

**REGULAR MEETING
OF THE MAYOR AND COUNCIL
AUGUST 16, 2021**

THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON AUGUST 16, 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--ABSENT
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
WENDY BARRAS, BOROUGH CLERK

SALUTE TO THE FLAG AND A MOMENT OF SILENCE

Council President Petrock requested a moment of silence.

Council President Petrock read the proclamation for Walmart into the public record.

PROCLAMATION

WHEREAS, the Borough of Manville would like to recognize Walmart for their outstanding community involvement and support to the Borough; and

WHEREAS, Walmart is a business that is well-established and recognized in the Borough of Manville and surrounding communities and employs approximately 300 full and part-time employees, and serves nearly 5,000 customers daily; and

WHEREAS, Walmart came to Manville in 1998 and is the only national department store in the Borough and has celebrated the store's recent Grand Reopening event; and

WHEREAS, Walmart serves as the anchor store of the Marketplace at Manville and a large majority of residents utilize this as their primary grocery store; and

WHEREAS, Walmart has become an important asset to the Borough of Manville not only by bringing numerous customers into town on a daily basis, providing employment opportunities for residents and graciously donating to various Borough non-profit organizations and events; and

WHEREAS, Store Lead Keisy Oliveras-Calio made a difference in the lives of our Borough children by providing a generous donation of Easter candy, baskets, and stuffed animals to our Recreation Department for a basket giveaway event held at Borough Hall making Manville kids happy during a pandemic.

NOW, THEREFORE, I, Richard M. Onderko, Mayor of the Borough of Manville, County of Somerset, State of New Jersey, along with the Borough Council hereby thank and congratulate Walmart for their invaluable contribution to our community for the past 23 years, and wish them many future years of good health and prosperity.

Borough of Manville



Richard M. Onderko, Mayor

Councilman Joseph A. Lukac, III

Council President Ted Petrock III

Councilwoman Suzanne Maeder

Councilman Stephen Szabo

Councilwoman Michele Magnani

Councilwoman Patricia Zamorski

Read into Record: August 16, 2021

APPROVAL OF MINUTES

Council President Petrock requested a motion to approve the following minutes:

A/ Regular Meeting of July 12, 2021

Councilman Szabo seconded by Councilwoman Maeder made a motion to approve the minutes of the Regular Meeting of July 12, 2021

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

B/ Closed Session Meeting of July 12, 2021

Councilwoman Magnani seconded by Councilman Lukac made a motion to approve the minutes of the Closed Session Meeting of July 12, 2021.

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

C/ Special Meeting of July 26, 2021

Councilman Szabo seconded by Councilwoman Maeder made a motion to approve the minutes of the Special Meeting of July 26, 2021.

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

ORDINANCES- PUBLIC HEARING AND FINAL READING

Councilman Lukac seconded by Council President Petrock made a motion to amend the agenda to take Ordinance #2021-1265 before Ordinance #2021-1264.

All present were in favor.

Council President Petrock requested a motion to open the public hearing on Ordinance #2021-1265. Councilman Lukac seconded by Councilwoman Magnani made a motion to open the public hearing Ordinance #2021-1265.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Questioned if all properties would be subject to this Ordinance and who would be doing the inspections.

Council President answered her questions.

When no one else wished to comment, Council President Petrock requested a motion to close the public hearing. Councilman Lukac seconded by Councilwoman Magnani made a motion to close the public hearing.

All present were in favor.

Councilwoman Maeder seconded by Councilman Lukac made a motion to amend Section 1 of Ordinance #2021-1265 from in excess of 6 inches to in excess of 8 inches.

**ROLL CALL: AYES: LUKAC, MAEDER, SZABO, ZAMORSKI
 NO: PETROCK, MAGNANI**

Council President Petrock requested a motion to adopt Ordinance #2021-1265 **as amended**. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1265 **as amended**.

**ROLL CALL: AYES: LUKAC, MAGNANI, MAEDER, SZABO, ZAMORSKI
 NO: PETROCK**

Borough of Manville
Ordinance No. 2021-1265

An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey, Amending Ordinance # 2021-1223 Regarding Maintenance Of Weeds And Plant Growth

Statement of Purpose

The purpose of this Ordinance is to amend the Property Maintenance Code Ordinance #2021-1223 regarding the maintenance of weeds and plant growth.

