

**Borough of Matawan
Workshop Session
Via Teleconference
June 3, 2020**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held via video conference on June 3, 2020, with Council President Gunn presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing in *The Independent* on May 28, 2020, by sending notice to the *Asbury Park Press* on May 20, 2020, and by posting. A copy of said notice is, and has been, made available to the public and is on file in the Office of the Borough Clerk. A copy of said Notice has also been sent to such members of the public as have requested such information in accordance with the Statute.

Council President Gunn announced the Governing Body will conduct regular Borough business as listed on the June 3, 2020 Meeting Agenda, a copy of which is posted on the Borough's website at www.matawanborough.com. Council President Gunn asked members of the Governing Body to please state their name when speaking. The opportunity for public comment will be announced during the teleconference. All public comment shall be held until such time, and as individually recognized. When recognized, she asked that they please state their name and address.

Council President Gunn called the meeting to order at 7:00 PM, requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Stephanie Buckel
 Councilman Brett Cannon
 Councilwoman Deana Gunn
 Councilman John Lazar
 Councilman Brian Livesey
 Councilman Nicolas Reeve

Absent: Mayor Joseph Altomonte

Also present were Scott Carew, Part-Time Interim Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

Council President Gunn asked everyone to stand for a Salute to the Flag.

Council President Gunn asked everyone to stand for a Moment of Silence asking the assembled to keep in their thoughts the citizens of Minnesota.

Mr. Carew announced Ordinance 20-06 is tabled and being pulled from the Agenda.

Council President Gunn issued a statement regarding the death of Mr. George Lloyd, stating that they are all disturbed and saddened by Mr. Lloyd's death, and no person or family should ever have to experience such a tragedy. The Council and the Matawan Police Department denounce police brutality and recognize and support those who peacefully protest. Our goal has always been for Matawan to be a supportive and inclusive community, working toward that goal every day.

Proclamations

June 2020 as Lesbian, Gay, Bisexual and Transgender Pride Month

Council President Gunn announced June 2020 is Lesbian, Gay, Bisexual and Transgender Pride Month and invited Councilman Cannon to speak. Councilman Cannon acknowledged this is the third year the Borough recognized June as Pride month. As the only LGBTQ member of the Governing Body, he expressed his appreciation for Council's support as well as their support of flying of the Pride flag at the Municipal Building for the first time in Matawan history. It is

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important and cites its impact on the LGBTQ community. Councilman Cannon read the Proclamation informing copy is available in the Office of the Borough Clerk.

June 5, 2020 National Gun Violence Awareness Day

Council President Gunn thanked Councilman Cannon and announced the second proclamation in the Borough's third year of recognition of June 5, 2020 as National Gun Violence Awareness Day and introduced Amy Lee Downy of Moms Demand Action. Ms. Downy related the 2015 origins of National Gun Awareness Day in honor of the memory of Hadiya Pendleton along with the thousands of victims and survivors of gun violence. Wearing orange on this day helps to show support and bring awareness. The 2020 COVID-19 crisis is exasperating the gun violence crisis in America, with domestic violence, unintentional shootings, gun suicides, and city gun violence on the rise. She asked for unity in addressing gun violence and thanked the Governing Body for proclaiming June 5th as National Gun Violence Awareness Day. Council President Gunn thanked Ms. Downy and read portions of the Proclamation informing copy is available in the Office of the Borough Clerk.

Workshop Item(s)

CARES Act Temporary Optional Retirement Plan Changes to 457(b) Deferred Compensation Plans

Council President Gunn briefly explained the CARES Act Temporary Optional Retirement Plan Changes to 457(b) Deferred Compensation Plans and asked if the Council had any questions. The Clerk further explained the changes are available to those individuals who participate in the 457(b) plan and who have health issues and or are currently experiencing financial difficulty due to COVID-19. A discussion regarding this topic occurred. It was agreed the topic will be carried for to the next Council meeting for further discussion. The Clerk will review the Plan with Messrs. Carew and Menna for that discussion.

Proposed Vacant Property Registration Ordinance Amendment

Council President Gunn then introduced the topic of Ordinance 20-07 - Proposed Vacant Property Registration Ordinance Amendment. Mr. Menna explained the need for the ordinance, stating that the original vacant property ordinance passed in 2013 had the intent of ensuring that bank-owned properties were maintained and/or sold. He said that a number of practical issues have arisen since the original ordinance was passed and noted that the amendment would put the responsibility of vacant properties solely the responsibility of the Property Maintenance Officer, removing the Clerk's office entirely. He further explained that if a vacant property is sold to another owner and continues to remain vacant, the new owner would have to register the property under their name and the subsequent fee would be the initial registration amount due.

Privilege of the Floor for Agenda Items Only

Councilwoman Gunn opened the Privilege of the Floor for Agenda Items Only.

There were no comments.

Councilwoman Gunn requested a motion to close the Privilege of the Floor for Agenda Items Only. Councilwoman Buckel made the motion, seconded by Councilman Reeve. Council agreed. Motion passed.

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Approval of Minutes

Councilwoman Gunn requested a motion to approve the minutes of the May 19, 2020 Council Meeting. Councilwoman Buckel made a motion, seconded by Councilman Cannon. Council agreed. Motion passed.

Old Business

Councilwoman Gunn read by title Ordinance 20-05: Calendar Year 2020 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14). Council President Gunn requested a motion to open the public hearing. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council agreed. Motion passed. There were no comments. Council President Gunn requested a motion to close the public hearing. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council agreed. Motion passed. Council President Gunn read by title Ordinance 20-05: Calendar Year 2020 – Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14), requesting a motion to adopt. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Councilwoman Gunn requested a roll call. A roll call vote was taken.

