 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

NOW, THEREFORE BE IT RESOLVED that the Borough Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Interim Administrator of the Borough of Manville to execute on behalf of the Borough of Manville any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.58/therm or less for a 12 month term, a price of \$0.59/therm or less for an 18 month term, a price of \$0.575/therm or less for a 24 month term, a price of \$0.58/therm or less for a 36 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

Borough of Manville
/s/ Richard M. Onderko,

Mayor

Resolution #2019-163

A Resolution Of Borough Of Manville (Lighting Accounts) Authorizing The Purchase Of Electricity Supply Services For Public Use On An Online Auction Website

WHEREAS, Borough of Manville has determined to move forward with the EMEX Reverse Auction in order procure electricity for Borough of Manville; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

WHEREAS, Borough of Manville will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.055/kWh or less for a 12 month term, a price of \$0.053/kWh or less for a 18 month term, a price of \$0.0535/kWh or less for a 24 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

NOW, THEREFORE BE IT RESOLVED that the Borough Council, of the Borough of Manville, County of Somerset, State of New Jersey, hereby authorizes the Interim Administrator of the Borough of Manville to execute on behalf of the Borough of Manville any electricity contract

proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.055/kWh or less for a 12 month term, a price of \$0.053/kWh or less for a 18 month term, a price of \$0.0535/kWh or less for a 24 month term; Borough of Manville may award a contract to the winning supplier for the selected term.

Borough of Manville
/s/ Richard M. Onderko,

Mayor

RESOLUTIONS (To Be Taken Separately)

Temporary Acting Borough Clerk Barras read Resolution #2019-164 into the record. Mayor Onderko requested a motion to adopt Resolution #2019-164. Council President Magnani seconded by Councilman Lukac made a motion to adopt Resolution #2019-164.

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

**Resolution #2019-164
Closed Session**

BE IT RESOLVED by the Mayor and Council of The Borough of Manville, that an Executive Session of the Mayor and Council, from which the public will be excluded will be held upon adoption of this resolution for the purpose of discussing:

- Contract Negotiations
Anticipated Litigation-Rustic Mall
- Possible Litigation Discussion-Sherman Tract
- Litigation Matters-Liquor License Renewal-Mike Wins Bars, LLC dba Foxtails Lounge

Exclusion of the public for this purpose (s) stated is expressly permitted by the provisions of the "OPEN PUBLIC MEETINGS ACT", N.J.S.A. 10:4-6, et. seq. It is not anticipated that the contents of the discussion will be made known until it has been determined that disclosure of the subject matter will not adversely affect the public interest and until the Mayor and Council have adopted a Resolution so concluding

Borough of Manville
/s/ Richard M. Onderko,

Mayor

At 7:05 pm the Meeting of the Mayor and Council moved into Closed Session.
At 8:29 pm Mayor Onderko requested a motion to come out Closed Session.
Councilman Szabo seconded by Council President Magnani made a motion to come out of Closed Session.

All present were in favor.

Mayor Onderko stated there is no formal action to be taken from the Closed Session and there will be no Public Hearing.

APPROVAL OF MINUTES

Mayor Onderko asked if any members of Council would like to make any correction to the minutes of the regular meeting of July 15, 2019. When no one spoke, Mayor Onderko requested a motion to approve the following minutes:

A/Regular Meeting of July 15, 2019

Councilman Szabo, seconded by Council President Magnani made a motion to approve the minutes of July 15, 2019.

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

B/Closed Session Meeting of July 15, 2019

Councilman Szabo, seconded by Council President Magnani made a motion to approve the minutes of the Closed Session meeting on July 15, 2019.

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

ORDINANCE-INTRODUCTION AND FIRST READING

Mayor Onderko read the Ordinance by title and requested a motion to introduce. Council President Magnani seconded by Councilman Lukac made a motion to introduce Ordinance #2019-1223.

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

ORDINANCE NO. 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

STATEMENT OF PURPOSE

The purpose of this Ordinance is to establish minimum regulations governing the conditions and maintenance of all property, buildings and structures; by

providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; known as the *Property Maintenance Code*.