WHEREAS, the Mayor and Council of the Borough of Manville (the "Borough") finds that it is in the best interest of the safety and welfare of residents of, and visitors to, the Borough to provide for maintenance of weeds and plant growth on properties throughout the Borough;

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

SECTION 1: Ordinance No. 2019-1223 is amended at Section 302.4 to now read as follows:

302.4 Weeds:

All premises and exterior property shall be maintained free from weeds or, plant growth in excess of **EIGHT** (8) 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. The Borough shall issue/post Violations of this ordinance and property owners shall have 72 hours from the date of the notice to maintained lawn to borough standards, failure to abate violation the borough shall take necessary action to protect the health and safety and well-being of the resident of the Borough and remediate the problem immediately, a Summons shall be issued for a court appearance for violation of this Ordinance.

SECTION 2: 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 3: 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 4: 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 5: Effective Date

Effective Date: This ordinance shall take effect upon final adoption, approval and publication in accordance with law.

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

Council President Petrock requested a motion to open the public hearing on Ordinance #2021-1264. Councilwoman Magnani seconded by Councilman Lukac made a motion to open the public hearing Ordinance #2021-1264.

All present were in favor.

When no one wished to comment, Council President Petrock requested a motion to close the public hearing. Councilman Szabo seconded by Councilman Lukac made a motion to close the public hearing **All present were in favor.**

Council President Petrock requested a motion to adopt Ordinance #2021-1264. Councilman Szabo seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1264.

ROLL CALL: AYES: PETROCK, LUKAC, MAGNANI, MAEDER, SZABO, ZAMORSKI
Borough of Manville
Ordinance No. 2021-1264

**An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey,
Amending The Borough Land Use Code
Regarding Traffic Visibility At Corner Lots And Driveways**

Statement of Purpose

The Purpose of this Ordinance is to Amend the Height Requirement of Fencing, Structures, or Planting on Corner Borough Lots to Provide Safe Traffic Visibility

WHEREAS, the Mayor and Council of the Borough of Manville (the "Borough") finds that it is in the best interest of the safety and welfare of residents of, and visitors to, the Borough to provide for traffic visibility across corner lots;

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

SECTION 1: Chapter 31, Article 4, of the Borough Land Use Code is now amended at Section 31-409, at to read as follows:

§31-409 TRAFFIC VISIBILITY AT CORNER LOTS AND DRIVEWAYS

- (A)** On any corner lot no fence, structure, or planting over 30 inches in height shall be erected or maintained within 30 feet of the intersection of the road right-of-way lines so as to interfere with traffic visibility across the corner, and no wall or fence, and no hedge, tree, shrub, or other growth shall be maintained in such a way as to cause danger to traffic on a street by obscuring the view.
- (B)** No Fence, or any other type of material shall be shall be installed on front property within 10 feet of the property line, in Residential or Commercial zones; this is intended to ensure that there will be no obstructed vision of vehicles pulling out of driveways; provided that a fence may be permitted if the fence material is made in a way that will not obscure the view of oncoming vehicles (such as open chain link fence); the height of any such fence shall not exceed 42 inches in height.

SECTION 2: 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 3: 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 4: 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 5: Effective Date

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

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

Council President Petrock requested a motion to open the public hearing on Ordinance #2021-1266. Councilwoman Magnani seconded by Councilman Lukac made a motion to open the public hearing on Ordinance #2021-1266.

All present were in favor.

When no one wished to comment, Council President Petrock requested a motion to close the public hearing. Councilman Szabo seconded by Councilman Lukac made a motion to close the public hearing.

All present were in favor.

Council President Petrock requested a motion to adopt Ordinance #2021-1266. Councilwoman Magnani seconded by Councilman Lukac made a motion to adopt Ordinance #2021-1266.

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

Borough of Manville
Ordinance No. 2021-1266

**An Ordinance By The Borough Of Manville In The County Of Somerset, State Of New Jersey,
Amending The Borough Land Use Code Regarding Procedures For Review Of Zoning
Permit Applications**

Statement of Purpose

The purpose of this Ordinance to amend the Borough Land Use Code regarding procedures for review of zoning permit applications.