Yes: Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman John Lazar
Councilman Brian Livesey
Councilman Nicolas Reeve

Motion passed.

**ORDINANCE 20-05
CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH
A CAP BANK
(NJSA 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, NJSA 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, NJSA 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Matawan in the County of Monmouth, finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council of the Borough of Matawan hereby determines that a 3.5% increase in the budget for said year, amounting to \$95,827.80 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council of the Borough of Matawan hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Matawan, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Matawan shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$95,827.80, and that the CY 2020 municipal budget for the Borough of Matawan be approved and adopted in accordance with this ordinance.

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BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Consent Agenda

Council President Gunn read by title Resolutions 20-06-01 through and including 20-06-07 requesting a motion to approve en masse. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council President Gunn requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 20-06-01
REDEMPTION OF TAX SALE CERTIFICATES
#19-00074**

<u>Certificate #</u>	<u>Company Sold To</u>	<u>Block</u>	<u>Lot</u>	<u>Address of Property</u>	<u>Payment</u>	<u>Premium</u>
19-00074	US Bank Cust for Pro Cap 8	117	14	34 Lakeside Dr.	\$2,037.09	\$0.00

WHEREAS, the Borough of Matawan Tax Collector has reported that the above Tax Sale Certificates were sold; and

WHEREAS, the Certificates has been paid and fully redeemed for the property owners.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payments in the amounts, plus any Premiums indicated, for the redemption of the Tax Sale Certificates listed above.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 20-06-02
AUTHORIZING REFUND OF TAX OVERPAYMENT
10 LAKESIDE DRIVE
BLOCK 118, LOT 21**

WHEREAS, the following property overpaid the second quarter 2020 as a result of the reason outlined below; and

WHEREAS, the property owner has made the payment and a refund is in order to clear the account; and

WHEREAS, the following refund has been verified as accurate by the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that the Borough Tax Collector refund according to the following:

<u>Block/Lot</u>	<u>Vendor</u>	<u>Amount of Refund</u>	<u>Notation</u>
118/21	Michal & Julia Fabisiak 10 Lakeside Drive Matawan, NJ 07747	\$2,695.87	Refinance

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 20-06-03
FIXING RECREATION FEES AND USES
YOGA AT LAKE LEFFERTS**

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BE IT RESOLVED, by the Council of the Borough of Matawan, based on the recommendation of the Recreation Commission that the fees of the following shall be fixed for the year 2020 and future years.

Yoga at Lake Lefferts

\$60.00 per series

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance as well as Recreation.

RESOLUTION 20-06-04

RESOLUTION TEMPORARILY SUSPENDING THE PROVISIONS OF BOROUGH OF MATAWAN CODE CHAPTER 4 – LICENSING AND BUSINESS REGULATIONS, SECTION 4-6.3 – SIDEWALK CAFES AND RESTAURANTS, APPLICATION & LICENSE FEES OF THE BOROUGH OF MATAWAN FOR EXTRAORDINARY CIRCUMSTANCES FOR 2020 – 2021

WHEREAS, the Borough of Matawan, its residents and commercial partners are experiencing an extraordinary emergency in the period of the Pandemic by the consequences of COVID-19; and,

WHEREAS, the Mayor and Council are sensitive to the economic sacrifices which our commercial community is making and wish to join with the residents and businesses of Matawan in re-opening the vital commercial and social life of the Borough of Matawan; and

WHEREAS, the Mayor and Council are sensitive to costs of restarting operations and wish to spur the enhancement of the community re-opening.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Matawan that Chapter 4, Section 4-6.3 – Sidewalk Cafes & Restaurants, Application & License Fees be Suspended from the May 19, 2020 through September 1, 2021. Individuals seeking to re-license or establish a Sidewalk Café in conjunction with a pre-existing or new Restaurant would be exempt from paying the sidewalk licensing fee/application. All other requirements of the Ordinance remain unaffected.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Construction, Finance, Fire Department, Fire Prevention, Police, Public Information Officer as well as Public Works.

RESOLUTION 20-06-05

ADOPTION OF REGION FOUR INCOME LIMITS FOR AFFORDABLE HOUSING

WHEREAS, the New Jersey Supreme Court has determined that every municipality in the State of New Jersey has a constitutional obligation to provide reasonable opportunity for housing for low and moderate income persons; and

WHEREAS, as part of the implementation mechanisms for the provision of affordable housing, each municipality has been assigned as part of one of the six regions of New Jersey; and

WHEREAS, the Borough of Matawan in Monmouth County is part of Region 4, which includes Mercer, Monmouth and Ocean Counties; and

WHEREAS, the Affordable Housing Professionals of New Jersey, in consultation with Fair Share Housing Center, has developed a methodology whereby the income limits for affordable housing have been promulgated and have prepared a chart entitled 2020 Affordable Housing Regional Income Limits by Household Size, a copy of which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that it hereby adopts the 2020 Affordable Housing Regional Income Limits by Household Size as prepared by the Affordable Housing Professionals of New Jersey in consultation with the Fair Share Housing Center for the Regional Four municipalities.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Construction, Finance, Fire Prevention, Tax Assessor, Tax Collector as well as the Borough Redevelopment Attorney – Rainone, Coughlin, Minchello, LLC.