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

PART 1. REPEAL OF ORDINANCE NO. 2001-960 Property Maintenance Code.

Ordinance No. 2001-960 is hereby repealed subject to the exceptions contained in PART 4, hereof.

PART 2. ADOPTION OF PROPERTY MAINTENANCE CODE.

At least three (3) copies are on file in the office of the Clerk of the Borough of Manville of the most recent version of the *International Property Maintenance Code*, adopted by New Jersey State Statute, as published by the International Code Council, and is hereby adopted as the *Property Maintenance Code* of the Borough of Manville, in the County of Somerset, State of New Jersey; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of the *Property Maintenance Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this PART, with the additions, insertions, deletions and changes prescribed in PART 4.

101. 1 Title. These regulations shall be known as the *Property Maintenance Code* of the Borough of Manville hereinafter referred to as 'this code.'"

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the New Jersey law and Borough ordinances. In the event of any inconsistency between the provisions of this code and other applicable law or ordinance, the more stringent provision shall apply. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Manville Zoning Ordinance."

PART 3. REVISION OF SECTIONS.

The following sections of the *International Property Maintenance Code* are hereby revised to read as follows:

SECTION 103 DEPARTMENT OF PROPERTY MAINTENANCE INSPECTIONS

103.1 General. The Department of Property Maintenance Inspection is hereby created. The executive official in charge thereof shall be known as the ‘**Code Enforcement Official.**’”

103.2 Appointment. Upon nomination of the Mayor, and by and with the advice council committee, the Code Enforcement Official shall be appointed.”

103.4 Liability. The Code Enforcement Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not shall not be rendered civilly or criminally personally liable for any damages accruing to persons or property as a result of an act or omission in the discharge of official duties.

103.5 Fees. The fees and for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule:

103.6[RESERVED]

SECTION 104 DUTIES AND POWERS FO THE CODE ENFORCMENT OFFICIAL

104.6 Division records. The Code Enforcement Official shall keep official records of all business and activities of the division specified in the provisions of this code. Such records shall be retained in the official records so long as the building or structure to which such records relate and remain in existence, unless otherwise provided by other regulations.

SECTION 106 VIOLATIONS.

106.2 Notice of violation, order, summons and complaint. The Code Enforcement Official shall serve a notice of violation or order in accordance with Section 107. The Code Enforcement Official may file a summons and/or complaint in the municipal court or cause the issuance of the same, whether or not a notice of violation or order shall have been served. Any such summons and/or complaint shall be processed in accordance with law.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a disorderly persons offense, and the violation shall be deemed a strict liability offense. If the notice or violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

106.4 Penalty: Any person, firm or corporation or entity who shall violate any of the provisions of this code shall be subject to a fine shall, after a summons is issued under the terms hereof, be punished as follows, for each such violation occurring during any calendar day being considered a separate offense:

- A. For the first offense, by a fine not less than \$500 nor more than \$2,000.
- B. For a second offence, by a fine not less than \$1,000 nor more than \$2,000.
- C. For a third offense or any subsequent offenses, by a fine of not less than \$1,500 nor more than \$2,000 or imprisonment for a term not to exceed 90 days, or both, at the discretion of the court.
- D. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense.

The penalties pursuant to this section may be collected in a summary proceeding pursuant to N.J.S.A. 2A:58-1 et seq. (Penalty Enforcement Law).

106.4A Lien. In accordance with N.J.S.A. 40:48.2-13 et seq. (2017), any owner or tenant of lands who has neglected or refused to remove or destroy brush, weeds, dead and dying trees, stumps, roots, obnoxious growths, filth, garbage, trash and debris having been duly noticed to remove same, within the manner and time provided shall be charged for the removal or destruction of same by the Borough, which at its option may remove or destroy the violation in order to preserve the health, safety, general welfare or to eliminate a fire hazard, and said charge shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon such lands. Such a lien shall bear interest at the same rate as the taxes and shall be collected and enforced by the tax collector.

SECTION 107 NOTICE.