WHEREAS, the Mayor and Council of the Borough of Manville (the "Borough") finds that it is in the best interest of the Borough to provide for traffic visibility across corner lots to revise and clarify the procedures for review of Zoning Permit Applications in the Borough;

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

SECTION 1: Chapter 30, Article 12, of the Borough Zoning Land Use Code is now amended at Section 30-1203(b), to read as follows:

§ 31-1203.1 Zoning Permit.

b. The Zoning Officer shall determine that said application conforms in all respects to the requirements of this Ordinance, where plans regarding the construction or alteration of any building or part of any building, or the change in use of any land or building or part thereof, including fence, pool, solar panel installations or any other modifications done to any building, residential structure, or parcel of land, and an approved site/land survey are

reviewed, and shall issue the zoning permit and sign and stamp all plans, and so advise the Construction Official.

SECTION 2: 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 3: 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 4: 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 5: Effective Date

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

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

Council President Petrock requested a motion to open the public hearing on Ordinance #2021-1267. Councilman Szabo seconded by Councilman Lukac made a motion to open the public hearing Ordinance #2021-1267.

All present were in favor.

Maria Janucik, 720 E. Frech Ave., Questioned the actual employees' salaries and where that could be found.

Council President Petrock answered her questions.

When no one else wished to comment, Council President Petrock requested a motion to close the public hearing. Councilwoman Magnani seconded by Councilman Lukac made a motion to close the public hearing.

All present were in favor.

Council President Petrock requested a motion to adopt Ordinance #2021-1267. Councilman Lukac seconded by Councilwoman Magnani made a motion to adopt Ordinance #2021-1267.

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

Borough of Manville
Ordinance # 2021-1267

“An Ordinance To Provide For And Determine The Two Year Annual Maximum Rates Of Compensation Of Certain Officers And Employees Of The Borough Of Manville Not Covered By Collective Bargaining Agreements ”

STATEMENT OF PURPOSE

The purpose of this Ordinance is to establish a maximum rate of compensation through December 31, 2022 for those positions listed. Those positions not listed fall under collective bargaining units and shall be negotiated per the contract schedule.

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

1.) The annual salary and hourly rate maximums for two years ending 12/31/2022 for the officers and employees listed below are hereby established as follows:

POSITION	MAXIMUM SALARY THROUGH 12/31/2022
Police Chief	\$190,000.00
Borough Clerk	\$80,000.00
Borough Administrator/HR Coord./CFM	\$125,000.00
Police Lieutenant *PBA	\$165,000.00
Police Sergeant *PBA	\$150,000.00
Administrative Asst. – M&C/Borough Administrator and Tax Assessor	\$60,000.00
Public Works Director	\$125,000.00
Tax Assessor – Part Time	\$62,000.00
Tax Collector	\$80,000.00
Recreation Director	\$80,000.00
Zoning Officer/Property Maintenance Officer/Fire Marshal (combined position)	\$110,000.00
Borough Clerk - Part Time	\$30,000.00
Fire Inspector – Part Time	\$35.00/hour
Construction Official – Part Time	\$45,000.00
Building Sub-Code Official	\$10,000.00
Deputy Clerk	\$1,800.00
Board of Health/Deputy Registrar	\$1,400.00
Fire Sub-Code Official	\$42.00/hour
Plumbing Sub-Code Official	\$42.00/hour
Electrical Sub-Code Official	\$42.00/hour
Part Time Clerical	\$25.00/hour
Administrative Intern	\$20.00/hour
Crossing Guards	\$25.00/hour

2.) Temporary Seasonal Employees are defined as employees whose duties are considered temporary and/or seasonal in nature. All Temporary Seasonal Employees will not receive health benefits, vacation days, holidays, personal days, sick days, or any other employee benefits. Temporary Seasonal Employees may be hired for either a five- or ten-month duration, however, the Borough of Manville may at any time end the employment of a Temporary Seasonal Employee without prior notice.

Temporary Seasonal Employees

Not to Exceed Ten (10) Consecutive Months

Position	Maximum Rate of Pay
Clerical Worker	\$20.00/hour
Public Works Laborer	\$20.00/hour