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2020 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - April 24, 2020
Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents**	Soles***	Regional Asset Limit****
Region 1	Median	\$67,166	\$71,964	\$76,761	\$86,357	\$95,952	\$99,790	\$103,628	\$111,304	\$118,980	\$126,656			
	Moderate	\$53,733	\$57,571	\$61,409	\$69,085	\$76,761	\$79,832	\$82,902	\$89,043	\$95,184	\$101,325	1.9%	0.84%	\$185,539
	Low	\$33,583	\$35,982	\$38,381	\$43,178	\$47,976	\$49,895	\$51,814	\$55,652	\$59,490	\$63,328			
Region 2	Median	\$73,857	\$79,132	\$84,408	\$94,959	\$105,510	\$109,730	\$113,951	\$122,391	\$130,832	\$139,273			
	Moderate	\$59,085	\$63,306	\$67,526	\$75,967	\$84,408	\$87,784	\$91,160	\$97,913	\$104,666	\$111,418	1.9%	4.71%	\$202,419
	Low	\$36,928	\$39,566	\$42,204	\$47,479	\$52,755	\$54,865	\$56,975	\$61,196	\$65,416	\$69,636			
Region 3	Median	\$22,157	\$23,740	\$25,322	\$28,488	\$31,653	\$32,919	\$34,185	\$36,717	\$39,250	\$41,782			
	Moderate	\$83,650	\$89,625	\$95,600	\$107,550	\$119,500	\$124,280	\$129,060	\$138,620	\$148,180	\$157,740	1.9%	1.01%	\$227,546
	Low	\$41,825	\$44,813	\$47,800	\$53,775	\$59,750	\$62,140	\$64,530	\$69,310	\$74,090	\$78,870			
Region 4	Median	\$25,095	\$26,888	\$28,680	\$32,265	\$35,850	\$37,284	\$38,718	\$41,586	\$44,454	\$47,322			
	Moderate	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199	1.9%	5.96%	\$205,486
	Low	\$61,175	\$65,545	\$69,915	\$78,654	\$87,393	\$90,889	\$94,385	\$101,376	\$108,368	\$115,359			
Region 5	Median	\$38,235	\$40,966	\$43,697	\$49,159	\$54,621	\$56,806	\$58,990	\$63,360	\$67,730	\$72,099			
	Moderate	\$76,469	\$81,931	\$87,393	\$98,317	\$109,242	\$113,611	\$117,981	\$126,720	\$135,460	\$144,199	1.9%	7.21%	\$179,028
	Low	\$22,941	\$24,579	\$26,218	\$29,495	\$32,772	\$34,083	\$35,394	\$38,016	\$40,638	\$43,260			
Region 6	Median	\$67,620	\$72,450	\$77,280	\$86,940	\$96,600	\$100,464	\$104,328	\$112,056	\$119,784	\$127,512			
	Moderate	\$54,096	\$57,960	\$61,824	\$69,552	\$77,280	\$80,371	\$83,462	\$89,645	\$95,827	\$102,010	1.9%	6.97%	\$153,730
	Low	\$33,810	\$36,225	\$38,640	\$43,470	\$48,300	\$50,232	\$52,164	\$56,028	\$59,892	\$63,756			
Region 6	Median	\$20,286	\$21,735	\$23,184	\$26,082	\$28,980	\$30,139	\$31,298	\$33,617	\$35,935	\$38,254			
	Moderate	\$57,458	\$61,562	\$65,666	\$73,874	\$82,083	\$85,366	\$88,649	\$95,216	\$101,782	\$108,349	1.9%	6.97%	\$153,730
	Low	\$45,966	\$49,250	\$52,533	\$59,100	\$65,666	\$68,293	\$70,919	\$76,173	\$81,426	\$86,679			
Region 6	Median	\$28,729	\$30,781	\$32,833	\$36,937	\$41,041	\$42,683	\$44,325	\$47,608	\$50,891	\$54,175			
	Moderate	\$17,237	\$18,469	\$19,700	\$22,162	\$24,625	\$25,610	\$26,595	\$28,565	\$30,535	\$32,505			
	Very Low													

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3 (Consumer price index for All Urban Consumers (CPI-U); Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, 2018 or 2019 because of the lack of authority to do so, may increase rent by up to the applicable combined percentage including 2020 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied low and moderate income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

BOROUGH OF MATAWAN RESOLUTION 20-06-06

Resolution: *Approval to Submit a Grant Application and Execute a Grant Contract With the New Jersey Department of Transportation for the Sapphire Lane Improvements Project*

NOW, THEREFORE, BE IT RESOLVED, that Council of the Borough of Matawan formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as MA-2021-Sapphire Lane Improvements-00230 for Matawan Borough to the New Jersey Department of Transportation on behalf of the Borough of Matawan.

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

Certified as a true copy of the Resolution, adopted by the Council of the Borough of Matawan on this 3rd day of June, 2020.

(Signature on File)

Karen Wynne, RMC
Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Signature on File)

Karen Wynne, RMC
(Municipal Clerk)

(Signature on File)

Mayor Joseph Altomonte
(Presiding Officer)

**RESOLUTION 20-06-07
GRAVELLY BROOK PARK IMPROVEMENTS PHASE 2
PROJECT COMPLETION – CLOSING STATEMENT**

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Borough of Matawan entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on March 14, 2018 that provided \$100,000.00 for the Gravelly Brook Park Improvements Project Phase 2, for improvements to Gravelly Brook Park to include replacement of a tot lot and basketball courts, under Application No. 17-04 that required certain conditions be met by the Borough of Matawan prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the Governing Body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Matawan that all conditions of the on March 14, 2018 Grant Agreement have been satisfied by the Borough of Matawan and that the project has been completed.