107.3 Method of Service:

- (a) Such notice shall be deemed to be properly served if a copy thereof is:
 - 1. Delivered personally;
 - 2. Sent by certified first-class and a 2nd sent by regular mail addressed to the last known address or the address on file in the Borough's Record system; or
 - 3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
 - 4. Service of such notice in the foregoing manner upon the owner's agent or upon the

person responsible for the structure shall constitute service of notice upon the owner.

5. The date of personal service or the **third (3) business day** after mailing shall be considered the date of service.

SECTION 109 EMERGENCY MEASURES.

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The costs of such repair shall be charged against the real estate upon which the repairs were made and shall be a lien upon such real estate.

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the Borough Clerk, be afforded a hearing as described in this code.

SECTION 111 MEANS OF APPEAL.

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal provided that a written application for appeal is filed with the Borough Clerk within 5 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or that the strict application of any requirement of this code would cause an undue hardship. The Borough Clerk shall forthwith forward a copy of the application of appeal to the code official and the Property Maintenance Hearing Officer. Nothing herein shall be construed as affording a right to an administrative appeal from a summons and/or complaint issuing out of the municipal court.

111.2 Property Maintenance Hearing Officer. Upon nomination of the Mayor, and by and with the advice and consent of the Council, a Property Maintenance Hearing Officer shall be appointed to serve for a term of one year and until his successor shall be appointed and qualified. A vacancy in office shall be filled for the balance of the unexpired term. Provided, however, the term of the initial appointee to the office of Property Maintenance Hearing Officer shall be from the date of appointment through December 31st of the followyear.

Subsections 111.2.1 through 111.2.5 of the *International Property Maintenance Code* are hereby deleted.

111.3 Notice of hearing. The Property Maintenance Hearing Officer shall conduct a hearing upon notice to all interested parties within 20 days of the filing of an appeal, or within such extended period as shall be agreed upon by the parties.

111.4 Open hearing. All hearings before the Property Maintenance Hearing Officer shall be open to the public. The appellant, the appellant's representative, the Code Enforcement Official and any person whose interests are affected shall be given an opportunity to be heard.

111.4.1 Procedure. The Property Maintenance Hearing Officer shall promulgate and make available to the public procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

111.4.2 Disqualification. In the event the Property Maintenance Hearing Officer is disqualified or unable to conduct a hearing for any reason, the Mayor, without the necessity of Council confirmation, shall appoint a substitute to act in the Property Maintenance Hearing Officer's place.

PROPERTY MAINTENANCE OFFICER'S DECISION

111.6 Property Maintenance Hearing. The Property Maintenance Hearing Officer may affirm, modify or reverse the decision of the code official.

111.6.1 Records and copies. The decision of the Property Maintenance Hearing Officer shall be recorded. Copies shall be furnished to the appellant and to the code official.

111.6.2 Administration. The code official shall take immediate action in accordance with the decision of the Property Maintenance Hearing Officer.

111.7 Court review. Any appeal from a decision of the Property Maintenance Hearing Officer shall be taken to a court of competent jurisdiction in accordance with law.

111.8 Stays of enforcement. Appeals of notice and orders shall not stay the enforcement of the notice and order unless a stay is granted by the code official or by the Property Maintenance Hearing Officer upon application on an expedited basis.

SECTION 202 GENERAL DEFINITION.

Unoccupied or Vacant Building shall mean any structure intended for residential or commercial use which is not currently occupied or in use. For the purpose of the enforcement of this ordinance a presumption shall exist that a structure vacant for six months or more is not currently occupied or in use.

SECTION 302 EXTERIOR PROPERTY AREAS.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or, plant growth in excess of six (6) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation,

other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

302.8 Motor Vehicles. No person shall park or store any inoperable, wrecked, or partially dismantled vehicle the wheels of which are not all mounted, or which is in condition of major substantial disrepair, disassembly, or in the process of being stripped or dismantled, nor shall any person park or store any vehicle the tires of which are not inflated or does not have a current affixed and valid automobile license tag. Painting of vehicles is prohibited unless conducted inside an approved spray booth. This prohibition, however, shall not apply to any licensed repair facility or similarly enclosed area designed and approved for such purpose.