Temporary Seasonal Employees

Not to Exceed Five (5) Consecutive Months

Position	Maximum Rate of Pay
Pool Director (Certified Pool Operator)	\$14,000.00/season
Assistant Pool Director	\$25.00/hour
Certified Lifeguard Supervisor, 1 st year	\$17.00/hour
Certified Lifeguard Supervisor, 2 nd year	\$19.00/hour
Certified Lifeguard Supervisor, 3 rd year or more	\$20.00/hour
Certified Lifeguard, 1 st year	\$15.00/hour
Certified Lifeguard, 2 nd year	\$17.00/hour
Certified Lifeguard, 3 rd year or more	\$20.00/hour
CPR Lifeguard, 1 st year	\$15.00/hour
CPR Lifeguard, 2 nd year	\$16.00/hour
CPR Lifeguard, 3 rd year or more	\$17.00/hour
Lead Swim Instructor	\$16.00/hour
Summer Program Clerical, 1 st year	\$15.00/hour
Summer Program Clerical, 2 nd year	\$15.00/hour
Summer Program Clerical, 3 rd year	\$15.00/hour
Summer Program Clerical, 4 th year or more	\$15.00/hour
Senior Exercise Instructor, Certified	\$35.00/class
Pool Exercise Instructor, Certified	\$35.00/class
Camp Art Director	\$25.00/hour
Camp Director	\$25.00/hour
Counselor in Training Director	\$23.00/hour
Walking Program Supervisor	\$15.00/hour
Pool Badge Checker	\$15.00/hour
Sports Instructors	\$20.00/hour
Camp Counselors	\$15.00/hour
Lead Counselors	\$15.00/hour
Softball Umpire	\$50.00/game
Soccer Referee	\$30.00/game
Scorekeeper/Timekeeper Basketball	\$15.00/game

Basketball Referee	\$55.00/game
Basketball Scorekeeper	\$15.00/game

- 3.) There shall be no minimum rate of compensation for any of the officers and employees listed herein.
- 4.) 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 application of this ordinance are declared to be severable.
- 5.) Except as any be specifically set forth in this Ordinance, any and all other salary ordinances are hereby repealed.
- 6.) This Ordinance shall be effective immediately upon final approval and publication in accordance with the law.

NOW, THEREFORE BE IT RESOLVED by The Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey that the maximum rates of compensation are approved as provided in the table above effective immediately following adoption of this ordinance.

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

Council President Petrock asked if any Council member would like to take any resolution individually. Councilwoman Zamorski stated she would like to take Resolution #2021-155 separately.

PUBLIC PORTION ON RESOLUTIONS

Council President Petrock requested a motion to open the public portion on Resolutions #2021-149 through #2021-154 and Resolution #2021-156. Councilwoman Magnani, seconded by Councilman Lukac, made a motion to open the public portion on Resolutions #2021-149 through #2021-154 and Resolution #2021-156.

All present were in favor.

When no one from the public wished to comment, Council President Petrock 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 #2021-149 through #2021-154 and Resolution #2021-156.

All present were in favor.

RESOLUTIONS- TAKEN SEPARATELY

Council President Petrock requested a motion to adopt Resolution #2021-149. Councilwoman Maeder seconded by Councilman Lukac made a motion to adopt Resolution #2021-149.

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

Borough of Manville

Resolution #2021-149
Approval of Vouchers

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

1. Current	\$2,174,902.61
2. Sewer Checking	\$257,228.73
3. Trust Checking	\$5,907.39
4. Developer's Escrow	\$7,727.10
5. Recreation Dedicated	\$3,382.43
TOTAL	\$2,449,148.26

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

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

RESOLUTIONS-BY CONSENT

Council President Petrock requested a motion to adopt Resolutions #2021-150 through Resolution #2021-154 and Resolution #2021-156. Councilwoman Magnani, seconded by Councilman Lukac made a motion to adopt Resolutions #2021-150 through #2021-154 and Resolution #2021-156.

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

Borough of Manville
Resolution #2021-150
Authorization to Hire Temporary Seasonal DPW Employee

WHEREAS, the Public Works Department has the need to hire one temporary seasonal employees as there is a vacancy created by a resignation; and

WHEREAS, the Director of Public Works and the Department of Public Works Committee recommend the hiring of one temporary seasonal employee to work 29 hours per week; and

WHEREAS, the Borough Administrator supports the recommendation of the DPW Director to hire John Tyler Zaccardi 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 John Tyler Zaccardi as temporary, seasonal part-time employee for the Public Works Department at the rate of \$15 per hour, for 29 hours per week, effective August 17, 2021.