BE IT FURTHER RESOLVED that the Borough of Matawan made final payment to the contractor Shore Top Construction, Corp., 390 Toms River Road, Jackson, New Jersey 08527 per the letter of the municipal engineer Robert R. Keady, Jr. of T&M Associates of April 28, 2020 [Attached] and that payment was made per voucher [Attached] on May 29, 2020 under check no. 130515, which are hereby attached and also on file in the Municipal Clerk's Office.

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that the Mayor be and is hereby authorized as signatory on behalf of the Borough of Matawan.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance as well as the Borough Engineer and Monmouth County Park System.

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YOUR GOALS. OUR MISSION.

MATN-04126

Payment Certificate No. 3 & Final

April 28, 2020

Borough of Matawan
201 Broad Street
Matawan, NJ 07747
Attn: Nicole Horvath, Borough CFO

Re: Gravelly Brook Park Phase 2 Improvements

Dear Ms. Horvath:

This is to certify that Shore Top Construction Corp., 390 Toms River Road, Jackson, NJ 08527, Contractor for the above referenced project, has completed the work shown on the attached Payment Certificate No. 3 & Fir for work completed through April 28, 2020, and is entitled to payment for same.

The costs detailed on Payment Certificate No. 3 & Final are summarized below:

TOTAL AMOUNT OF WORK COMPLETED TO DATE	\$217,717.00
LESS ZERO PERCENT (0 %) RETAINAGE	\$0.00
SUBTOTAL	<u>\$217,717.00</u>
LESS PREVIOUS PAYMENTS	\$209,609.26
TOTAL AMOUNT DUE THIS CERTIFICATE NO. 3 & FINAL	<u>\$8,107.74</u>

ESTIMATED BY:

APPROVED BY:

**LOUIS A. TEDESCO, P.E., C.M.E., CPWM
CONSTRUCTION SERVICES
DIVISION MANAGER**

**ROBERT R. KEADY, JR., P.E., C.M.E.
MATAWAN BOROUGH ENGINEER**

CERTIFICATION OF CONTRACTOR:

I hereby certify that all items, units, quantities and prices of work and material shown on the attached progress estimate are correct; that all work has been performed and materials supplied and completely paid for in full accordance with the terms of the contract documents involved; that the foregoing is a true and correct statement of the contract account up to and including the last day of the period covered by this estimate; and that no part of the "Amount Due This Certificate" has been received:

Shore Top Construction Corp.

President

05/12/2020

TITLE

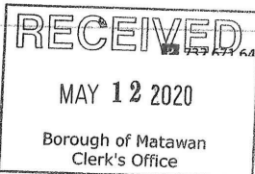
DATE

RRK

Attachment as Noted

cc: Shore Top Construction Corp.

T&M ASSOCIATES 11 Tindall Road Middletown NJ 07748



732 671 6400 732 671 7365 tandmassociates.com

orig: Finance
cc: Clerk
KW 5/12
v

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May 28, 2020
01:59 PM

BOROUGH OF MATAWAN
Detail Vendor Activity Report By Vendor Id

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Vendor # Name		Status	1099 Type	Tax Id	1099	
First	P.O. #	Item Description	Prch. Type	Status	Invoice	
Enc Date	Contract Id	Account Type	Charge Account	Account Description	Amount	
SHORE005 SHORE TOP CONSTRUCTION CORP.		Active				
05/16/19	19-00898	2	BLANKET FOR GRAVELLY BROOK	Other	Pd Ck:130467 08/08/19 CERT #1	155,677.90
			Budget C-04-55-905-101		LAKEFRONT REC/CONT.05/11 & 30	
05/16/19	19-00898	3	PAYMENT CERTIFICATE # 2	Other	Pd Ck:130492 12/04/19 CERT #2	53,931.36
			Budget C-04-55-905-101		LAKEFRONT REC/CONT.05/11 & 30	
Total Paid P.O.: Bid:		0.00	State:	0.00	other: 209,609.26	Exempt: 0.00 All: 209,609.26
Total Vendors: 1		Total Paid P.O.: 209,609.26				

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May 28, 2020
01:23 PM

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Detail Vendor Activity Report By Vendor Name

Page No: 1

Vendor Range: SHORE TOP CONSTRUCTION CORP. to SHORE TOP CONSTRUCTION CORP. Status: Active
 Report Type: All Include Open Requisitions: N
 Threshold Amount: 0.00 Include Tax Id: Y Contracts: N Bid: Y State: Y Other: Y Exempt: Y
 Date Range Type: Both First Enc Date Range: 01/01/19 to 05/28/20 Paid Date Range: 01/01/20 to 05/28/20

Vendor # Name	Status	1099 Type	Tax Id	1099
First P.O. # Item Description	Charge Account	Prch. Type Status	Invoice	Amount
Enc Date Contract Id Account Type	Account Description			Excl
SHORE005 SHORE TOP CONSTRUCTION CORP. Active				
05/16/19 19-00898 1 BLANKET FOR GRAVELLY BROOK	Other	Open		0.00
Budget C-04-55-905-101		LAKEFRONT REC/CONT.05/11 & 30		
11/22/19 19-00898 4 PAYMENT CERTIFICATE #3 & FINAL	Other	Rcvd	CERT #3/FINAL	8,107.74
Budget C-04-55-905-101		LAKEFRONT REC/CONT.05/11 & 30		
Total Open P.O.: Bid: 0.00 State: 0.00 other: 8,107.74 Exempt: 0.00 All: 8,107.74				
Total Paid P.O.: 0.00 0.00 0.00 0.00 0.00				
Vendor P.O. Total: 0.00 0.00 8,107.74 0.00 8,107.74				

Total Vendors: 1 Total Open P.O.: 8,107.74 Total Paid P.O.: 0.00 Total Open & Paid: 8,107.74

**Borough of Matawan
Workshop Session
Via Teleconference
June 3, 2020**

DEED OF OPEN SPACE EASEMENT

This EASEMENT made this 3rd day of June 2020 between the Borough of Matawan, located at 201 Broad Street, Matawan, New Jersey 07747 (hereinafter referred to as "MUNICIPALITY"), and the **COUNTY OF MONMOUTH**, located in the Hall of Records, 1 East Main Street, Freehold, New Jersey, 07728 (hereinafter referred to as "COUNTY").

