

**REGULAR MEETING  
OF THE MAYOR AND COUNCIL  
JUNE 9, 2008**

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THE REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY, WAS HELD ON JUNE 9, 2008, IN THE MANVILLE MUNICIPAL COURTROOM, 325 NORTH MAIN STREET, MANVILLE, NEW JERSEY AT 6:30 P.M.

**MAYOR LILLIAN M. ZUZA PRESIDED**

The 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 Manville News, The Courier News and The Star Ledger.

**ROLL CALL:**

MAYOR LILLIAN M. ZUZA  
COUNCIL PRESIDENT SUSAN ASHER  
COUNCILMAN ED KOMOROSKI  
COUNCILMAN KENNETH OTRIMSKI  
COUNCILMAN THEODORE PETROCK, III, Absent  
COUNCILWOMAN KATHRYN QUICK  
COUNCILMAN STEPHEN SZABO

**ALSO PRESENT:**

FRANCIS P. LINNUS, ESQ., BOROUGH ATTORNEY  
GARY P. GARWACKE, P.E., BOROUGH ADMINISTRATOR  
PHILIP E. PETRONE, BOROUGH CLERK  
MARK PELTACK, CHIEF OF POLICE

**SALUTE TO THE FLAG AND A MOMENT OF SILENCE**

**PROCLAMATIONS**

Mayor Zuza presented a Proclamation to Konstanze Koerting, an exchange student to Manville High School.

## **APPROVAL OF MINUTES**

Mayor Zuza requested a motion to approve the following minutes:

A/     REGULAR MEETING OF MAY 27, 2008

Councilman Otrimski, seconded by Council President Asher, made a motion to approve the minutes of May 27, 2008.

ROLL CALL: AYES:     ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO  
              ABSENT:   PETROCK

## **PUBLIC PORTION (Comments from the Public including items on the Agenda)**

Mayor Zuza requested a motion to open the public portion.

Council President Asher, seconded by Councilman Szabo, made a motion to open the public portion.

All present were in favor.

John Mehalick, 1461 Dominic Street - had questions regarding the Grant Property, the Rustic Mall, and a Planning Board matter, which were addressed by Mr. Garwacke, the Mayor and the Borough Attorney.

When no one else wished to comment, Mayor Zuza requested a motion to close the public portion.

Councilwoman Quick, seconded by Councilman Otrimski, made a motion to close the public portion.

All present were in favor.

## **RESOLUTIONS**

Mayor Zuza requested a motion to adopt Resolution #2008-97.

Council President Asher, seconded by Councilman Szabo, made a motion to adopt Resolution #2008-97.

Resolution #2008-97

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

- |  |                        |
|--|------------------------|
| 1.     Current vouchers in the amount of       | \$ <u>1,068,116.13</u> |
| 2.     Dedicated Dog vouchers in the amount of | \$ _____               |

3.	Public Assistance Trust Fund #1	\$	
4.	General Capital vouchers	\$	52,779.63
5.	Trust Other	\$	250.00
6.	Water/Sewer Utility vouchers	\$	2,583.09
7.	Water/Sewer Capital Improvement	\$	
8.	Recycling vouchers in the amount of	\$	
9.	Recreation Trust vouchers in the amount of	\$	275.00
10.	Public Assistance Trust Fund #11	\$	
11.	Dedicated Dog	\$	
12.	Capital Ordinance	\$	
13.	Code Enforcement	\$	
14.	Escrow Account	\$	
15.	Grant Fund	\$	
<b>Total</b>			<b><u>\$1,124,003.85</u></b>

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

Borough of Manville  
/s/ Lillian M. Zuza, Mayor

ROLL CALL: AYES: ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO  
ABSENT: PETROCK

Mayor Zuza requested a motion to adopt Resolutions #2008-98 to #2008-104 by consent.

Councilman Otrimski, seconded by Councilwoman Quick, made a motion to adopt Resolutions #2008-98 through #2008-104.

ROLL CALL: AYES: ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO  
ABSENT: PETROCK

Resolution #2008-98

WHEREAS, N.J.S. 40A:4-19 provides for the adoption of a temporary budget for the period between January 1 and the adoption of the annual budget; and  
WHEREAS, a temporary budget was adopted on December 17, 2007, and additional funds are now needed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Manville that the following appropriations shall be added to the Temporary Budget for the year 2008:

<b>Account Name</b>	<b>Account Type</b>	<b>Amount</b>
Administrative & Executive	S&W	\$50,000.00
	OE	\$18,000.00
Mayor & Council	S&W	\$12,000.00
	OE	\$3,000.00
Financial Administration	S&W	\$30,000.00