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

Borough of Manville
Resolution #2021-151
Refund of Permit Fees-Palmetto Solar

WHEREAS, a request for a refund of permit fees has been received from Palmetto Solar for installation of roof mount solar panels for the premises located at 212 Huff Ave.; and

WHEREAS, the transaction for the work on that property has been terminated; and

WHEREAS, the application fees were as follows:

Total Fees Paid	\$ 387.00
Less DCA Fee	<u>\$ 23.00</u>
	\$ 364.00
Less 20% Plan Review	<u>\$ 73.00</u>
Total Refundable Amount	\$ 291.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey that Palmetto Solar is hereby granted a refund of the permit in the amount of \$291.00.

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

Borough of Manville
Resolution #2021-152
**Resolution Authorizing The Tax Collector To Hold An Electronic Tax Sale
For Unpaid 2020 Taxes And Other Municipal Charges
Through NJ Tax Lien Investors/Realauction.Com**

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 Director of the Division of Local Government Services has promulgated rules and regulations for electronic sales; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, based on the recommendation of the Qualified Purchasing Agent and the Tax Collector, the Borough of Manville wishes to hold an electronic tax sale for unpaid 2020 taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Manville, County of Somerset, State of New Jersey authorizing the Tax Collector to hold an electronic tax sale for unpaid 2020 taxes and other municipal charges through NJ Tax Lien Investors/RealAuction.com on September 28, 2021.

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

Borough of Manville
Resolution #2021-153

Resolution Authorizing The Tax Collector To Extend 3rd Quarter 2021 Tax Payment

WHEREAS, the 2021 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 2021 taxes to the 8th of September 2021, after which time interest will be assessed at the rate already adopted by the Borough from the due date of August 1, 2021

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

Borough of Manville
Resolution #2021-154

Tax Collector Adjustment- Lien Redemption

WHEREAS, a property tax payer has redeemed a lien held against their property taxes and;

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

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>
64	10	Pucciarello, James	\$45509.47	\$200.00	ActLien

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

Borough of Manville
Resolution #2021-156

**A Resolution To Adopt Procedures For Administration And Inspection Of
Federal Aid Highway Projects**

WHEREAS, the Federal Highway Administration (FHWA) provides opportunities for Local Public Agencies (LPA), such as the Borough of Manville, to receive Federal Aid Highway Program (FAHP or federal-aid) funds through New Jersey Department of Transportation (NJDOT); and

WHEREAS, the Borough of Manville is presently the recipient of federal-aid funds through a project awarded under the NJDOT Transportation Alternatives Program (TAP); and

WHEREAS, the Borough of Manville as an LPA, is responsible for administering federal-aid funded projects in compliance with all federal-aid requirements established by the FHWA; and

WHEREAS, the NJDOT, through its Stewardship Agreement with FHWA, is responsible for ensuring that the Borough of Manville is adequately staffed and suitably equipped to undertake federal-aid projects, and ensure that federal requirements are met; and

WHEREAS, the Borough of Manville, as required by the NJDOT, has developed a Policy outlining the required procedures for the Administration of Federally Funded Transportation Projects administered through the NJDOT;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Manville, County of Somerset, State of New Jersey, that the Borough of Manville adopts the policy entitled, "Borough of Manville Procedure for Administration and Inspection of Federal Aid Highway Projects" dated November 2020.

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

Council President Petrock requested a motion to open the Public Portion for Resolution #2021-155. Councilwoman Maeder seconded by Councilwoman Zamorski made a motion to open the Public Portion for Resolution #2021-155.

All Present Were in Favor

Maria Janucik, 720 E. Frech Ave., Questioned which properties encompass the Rustic Mall.

Council President Petrock answered her questions.

Meryl Gonchar, Attorney for Rustic Mall, explained the proceedings at the Land Use Board Meeting on August 10, 2021 and the mistakes in the report from Van Cleef.

Council President Petrock thanked her for her comments.

Joe Korn, Project Manager for Rustic Mall, discussed solutions and plans that have been brought to the Borough by the Rustic Mall representatives.

Council President thanked him for his comments.

Sam Shoaf, 144 S. 19th Ave., Commented on the status of Main St. businesses and the Rustic Mall area.

Council President Petrock thanked him for his comments.

Basil Kuhlick, 1020 Huff Ave., Discussed examples of Somerville redevelopment

Council President Petrock thanked him for his comments.

Ron Skirkanish, 120 S. 14th Ave., Stated he felt the Council should table this resolution for tonight until more research is done.

Council President Petrock thanked him for his comments.

Ann Fiori, 320 St. Mark's Place, commented regarding Van Cleef Engineering

Council President Petrock thanked her for her comments.