WITNESSETH:

WHEREAS, the MUNICIPALITY is the sole owner in fee simple of a tract of land in the Borough of Matawan, Monmouth County, State of New Jersey, more particularly described as Block 120, Lot 46 on the tax map of the Borough of Matawan, Monmouth County, New Jersey (hereinafter referred to as the "Property"); and

WHEREAS, the Property possesses park, recreation and open space values of great importance to the people of the County of Monmouth; and

WHEREAS, the MUNICIPALITY agrees that the park, recreation and open space values of the Property be preserved in perpetuity; and

WHEREAS, the MUNICIPALITY further agrees, as owner of the Property, to convey to the COUNTY the open space easement herein described to preserve and protect the park, recreation and open space values of the Property in perpetuity; and

WHEREAS, the COUNTY is a body politic and corporate of the State of New Jersey empowered pursuant to N.J.S.A. 40:32-2.1 to acquire interests in land and hold same for public park, public recreation and public welfare purposes; and

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WHEREAS, the COUNTY has made a financial investment in the Property through the Monmouth County Municipal Open Space Grant Program by providing the MUNICIPALITY with a grant of \$100,000.00 for the development of the Property.

NOW, THEREFORE, in recognition of the foregoing and in consideration of the Municipal Open Space Grant made to the MUNICIPALITY, the MUNICIPALITY does hereby grant and convey to the COUNTY an easement over, under and right in perpetuity to restrict as set forth herein the use of the real property designated as Block 120, Lot 46 on the tax map of the Borough of Matawan, Monmouth County, New Jersey.

1. **PURPOSE.** It is the purpose of this Easement to guarantee that the Property will be retained forever for public park, recreation and open space uses and to prevent any use of the Property that will significantly impair or interfere with the park, recreation and open space values of the Property.

2. **TRUST.** The property shall be held in trust in perpetuity and used exclusively for the purposes authorized by the Open Space and Farmland Preservation, Recreation, Conservation and Historical Preservation Act as may be amended from time to time [NJSA 40:12-15.6b].

3. **PUBLIC ACCESS.** The MUNICIPALITY agrees to make the open space accessible to the public, unless the MUNICIPALITY and COUNTY determines that public accessibility would be detrimental to the lands, waters, or improvements thereon, or to any natural resources associated therewith [NJSA 40:12-15.6D(3)].

4. **OPEN SPACE INVENTORY.** The MUNICIPALITY shall cause the funded property to be listed in the Municipal Recreation and Open Space Inventory at the time it is filed with the New Jersey Green Acres Program or its successors.

5. **RIGHT OF COUNTY.** To accomplish the purpose of this easement, the following rights are conveyed to the COUNTY by this easement:

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A. To preserve and protect the park, recreation and open space values of the Property.

B. To prevent any activity on or use of the Property that is inconsistent with the purpose of this easement and to require the restoration of such areas or features of the Property that may be damaged by an inconsistent use or activity.

C. The COUNTY and its agents, representatives, servants or assigns, shall be permitted to enter upon the Property at all reasonable times, after giving prior reasonable notice, in order to monitor compliance with and otherwise enforce the terms of the Easement, provided that COUNTY, its agents, etc. shall not unreasonably interfere with use and quiet enjoyment of the Property.

D. The MUNICIPALITY agrees not to lease, sell, exchange or donate the Property described herein which is being acquired pursuant to P.L. 1997 c. 24, NJSA 40:12-15.6(A) except upon approval of the Monmouth County Board of Chosen Freeholders and upon such conditions as the Monmouth County Board of Chosen Freeholders may establish [NJSA 40:12-15.6(d)(4)] including, but not limited to, replacement with land of no less or greater utility, acreage and value.

6. **PROHIBITED USES.** Any activity on or use of the Property inconsistent with the purpose of this easement is prohibited.

7. **GREEN ACRES RESTRICTIONS.** If the lands being conveyed herein were purchased in part with Green Acres funding, they are subject to Green Acres restrictions as provided in N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36.

8. **RESERVED RIGHTS.** The MUNICIPALITY reserves to itself and to its personal representatives, heirs, successors and assigns, all rights accruing from its

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ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not inconsistent with this easement.

9. **GRANTEE'S REMEDIES.** If the COUNTY determines that the MUNICIPALITY is in violation of the terms of this easement or that a violation is threatened, the COUNTY shall give written notice to the MUNICIPALITY of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this easement, to restore the portion of the Property so injured. If the MUNICIPALITY or its assigns fail to correct the violation within sixty days after receipt of notice thereof from the COUNTY or under circumstances where the violation cannot be cured within the sixty day period or fails to diligently pursue curing such violation until finally cured, the COUNTY may bring an action at law or in equity in a court of competent jurisdiction to enforce the terms of this easement, to enjoin the violation ex parte as necessary, by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the term of this easement or injury to any park, recreation or open space values protected by this easement; to require the restoration of the Property to the condition that existed prior to such injury; and all costs and expenses, including reasonable attorney's fees incurred in enforcing the COUNTY's rights herein.