303.14 Insect screens. During the period from May 1 to October 1, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25mm) and every swinging door shall have a self-closing device in good working condition.

Exception: Screen doors shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

SECTION 602 HEATING FACILITIES.

602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall, supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 °F (18 ° C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 1 to maintain a temperature of not less than 65 ° F (18 ° C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

PART 4. PENDING MATTERS SAVED FROM REPEAL.

Nothing in this ordinance or in the *Property Maintenance Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in **PART 1** of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PART 5. CONSTRUCTION.

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

PART 6. SEVERABILITY.

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

PART 7. PURPOSE OF CAPTIONS.

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

PART 8. EFFECTIVE DATE. This ordinance shall be effective immediately upon final adoption, approval and publication in accordance with law.

Mayor

Borough of Manville
/s/ Richard M. Onderko,

PUBLIC PORTION ON RESOLUTIONS

Mayor Onderko requested a motion to open the public portion on Resolutions #2019-161 through #2019-170. Councilman Szabo, seconded by Councilman Lukac, made a motion to open the public portion on Resolutions #2019-161 through #2019-170.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Questioned Resolution #2019-167 and what is the Hazard Mitigation Plan annex. She requested further explanation of Resolutions #2019-161, #2019-162, and #2019-163 and requested an explanation of the premium amount in Resolution #2019-169.

Mayor Onderko and Interim Administrator Pitts answered her questions.

Suzanne Maeder, 120 Fucillo St., Requested clarification of the agreement amending the Somerset County Animal Shelter Contract with the Township of Bridgewater.

Mayor Onderko answered her question.

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 Resolutions.

All present were in favor.

RESOLUTIONS (To Be Taken Separately)

Mayor Onderko requested a motion to adopt Resolution #2019-165.

Council President Mangnani seconded by Councilman Lukac made a motion to adopt Resolution #2019-165.

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

**Resolution #2019-165
Approval of Vouchers**

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

1. Current	\$2,241,780.10
2. Capital Checking	\$45,871.65
3. Dedicated Dog	\$43.20
4. Sewer Capital	\$3,200.00
5. Sewer Checking	\$181,319.35

6. Trust Checking	\$583.98
7. Developers Escrow	\$3,565.00
8. Lien Premium	\$22,600.00
9. Redemption Checking	\$36,160.10
10. Recreation Dedicated	\$4,719.00
TOTAL	\$2,539,842.38

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

Borough of Manville
/s/ Richard M. Onderko,

Mayor

RESOLUTIONS BY CONSENT

Mayor Onderko asked if any Council Member wished to take any Resolution individually. When no one answered Mayor Onderko requested a motion to adopt Resolutions #2019-166 through #2019-170. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Resolutions #2019-166 through #2019-170.

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

Resolution #2019-166

**Resolution Amending the Somerset Regional Animal Shelter Contract
Between the Township of Bridgewater and the Borough of Manville**

WHEREAS, the municipalities of Bridgewater Manville and Somerville had originally entered into a Regional Animal Shelter Agreement in 1972, subsequently renewed to the present, whereby these three municipalities has associated themselves into a regional animal control organization pursuant to the authority of N.J.S.A 40:48B-1 et seq, known as the "Somerset Regional Animal Shelter" located on Bridgewater Township Property adjacent to is Municipal Building; and

WHEREAS, this agreement was most recently renewed between the municipalities of Bridgewater and Manville in 2015; and

WHEREAS, the municipalities of Bridgewater and Manville wish to continue this association, pursuant to N.J.S.A. 40A:65-1 et seq. as a regional animal control organization and wish to amend the 2015 agreement to clarify certain terms and permit Manville an additional seat on the shelter's Board; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Bridgewater , County of Somerset, State of New Jersey, does hereby approve the Somerset Regional Animal Shelter amended agreement as attached hereto: and

BE IT FURTHER RESOLVED, that these revisions shall become effective upon their approval by the Borough Council of the Borough of Manville, County of Somerset, State

of New Jersey, that all appointments to the Management Committee made either governing body that are currently effective shall remain effective, and that any subsequent appointments shall be made under the terms of this amended agreement shall be immediately effective.