	OE	\$7,500.00
Assessment of Taxes - Borough of Raritan	S&W	\$19,000.00
Collection of Taxes	S&W	\$16,000.00
	OE	\$7,000.00
Legal Services	OE	\$35,000.00
Municipal Prosecutor	S&W	\$3,000.00
Public Buildings & Grounds	OE	\$20,000.00
Zoning Commission	OE	\$3,000.00
Group Insurance for Employees	OE	\$225,000.00
Fire Department	OE	\$50,000.00
Police Department	S&W	\$600,000.00
	OE	\$55,000.00
Public Works Department	S&W	\$400,000.00
	OE	\$200,000.00
Department of Health	S&W	\$11,000.00
	OE	\$2,000.00
Property Maintenance	S&W	\$11,000.00
Recreation	S&W	\$35,000.00
	OE	\$12,000.00
Uniform Construction Code	S&W	\$21,000.00
	OE	\$2,000.00
Utilities – Gasoline & Fuel	OE	\$50,000.00
Utilities – Electricity	OE	\$12,500.00
Utilities – Natural Gas	OE	\$20,000.00
Utilities – Telephone	OE	\$30,000.00
Utilities – Street Lighting	OE	\$30,000.00
Utilities – Fire Hydrant Service	OE	\$40,000.00
Municipal Court	S&W	\$40,000.00
	OE	\$8,500.00
Maintenance of Free Public Library	OE	\$100,000.00
Public Defender	OE	\$2,000.00
Animal Control Contract	OE	\$8,000.00
Assessment of Taxes	OE	\$10,000.00
Health Services Contract	OE	\$40,000.00
Interlocal Daytime Ambulance	OE	\$7,000.00
<b>Total Temporary Appropriation</b>		<b>\$2,245,500.00</b>

**SEWER UTILITY**

Salaries & Wages	S&W	\$20,000.00
Other Expenses	OE	\$35,000.00
SRVSA – Treatment Costs	OE	\$300,000.00
<b>Total Sewer</b>		<b>\$355,000.00</b>

Borough of Manville  
/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-99

WHEREAS, Ordinance #2007-1052 appropriated \$402,000, and a State Grant has provided \$150,000 for Washington Avenue, Section III and the 2008 Road Overlay Program; and

WHEREAS, the Borough Clerk solicited bids for Washington Avenue, Section III, and the 2008 Road Overlay Program; and

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

WHEREAS, on May 22, 2008, ten bids were received, and after a thorough review of all bids by the Special Projects Engineer, James DeMuro, he recommends that the lowest responsible bidder is Defino Contracting Co., Cliffwood Beach, New Jersey, in the amount of \$429,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey that the bid for Washington Avenue Section III 2008 Overlay is hereby awarded to: Defino Contracting Company, 28 Industrial Drive, Cliffwood Beach, NJ 07735, in the amount of \$429,000.00; and

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

Borough of Manville  
/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-100

WHEREAS, the Tax Collector must make the following adjustments to tax/sewer accounts:

1. The Tax Collector has disapproved Senior Citizen property tax deductions for 2007 for the following individuals in accordance with N.J.S.A. 54:4-8-13:

Block	Lot	Name of Owner	Amount of Increase	Reason for Disallowance
199	36	Berstler, Gertrude	\$162.33	new owner 5/8/08

2. The following real property taxpayers have redeemed liens held against their property, and the Tax Collector has received proof of such payments, therefore the Tax Collector is authorized to release the amount specified to the lienholders:

Block	Lot	Name of Owner	Amount	Lienholder
72	9	Nancy Singer	\$1,311.55	James Older

Borough of Manville  
/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-101

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF MANVILLE BOROUGH  
TO PURSUE PLAN ENDORSEMENT**

**WHEREAS**, the Mayor and Council of Manville Borough desire to obtain Plan Endorsement from the State Planning Commission; and

**WHEREAS**, Plan Endorsement is a process developed by the State Planning Commission to approve municipal, county, and regional plans that are consistent with the State Development and Redevelopment Plan; and

**WHEREAS**, the purpose of the Plan Endorsement process is to reach the following goals by increasing the consistency among municipal, county, regional and State agency plans with each other and with the State Plan, and to facilitate the implementation of these plans.