10. **COUNTY'S DISCRETION.** Enforcement of the terms of this easement shall be at the discretion of the COUNTY, and any forbearance by the COUNTY to exercise its rights under this easement in the event of any breach of any terms of this easement by the MUNICIPALITY shall not be deemed or construed to be a waiver by the COUNTY of such terms or any subsequent breach of the same or any other term of this easement or of any of the COUNTY'S rights under this easement. No delay or omission by the COUNTY in the exercise of any right or remedy upon any breach by the MUNICIPALITY shall impair such right or remedy or be construed as a waiver.

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11. **SURVIVAL.** The terms of an Agreement between the MUNICIPALITY and the COUNTY dated March 14, 2018 shall survive the delivery of this Deed of Open Space Easement and the terms of which Agreement are incorporated herein by reference.

12. **WAIVER OF CERTAIN DEFENSES.** The MUNICIPALITY hereby waives any defense of laches, estoppel or prescription.

13. **ACTS BEYOND CONTROL.** Nothing contained in this easement shall be construed to entitle the COUNTY to bring any action against the MUNICIPALITY for any injury or change in the Property resulting from causes beyond the MUNICIPALITY'S control including, without limitation, fire, flood storm and earth movement, or from any prudent action taken by the MUNICIPALITY under emergency conditions to prevent, abate or mitigate injury to the Property resulting from said causes.

14. **COSTS AND LIABILITIES.** The MUNICIPALITY shall retain all responsibilities and shall bear all cost and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the Property, including the maintenance of adequate comprehensive general liability insurance coverage. The MUNICIPALITY shall keep the Property free of any liens arising out of any work performed, for material furnished to or obligations incurred by the MUNICIPALITY.

15. **RISK OF LOSS.** Risk of loss or damage to the Property by fire or other casualty shall be, and is assumed, by the MUNICIPALITY. The MUNICIPALITY is required to advise the COUNTY of any occurrence which results in loss of or damage to any improvements funded by the COUNTY or which results in the impairment of the Property's park, recreation and open space use.

16. **COVENANTS.** The MUNICIPALITY covenants with the COUNTY as follows:

- (a) The MUNICIPALITY is seized of said easement and has good right and title to convey same;

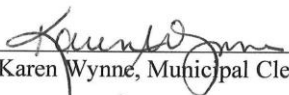
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- (b) The COUNTY shall quietly enjoy the said easement;
- (c) The MUNICIPALITY shall have quiet possession of the easement free from all encumbrances;


17. **SUCCESSOR.** The covenants, terms, conditions and restrictions of this easement shall be binding upon and inure to the benefit of the parties hereto and their respective personal representatives, heirs, successors and assigns, and shall continue as a servitude running in perpetuity with the Property.

This Deed of Easement is signed and attested to by Karen Wynne, Municipal Clerk and Joseph Altomonte, Mayor, the proper corporate officers as of the date at the top of the first page. Its corporate seal is affixed.

ATTESTED BY:



Karen Wynne, Municipal Clerk

BY: 

Joseph Altomonte, Mayor

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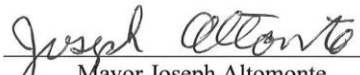
STATE OF NEW JERSEY:

: SS.

COUNTY OF MONMOUTH:

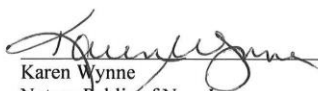
I CERTIFY that on June 3, 2020, 2019, Joseph Altomonte personally came before me, the subscriber, a Notary Public of the State of New Jersey, and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Mayor of the Borough of Matawan, the municipality named in this document;
- (b) this person is the attesting witness to the signing of this Deed by the proper corporate officer, who is the Mayor of the municipality;
- (c) this Deed was signed and delivered by the municipality as its voluntary act duly authorized by a proper resolution of its Governing Body;
- (d) this person knows the proper seal of the municipality which was affixed to this Deed;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$1.00 (such consideration is defined in N.J.S.A. 46:15-5).



 Mayor Joseph Altomonte
 Borough of Matawan

Sworn to and subscribed before me this 3rd day of June, 2020.



 Karen Wynne
 Notary Public of New Jersey
 Commission Expires January 24, 2023




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BOROUGH OF MATAWAN 201 BROAD STREET, MATAWAN, N.J. 07747		NO. 130515
REFERENCE/DESCRIPTION		NET AMOUNT

Vendor: SHORE005 SHORE TOP CONSTRUCTION CORP.
 PO: 19-00898 DESC: BLANKET/GRAVELLY BROOK PHASE 2 8,107.74
 INV: CERT #3/FINAL AMT: 8,107.74
 Check Date: 06/04/20 Check Amount: \$*****8,107.74

DETACH BEFORE DEPOSITING

THIS DOCUMENT HAS A COLORED BACKGROUND AND FLUORESCENT FIBERS • SEE ADDITIONAL SECURITY FEATURES ON REVERSE SIDE • MISSING A FEATURE INDICATES A COPY

BOROUGH OF MATAWAN 201 BROAD STREET MATAWAN, NEW JERSEY 07747		 <small>Banking in your best interest. Matawan - Old Bridge Office, Matawan, NJ 07747 Investors 24 Hour Service, 1-888-444-4466</small>	No. 130515 55-7203/2212
BOROUGH CAPITAL ACCOUNT	DATE	CHECK NO.	AMOUNT
	06/04/20	130515	\$*****8,107.74
Eight Thousand One Hundred Seven AND 74/100 Dollars			
TO THE ORDER OF	SHORE TOP CONSTRUCTION CORP. 390 TOMS RIVER ROAD JACKSON, NJ 08527		 MAYOR M  CFO / TREASURER M _____ CLERK M

⑈ 130515⑈ ⑆ 221272031⑆ 48 990333 8⑈

New Business

Councilwoman Gunn read by title Resolution 20-06-08: Authorizing Municipal Coronavirus Relief Fund Program Reimbursement Agreement Between the Monmouth County and the Borough of Matawan. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Councilwoman Gunn requested a roll call vote. A roll call vote was taken.