Borough of Manville
/s/ Richard M. Onderko,

Mayor

Resolution #2019-167
Authorizing Adoption Of The Updated Multijurisdictional
Hazard Mitigation Plan For Somerset County

WHEREAS all of Somerset County has exposure to natural hazards that represent risks including damages and losses to life, property, the environment and the County's economy; and

WHEREAS proactive mitigation of know hazards before a disaster event can reduce or eliminate longterm risks and associated costs; and

WHEREAS the Disaster Mitigation Act of 2000 (Public Law 106-390) establishes new requirements for pre- and post-disaster hazard mitigation programs; and

WHEREAS a Mitigation Planning Committee (MPC) comprised of Somerset County jurisdictions, agencies, organizations and other partners with like planning objectives has been formed to pool resources and identify appropriate mitigation strategies within Somerset County; and

WHEREAS the MPC has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives; and
WHEREAS maintenance procedures have been defined for monitoring, evaluating, revising, updating and implementing this strategy on an on-going basis.

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

1. Adopts in its entirety, the 2019 Multi-jurisdictional Hazard Mitigation Plan Update for Somerset County (HMP) as the jurisdiction's Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
2. Will use the adopted and approved portions of the HMP to guide pre- and post-disaster mitigation of the hazards identified therein.

3. Will coordinate the strategies identified in the Plan with other planning programs, operations, partners, capital investments and other initiatives under its jurisdictional authority.
4. Will continue to provide representatives to serve on the MPC and perform the duties described in the HMP, including but not limited MPC meeting attendance and the submission of jurisdiction-specific HMP annual monitoring reports to the County Hazard Mitigation Coordinator.
5. Will help promote and support mitigation successes of all participants in the HMP.
6. Will complete an evaluation of the HMP in conjunction with the MPC annually as needed, and a comprehensive update no less than every fifth year.

BE IT FURTHER RESOLVED by the by the Mayor and Council of the Borough of Manville that copies of the jurisdiction's HMP Annex and this resolution be provided to the Borough's Hazard Mitigation Officer, Emergency Management Official, Planning Board Chair, the Somerset County Hazard Mitigation Coordinator, and the Somerset County Board of Chosen Freeholders.

Borough of Manville
/s/ Richard M. Onderko,

Mayor

Resolution #2019-168

Authorizing Tax Collector To Impose Mailing Fee For Tax Sale Notice

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Manville wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Borough of Manville, County of Somerset, State of New Jersey that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2019 electronic tax sale.

Borough of Manville

/s/ Richard M. Onderko,

Mayor

**Resolution #2019-169
Tax Collector Adjustment-Redeemed Lien**

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

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

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

<u>Block</u>	<u>Lot</u>	<u>Name of Owner</u>	<u>Amount</u>	<u>Premium</u>	<u>Lienholder</u>
7	33	Rivera, M & H	\$36,160.10	\$22,600.00	Christiana

Borough of Manville
/s/ Richard M. Onderko,

Mayor

**Resolution #2019-170
Authorization To Extend 3rd Quarter 2019 Tax Payments**

WHEREAS, the 2019 tax rate for the Borough of Manville was late in being certified and therefore, the Borough was late in printing tax bills; and

WHEREAS, Chapter 72 of the laws of 1994 provide you must provide 25 calendar days after the bills are mailed to be able to pay without penalty.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, that the grace period is hereby extended for the third quarter 2019 taxes to the 28th of August 2019, after which time interest will be assessed at the rate already adopted by the Borough from the due date of August 1, 2019

Borough of Manville
/s/ Richard M. Onderko,

Mayor

OFFICIAL REPORTS

A/ Clerk's Report--July, 2019
B/ Board of Health Report, Animal Control--July, 2019
C/Board of Health Report--July, 2019
D/Board of Health Report, Registrar--July, 2019
E/Code Enforcement Report--July, 2019

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

NEW BUSINESS

A/Tow License--Dave's Heavy Towing

Mayor Onderko stated hearing no nay's New Business has been accepted.