Council President Petrock requested a motion to close the Public Portion for Resolution #2021-155. Councilman Szabo seconded by Councilman Lukac made a motion to close the Public Portion for Resolution #2021-155.

All Present Were In Favor

Councilman Szabo seconded by Council President Petrock made a motion to pull Resolution #2021-155 from the agenda.

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

Councilwoman Magnani requested each Council member receive an audio recording of the August 10th Joint Land Use Board meeting. Councilman Lukac requested an updated logistical and capacity report from the Schools.

Borough of Manville-PULLED
Resolution #2021-155

Designating The Property Identified As Block 310.01, Lots 2.01, 2.02 And 3 And Block 310, Lot 2.03 On The Tax Map Of The Borough Of Manville, State Of New Jersey (The Former Rustic Mall Site), As An Area In Need Of Redevelopment (Condemnation Redevelopment Area), Pursuant To The Local Redevelopment And Housing Law, N.J.S.A. 40A:12-1, Et Seq.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, to determine whether certain parcels of land constitute an area in need of redevelopment, under the Redevelopment Law, the Borough Council (the "Borough Council") of the Borough of Manville (the "Borough") must authorize the Land Use Board to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and

WHEREAS, the Borough Council has, by Resolution 2021-77 authorized and directed the Land Use Board to conduct an investigation with respect to the property commonly known as Block 310.01, Lots 2.01, 2.02 and 3 and Block 310, Lot 2.03 on the tax map of the Borough of Manville, State of New Jersey, which is in the central portion of the Borough, directly adjacent to the Borough's Main Street, and is more commonly known as the former Rustic Mall Site (the "Study Area"), to determine whether the Study Area satisfies the criteria set forth in Section 5 of the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment, which designation would permit the Borough to utilize all of the redevelopment powers, including Eminent Domain pursuant to N.J.S.A. 40A:12A-8(c) (as designated, a "Condemnation Redevelopment Area"); and

WHEREAS, the Land Use Board authorized the firm of Van Cleef Engineering Associates, (the "Planning Consultant") to conduct an investigation and perform a study pursuant to N.J.S.A. 40A:12A-6 to determine whether the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to determining whether or not the Study Area should be designated as a Condemnation Redevelopment Area, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a Condemnation Redevelopment Area; and

WHEREAS, the Redevelopment Law further requires the Land Use Board, prior to conducting such public hearing, to publish notice of the hearing in a newspaper of general circulation in the municipality once each week for two consecutive weeks, with the last publication made no fewer than ten days prior to such public hearing; and

WHEREAS, the Redevelopment Law further requires notice to be mailed to the last known owner(s) of the subject properties, as listed in the Borough's assessment records, at least ten (10) days prior to such public hearing; and

WHEREAS, the Land Use Board caused the aforementioned notices to be published in the *Courier News* on July 23, 2021 and July 30, 2021 and served by certified mail to the owners of the subject properties within the Study Area on July 30, 2021, all of the aforesaid dates being at least ten (10) days before the August 10, 2021 public hearing date; and

WHEREAS, the Planning Consultant prepared an investigative report titled "Area in Need of Redevelopment Investigation" and dated June 21, 2021 (the "Report"), a copy of which Report has been on file and available to the public at least ten (10) days before the public hearing date; and

WHEREAS, the Land Use Board reviewed the Report, received testimony from the Planning Consultant, conducted a public hearing on August 10, 2021, and found that there was substantial evidence to support a finding that the entire Study Area meets multiple redevelopment criteria provided under the Redevelopment Law, and recommended, by Resolution dated August 10, 2021, that same be designated as a Condemnation Redevelopment Area; and

WHEREAS, the Borough Council has determined that, based upon the recommendation of the Land Use Board, the Study Area should be designated as a Condemnation Redevelopment Area under the Redevelopment Law, with such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of Eminent Domain; and

WHEREAS, the Borough Council now desires to authorize and direct the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The recommendations and conclusions of the Land Use Board are hereby accepted, and adopted by reference herein, by the Borough Council.

Section 3. Based on the findings and recommendations of the Land Use Board as to the Study Area, the Borough Council hereby designates the Study Area as a

Condemnation Redevelopment Area pursuant to the provisions of Sections 5 and 6 of the Redevelopment Law.