- Yes:
- Councilwoman Stephanie Buckel
 - Councilman Brett Cannon
 - Councilwoman Deana Gunn
 - Councilman John Lazar

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Councilman Brian Livesey
Councilman Nicolas Reeve

Motion passed.

**RESOLUTION 20-06-08
AUTHORIZING MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM REIMBURSEMENT
AGREEMENT BETWEEN THE MONMOUTH COUNTY AND THE BOROUGH OF MATAWAN**

WHEREAS, the COVID-19 Virus and Pandemic (Coronavirus) has caused economic hardship to states, counties and municipalities through the United States of America; and

WHEREAS, Monmouth County has received Federal Coronavirus Aid Relief and Economic Security (CARES) Act funds to be used to reimburse the County for economic damaged caused by the Coronavirus; and

WHEREAS, Monmouth County Freeholders will dedicate a share of the funds to reimburse municipalities for Coronavirus related costs and expenses under the Municipal Coronavirus Relief Fund Program.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that the Borough enter into the attached Municipal Coronavirus Relief Fund Program Reimbursement Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that the Mayor be and is hereby authorized as signatory on behalf of the Borough of Matawan.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, the Office of Emergency Management as well as the Monmouth County Board of Chosen Freeholders.

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MONMOUTH COUNTY

MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM

REIMBURSEMENT AGREEMENT

This Municipal Coronavirus Relief Fund Program Reimbursement Agreement (the "Agreement"), dated this 3rd day of June, 2020 between the County of Monmouth ("Monmouth County") located at One East Main Street, Hall of Records, Freehold, New Jersey 07728 and the Borough of Matawan (the "Municipality") located at 201 Broad St., Matawan, New Jersey

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

WHEREAS, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program.

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NOW, THEREFORE, it is stipulated and agreed as follows:

1. Purpose of Stimulus Funds. The Municipality understands and agrees that its eligibility for the receipt of any Stimulus Funds shall be determined by the terms of the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments - April 22, 2020" (the "Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Currently excluded from the "Guidelines" as eligible reimbursements are the categories detailed in Schedule B.

2. Role of County. As the recipient of the Stimulus Funds, it shall be the responsibility of Monmouth County to act as an intermediary and establish a reasonable process for the Municipality to submit an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to the eligibility for reimbursement sought by the Municipality is within the sole discretion of Monmouth County.

3. Use of Stimulus Funds. The Municipality understands that the Stimulus Funds represent an amount of funds which Monmouth County has received from the Federal Government for COVID-19 related expenses. The Freeholders have determined that it is in the best interest of the citizens of Monmouth County that municipalities be permitted to request reimbursement which meets the eligibility requirements established by the CARES Act and the Federal Guidelines.

4. Processing of Claims. Monmouth County shall process and accept claims for reimbursement and shall pay eligible claims. All requests for expenditure reimbursement must be submitted to Monmouth County (using the forms and process prescribed by Monmouth County) on a cost reimbursement basis.

5. Non-Liability of Monmouth County. The Municipality understands that Monmouth County cannot guaranty that a claim for reimbursement is eligible for payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid.

6. Indemnification by Municipality. The Municipality acknowledges that the role of Monmouth County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if, as the result of any audit performed by the United States Treasury or any other auditing agency, department or office of the United States Government, State of New Jersey, or County determines that any reimbursement made to the Municipality by Monmouth County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall

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repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the United States Government for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless Monmouth County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by Monmouth County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. Documents Required and Preservation of Records. Any application for reimbursement must be sufficiently documented so that Monmouth County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments or any insurer for the reimbursement of the same claim submitted to Monmouth County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality until December 31, 2027. Monmouth County shall have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide Monmouth County with reasonable access to the documents and records.

8. Funding Reimbursement and Schedule. As Monmouth County is obligated to expend funds on or before December 30, 2020, Monmouth County will provide reimbursement for eligible expenditures incurred by participating municipalities for the period that begins March 1, 2020 and ends on November 30, 2020 using the following schedule:

- Participating municipalities shall submit requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than June 15, 2020 for the period of March 1, 2020 through June 14, 2020.
- Participating municipalities shall forward requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than September 15, 2020 for the period of March 1, 2020 through August 31, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the prior reporting period not previously submitted.*
- Participating municipalities shall forward requests for expenditure

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reimbursement for eligible expenditures to Monmouth County by no later than December 15, 2020 for the period of March 1, 2020 through November 30, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the two prior reporting periods not previously submitted.*

- Participating municipalities shall ensure that all eligible expenditures are disbursed, in cash, by no later than December 15, 2020.

Monmouth County shall review the claims for reimbursement and may make adjustments to the reimbursement based upon a determination of eligible expenditures.