Councilman Szabo made a motion to install a gate at Roosevelt Ave at the corner of South 21st. Ave. and also to impose a weight restriction on Roosevelt Ave.

Discussion ensued amongst the Mayor and Council regarding installing a gate and the proposed Hillsborough Development Project. Councilman Lukac suggested having the Land Use Board review the Ordinances regarding these issues to see if they're still current. Attorney Linnus stated the Borough has until the beginning of October to file an appeal regarding the Hillsborough Development Project.

COMMUNICATIONS

None

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilwoman Zamorski as Chairperson of the Public Safety Committee stated the Police Department would like to remind all motorists to obey all motor vehicle laws. During the month of July the Police Department conducted 68 radar posts, 255 motor vehicle stops, and issued 146 summonses. She stated she met with Mayor Onderko, Chief Peltack, and Captain Herbst to discuss

Knopf St and other streets of concern with speeding issues. Light up speed limit signs will be considered and hopefully the Borough will able to secure a grant to offset the costs of the signs.

Councilman Lukac as Chairperson of the Department of Public Works Committee stated Department of Public Works crews continue to grass cut and maintain parks and fields. The parking lot at Borough Hall has been re sealed and re stripped. Trees and the stumps around the high school have been removed due to the infestation of the Emerald Ash beetle. Pump #3 has been removed from the Arlington Station and is in the process of being repaired. All emergency generators have been tested and ready in preparation for the upcoming hurricane season.

Council President Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the group met with Administrator candidates for a second round of interviews. The Borough will be sponsoring the 90th Anniversary on September 28th in the valley. She praised Recreation Director Ron Cefalone for building the Recreation Trust Fund in excess of \$100,000. She attended the last Food Truck Festival sponsored by the County Freeholders at Duke Island Park.

Councilman Petrone, as Chairperson of the Building and Grounds Committee reported the kiddie pool will not be opening for the 2019 season as there was complications with the joints. The library roof project is waiting for the material to be sent from the vendor. He discussed the Minarovich property on Manville Ave that will be donated to the Borough in order to complete the land swap with Green Acres.

Councilman Szabo as Chairperson the Progress and Development Committee stated there was a meeting with the Redevelopment attorney concerning Rustic Mall. There will be a meeting scheduled with the Progress and Development Committee and representatives from the Rustic Mall.

Councilman Skirkanish as Chairperson of Finance Committee stated there has not been a meeting since last month. Interim Administrator Pitts stated the tax bills were mailed out July 30th and will be due August 28th. The budget process will be starting later next month and the finance committee will be meeting with the Department Heads.

Mayor Onderko stated he will be out of town from August 16th -19th.

PUBLIC PORTION

Mayor Onderko requested a motion to open the public portion.

Councilman Szabo, seconded by Council President Magnani, made a motion to open the Public Portion.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Voiced her displeasure about the Hillsborough Development Project. Expressed concern about the chlorine levels at Cooper Pool.

Mayor Onderko thanked her for her comments.

Ruth Slovick, 1321 Green St., Questioned if there was pattern to the tickets issued. Voiced her concern about pedestrian safety.

Chief Peltack answered her questions.

Mayor Onderko thanked her for her comments.

Brendan Agans, 27 S. 11th Ave., Suggested hiring a special attorney to address issues for the Hillsborough Development Project. Discussed possible options for flood prevention and redevelopment ideas.

Mayor Onderko thanked him for his comments.

Barbara Madak, 62 South Orchard St., Suggested placing speed bumps on Huff Ave. to combat speeding in the Valley.

Mayor Onderko thanked her for her comments.

When no else from the public wished to speak, Mayor Onderko requested a motion to close the public portion. Councilman Szabo seconded by Council President Magnani made a motion to close the public portion.

All present were in favor.

Mayor Onderko requested a motion to adjourn. Councilman Szabo seconded by Council President Magnani made a motion to adjourn.

All present were in favor

The meeting was adjourned at approximately 9:23 p.m.

ATTEST:

A handwritten signature in cursive script that reads "Wendy Barras". The signature is written in black ink and is positioned above the printed name and title.

Wendy Barras
Temporary Acting Borough Clerk