The goals of plan endorsement are to:

1. Encourage municipal, county, regional, and state agency plans to be coordinated and support each other to achieve the goals of the State Plan;
2. Encourage municipalities and counties to plan on a regional basis with recognizing the fundamental role of the municipal master plan and development regulations;
3. Consider the entire municipality, including Centers, Cores, Nodes, and Environs, within the context of regional systems;
4. Provide an opportunity for all government entities and the public to discuss and resolve common planning issues;
5. Provide a framework to guide and support state investment programs and permitting assistance in the implementation of municipal, county and regional plans that meet statewide objectives; and
6. Learn new planning approaches and techniques from municipal, county and regional governments for dissemination throughout the state and possible incorporation into the State Plan. (The New Jersey State Development and Redevelopment Plan, 2001, page 14.)
7. Ensure that petitions for Plan Endorsement are consistent with applicable State land use statutes and regulations; and

**WHEREAS**, Plan Endorsement is the process by which a town center(s) can be designated in the State Plan Policy Map; and

**WHEREAS**, the Borough's petition for plan endorsement is proposing to maintain the designation of its existing Town Center; and

**WHEREAS**, the Plan Endorsement Advisory Committee prepared and presented the Municipal Self Assessment Report to the Borough Council for their

consideration as required for Plan Endorsement in accordance with the Plan Endorsement Guidelines adopted October 17, 2007; and

**WHEREAS**, if the Borough is successful in achieving plan endorsement, it will entitle the Borough to a higher priority for available funding, streamlined permit reviews, and coordinated state agency services; and

**WHEREAS**, the Plan Endorsement Guidelines approved by the State Planning Commission note that if there is a need for better planning resources, the Office of Smart Growth will work with the applicant on a scope of work needed, with a timeline for completion.

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

1. That the Mayor and Borough Council have considered the Municipal Self Assessment Report as presented by the Plan Endorsement Advisory Committee;
2. That the Mayor and Borough Council agree to pursue Plan Endorsement to maintain its Town Center designation; and
3. That certified copies of this Resolution shall be forwarded to the New Jersey State Planning Commission - Division of the Office of Smart Growth.

Borough of Manville  
/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-102

WHEREAS, James V. DeMuro, P.E., L.S. of DeMuro Associates Consulting Engineers, the Borough's Special Projects Engineer, has prepared, on behalf of the Borough of Manville, the application for State Aid to municipalities under the New Jersey Transportation Trust Fund Authority Act; and

WHEREAS, the submission of said application for funding must be authorized by the Governing Body of the Borough of Manville.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Manville, in the County of Somerset, New Jersey that:

1. The Mayor and Clerk are hereby authorized to execute and attest the aforementioned application for State Aid.
2. James V. DeMuro, P.E., L.S., Borough Special Projects Engineer, be and is hereby authorized to submit said application on behalf of the Borough of Manville to the Commissioner of Transportation of the New Jersey Department of Transportation.
3. A copy of this resolution be forwarded to James V. DeMuro, P.E., L.S., Borough Special Projects Engineer upon its adoption.
4. A copy of this resolution be attached to and submitted with the application for State Aid to Municipalities under the New Jersey Transportation Trust Fund Authority Act.

Borough of Manville

/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-103

WHEREAS, the Borough is in need of appraisal services for a State Court Tax Appeal; and

WHEREAS, by Resolution #2008-13, a proposal from Timothy Hoffman, Inc. was awarded on January 14, 2008 in the amount of \$2,750.00 for a preliminary appraisal; and

WHEREAS, because a complete Tax Court Ready narrative appraisal report is now needed to go before the Tax Court, and the firm requires an additional \$2,650.00. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Manville, County of Somerset, State of New Jersey, as follows:

- 1) The additional proposal from Timothy Hoffman, Inc., P.O. Box 2098, Westfield, New Jersey 07091, be accepted.
- 2) This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A 40:11-5(1)(a) of the Local Public Contracts Law, not to exceed \$2,650.00.
- 3) The Mayor and Borough Clerk are hereby authorized to execute the Contract in this matter.
- 4) This Resolution shall be advertised once in the Courier News.
- 5) The Chief Financial Officer shall provide a Certification of Funds.

Borough of Manville

/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

Resolution #2008-104

RESOLUTION IN SUPPORT OF THE JOINT NEW JERSEY SENATE AND  
ASSEMBLY REPUBLICAN BUDGET ALTERNATIVE

WHEREAS, over the past seven years, New Jersey's tax burden has become so oppressive that it is driving tens of thousands of hard working middle class families out of our state each year; and

WHEREAS, over that same time period, taxes in New Jersey have increased by over \$12 billion, state spending has increased by \$11 billion and out debt has more than doubled to over \$37 billion; and

WHEREAS, Governor Jon Corzine's proposed \$33.3 billion state budget for Fiscal Year 2009 is balanced by cutting property tax rebates for families making more than \$100,000 and by cutting state aid municipalities desperately need to keep local property taxes in check; and

WHEREAS, the governor's budget does nothing to control the cost and size of the state's bloated bureaucracy; and

WHEREAS, the governor's budget cuts will further shift the tax burden from the state to local property taxpayers and make our state even more unaffordable; and