- Section 4.** The Borough Council authorizes and directs the Land Use Board to prepare a redevelopment plan for the Study Area and to present same to the Borough Council pursuant to N.J.S.A. 40A:12A-7(f).
- Section 5.** The Borough Clerk shall forward a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs, as the transmittal pursuant to Section 6b(5)(c) of the Redevelopment Law.
- Section 6.** The Borough Clerk shall serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection to the designation and stated, in or upon the written submission, an address to which notice of the determination may be sent, such service to be in the manner provided by Section 6 of the Redevelopment Law.
- Section 7.** This Resolution shall take effect immediately.

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

OFFICIAL REPORTS

A/Clerk's Report- July, 2021
B/Registrar's Report-July, 2021
C/Code Enforcement Report- July, 2021
D/Bureau of Fire Safety Report- July, 2021
E/Board of Health Report- July, 2021
F/Board of Health, Animal Report- July, 2021
G/Manville Municipal Court Report-June, 2021

Council President Petrock stated the above reports were on file in the Clerk's office.

NEW BUSINESS

There was no New Business to discuss.

COMMUNICATIONS

A/ Letter from PBA Manville Local 236 regarding American Rescue Plan Act.

COMMITTEE REPORTS AND COUNCIL COMMENTS

Councilman Szabo, as Chairperson of Progress and Development Committee stated construction on the Valerie Villa project is moving along. The resolution endorsing the recommendation from Joint Land Use Board regarding Rustic Mall was tabled for this meeting.

Councilwoman Maeder, as Chairperson of the Building and Grounds Committee reported the parking lot at the library will be crack sealed. A gaga pit was constructed at Memorial Park as a Boy's Scout Eagle Scout project. The Board of Health has discussed installing a dog park on Manville Ave. and has priced out the project. A resolution will come before the Governing Body in the future. Fall soccer registration has started and the Recreation Dept. is in need of coaching volunteers.

Council President Petrock, as Chairperson of the Finance Committee stated the Committee met last week. It was decided to hire a part time employee for the tax office and the code enforcement office. The State has not released the guidelines and stipulations for the funding from the American Rescue Plan Act.

Councilwoman Zamorski, as Chairperson of the Public Safety Committee stated the Committee will be meeting on the 18th to discuss parking in the municipal parking lot, speed bumps by the school and commercial truck parking.

Councilman Lukac, as Chairperson of the Department of Public Works Committee stated the DPW crews have been maintaining all three pools daily and lining of athletic fields as needed. Milling and paving along with crack sealing have been done at various sections of town. The sewer dept has completed manhole inspections and all stormwater tributaries to the river as required for the CRS program. NJ American Water capital project is currently on track as projected. Somerset County will be spraying for mosquitos in various sections.

Councilwoman Magnani, as Chairperson of Policy, Planning, and Personnel Committee stated the Committee has been interviewing potential candidates for Borough Administrator. They have also conducted interviews for a tax clerk and clerical floater position.

PUBLIC PORTION

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

All present were in favor.

Corrine Sena, 1313 Dominic St., Commented on the chickens and roosters living at 1339 Dominic St.

Councilwoman Maeder stated the health inspector has been notified of the issue and is working on the situation.

Sam Shoaf, 144 S. 19th Ave., Commended Property Maintenance/Zoning Officer/ Fire Superintendent Patrick Renaldi on his diligence with issues brought to him.

Council President Petrock thanked him for his comments.

Maria Janucik, 720 E. Frech Ave., Commented on the Sherman Tract Project being built on the border of Hillsborough and the necessary permits from the NJDEP.

Council President Petrock thanked her for her comments.

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

All present were in favor.

RESOLUTIONS TO BE TAKEN SEPARATELY

Clerk Barras read Resolution #2021-157 into the Public Record. Council President requested a motion to adopt Resolution #2021-157. Councilwoman Zamorski seconded by Councilwoman Magnani made a motion to adopt Resolution #2021-157.

ROLL CALL:

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

Borough of Manville
Resolution #2021-157
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:

- Anticipated/Pending Litigation

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.

At 8:50 pm The Council exited the Council Room for the Closed Session.

At 9:00 pm Council President Petrock requested a motion to come out of Closed Session. Councilwoman Magnani seconded by Councilman Lukac made a motion to come out of Closed Session. Council President Petrock stated there was no formal action to be taken from the Closed Session.

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

All present were in favor.

The meeting was adjourned at approximately 9:01 pm.

ATTEST:



Wendy Barras
Borough Clerk