WHEREAS, the New Jersey Senate and Assembly Republicans have identified more than \$1.3 billion in common sense spending reductions and proposing using a portion of the savings to increase property tax relief and municipal aid; and

WHEREAS, the Republican plan would still spend \$600 million less than the governor's budget proposal, even though it restores property tax relief, increases state aid and redresses unfair budget cuts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Manville, County of Somerset, and State of New Jersey, that we voice our objections to Governor Corzine's FY2009 State Budget and announce our support for the New Jersey Senate and Assembly Republican budget plan; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to Governor Jon S. Corzine, Assembly Speaker Joseph Roberts, Senate President Richard J. Codey, Senate Minority Leader Tom Kean, Jr., Assembly Minority Leader Alex DeCroke and all state legislators representing our legislative district.

Borough of Manville  
/s/ LILLIAN M. ZUZA, Mayor

ALL IN FAVOR BY CONSENT

#### **OFFICIAL REPORTS**

Mayor Zuza stated that the following report is on file in the Clerk's Office:

- A/ POLICE DEPARTMENT REPORT - MAY, 2008
- B/ FIRE DEPARTMENT REPORT -MAY, 2008
- C/ BOARD OF HEALTH REPORT - ANIMAL CONTROL - MAY, 2008
- D/ BOARD OF HEALTH REPORT - GENERAL ACCOUNT - MAY, 2008
- E/ BOARD OF HEALTH REPORT - REGISTRAR - MAY, 2008
- F/ CLERK'S REPORT - MAY, 2008
- G/ LIBRARY REPORT - MAY, 2008

#### **NEW BUSINESS**

- A/ APPLICATION FOR RAFFLE LICENSE #RL-1500 - AMERICAN LEGION

Mayor Zuza requested a motion to approve Item A under New Business.

Council President Asher, seconded by Councilwoman Qucik, made a motion to approve the Raffle License for the American Legion.

ROLL CALL: AYES: ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO  
ABSENT: PETROCK

B/ Letter from Boy Scout Troup & Pack 193 - Request to hold camp-out at Royce Brook near South 8<sup>th</sup> Avenue ramp for clean-up.

Mayor Zuza requested a motion to approve Item B under New Business.

Council President Asher, seconded by Councilman Szabo, made a motion to approve the camp-out for Boy Scout Troup & Pack 193.

ROLL CALL: AYES: ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO  
ABSENT: PETROCK

### **COMMITTEE REPORTS**

Councilman Komoroski, as Chairperson of the Progress and Development Committee offered no report.

Councilman Otrinski, as Chairperson of the Public Safety Committee, offered no report.

Councilwoman Quick as Chairperson of the Public Works Committee, offered no report.

Councilman Szabo, as Liaison to the Board of Health reported that one of the liquor license holders in town has several health violations and asked how this would affect renewal of the license.

Mr. Petrone stated that investigations are in the process by the Police Department as well, and all reports will be reviewed before the license is to be voted on. He noted that there are extensions that are given for certain matters.

Attorney Linnus also stated that the State allows the Mayor and Council to delay renewal of liquor licenses for various reasons.

Councilman Szabo further reported that Recreation will be holding a softball tournament this Saturday.

Council President Asher, as Liaison to the Library Board, reported that they are scheduled to meet tomorrow. As Chairperson of the Personnel Committee, she offered no report other than the next meeting with the mediator is scheduled for July 8<sup>th</sup>.

Mr. Linnus provided Mr. Mehalick with additional information regarding the Grant Property he questioned that is the subject of litigation.

#### **COMMENTS BY MAYOR & COUNCIL**

Councilwoman Quick presented Mayor Zuza with a gift from the Council commemorating her son Cpl. Ed Zuza's deployment to Iraq.

Mayor Zuza accepted their gift of a star with the words, "Home of the Free Because of the Brave" for her home, with much thanks.

#### **CLOSED SESSION**

Mayor Zuza requested a motion to go into Closed Session.

Councilwoman Quick, seconded by Councilman Otrinski, made a motion to go into Closed Session.

Resolution #2008-105

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 Litigation - Megan's Law*

*Cablevision Litigation*

*Somerset County License Negotiations*

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/ LILLIAN M. ZUZA, Mayor

ROLL CALL: AYES: ASHER, KOMOROSKI, OTRIMSKI, QUICK, SZABO

ABSENT: PETROCK

After Closed Session, Mayor Zuza requested a motion to adjourn the meeting.

Council President Asher, seconded by Councilman Szabo, made a motion to adjourn the Council Meeting.

All present were in favor.

ATTEST:   
Philip E. Petrone, Borough Clerk