Municipality understands that availability of funds is contingent on appropriations made by funding sources external to Monmouth County, such as Federal funds, and appropriations by the Monmouth County Board of Chosen Freeholders. If, at any time, Monmouth County determines that federal, state or local funds are insufficient to sustain existing or anticipated spending levels, Monmouth County may reduce, suspend, or terminate any cash, reimbursements, other payments, or allocations of funds provided by Monmouth County to Municipality, or other form of financial assistance as Monmouth County determines appropriate. If funding sources external to Monmouth County, such as Federal funds, or the Monmouth County Board of Chosen Freeholders fails at any time to continue funding Monmouth County for the payments due under this Agreement, this Agreement will be terminated as of the date funding expires without further obligation of Monmouth County.

Because there is only a finite amount of Federal funding, a pro rata allocation may be required. Municipality understands that the availability of funds is based on the total Monmouth County-wide apportionment of funds resulting from cost based reimbursement claims reported by each municipality participating in this program as well as cost based reimbursement claims incurred by Monmouth County. Depending on the total amount of cost based reimbursement claims, Monmouth County may find it necessary to reapportion funds to each participating Municipality to ensure that the total cost based reimbursement does not exceed the total amount of funds available under this program.

9. Subsequent Funds. Should Monmouth County be in receipt of any additional funds provided by the United States Government and/or the State of New Jersey to combat the Coronavirus for which the Municipality may be eligible to receive payment, at the discretion of Monmouth County, the terms and

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provisions of this Agreement shall apply to the disposition and processing of those claims.

10. Compliance with Federal Law and New Jersey Law. The Municipality acknowledges that the Stimulus Funds are subject to the oversight of the United States government and its agencies. Consequently, in incurring expenses for which reimbursements will be sought from the Stimulus Funds, the Municipality shall adhere to the procedures established by the Federal government. Additionally, the Municipality shall, when incurring any expenses for which reimbursement is sought, adhere to all New Jersey purchasing and procurement laws and regulations.

As a subrecipient of federal funds, Municipality hereby specifically acknowledges its obligations relative to the expenditure reimbursement provided under this Agreement and pursuant to Federal cost principles, 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", as applicable under other federal, state and local laws, including, but not limited to:

- a. Fiscal and account procedures;
- b. Accounting records;
- c. Internal control cover cash, real and personal property, and other assets;
- d. Budgetary control to compare actual expenditures or outlays to budgeted amounts;
- e. Source documentation; and
- f. Cash management.

11. Applicable Law and Attorney Fees. Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey, Monmouth County.

12. Duration of Agreement. This Agreement shall begin on the date first written and shall continue until either party terminates it upon thirty (30) days written notice, the depletion of the Stimulus Funds, or the end of the program period, whichever event occurs sooner.

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13. Approval. By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it.

14. Counterparts. This Agreement may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

15. Notices. Any notices that are provided pursuant to this Contract shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

To Monmouth County:

County of Monmouth
Hall of Records, Room 236
1 East Main Street
Freehold, NJ 07728
Attn: Michael D. Fitzgerald, County Counsel
Email: michael.fitzgerald@co.monmouth.nj.us
Fax: 732-431-0437

To the Municipality:

Name	Borough of Matawan
Address	201 Broad Street, Matawan, NJ 07747
Email:	Scott Carew, Borough Administrator scott.carew@matawanborough.com
Fax	(732) 566-5061

16. Severability. If any part of this Agreement is declared unenforceable or invalid, the remainder of the Agreement will continue in full force and effect.

17. Force Majeure. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached the Agreement, for the delay in performance of this Agreement when and to the extent such failure or delay is caused by acts beyond the parties' control.

18. Amendment. This Agreement cannot be modified in any way except in writing signed by the parties to the Agreement.

19. Assignment. This agreement will not be assignable by "Municipality" in whole or in part without the prior written consent of the "County".

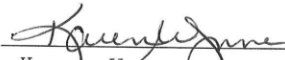
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IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

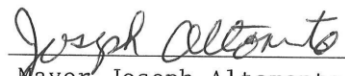
ATTEST:

COUNTY OF MONMOUTH

ATTEST:



Karen Wynne, RMC
Municipal Clerk



Mayor Joseph Altomonte
Borough of Matawan

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SCHEDULE A

**Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020**

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

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is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

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4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

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4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

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SCHEDULE B

Currently excluded from the "Guidelines" as eligible reimbursements are the categories below:

- COVID-19 related expenses of public hospitals, clinics, and similar facilities.
- Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
- Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
- Expenditures related to the provisions of grants to small businesses to reimburse the costs of business interruption caused by required closures.
- Expenditures related to a State, territorial, local, or Tribal government payroll support program.

Councilwoman Gunn read by title Resolution 20-06-09: Authorizing the Hiring of Part-Time Seasonal Personnel – 2020 Summer Recreation Program Canoe Rentals – Emma McNamara. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Councilwoman Gunn requested a roll call vote. A roll call vote was taken.

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Yes: Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman John Lazar
Councilman Brian Livesey
Councilman Nicolas Reeve

Motion passed.

**RESOLUTION 20-06-09
AUTHORIZING THE HIRING OF PART-TIME SEASONAL PERSONNEL
2020 SUMMER RECREATION PROGRAM CANOE RENTALS
EMMA McNAMARA**

WHEREAS, the Council has been advised that there is a need part-time personnel for the Summer Recreation Canoe Rentals for the year 2020 within the Borough of Matawan, effective June 6, 2020 through and including September 7, 2020; and

WHEREAS, Daria Dieterle, Recreation Director, has recommended to Council the hiring of Emma McNamara at a rate of \$12.00 per hour for the Summer Recreation Canoe Rentals for the year 2020 within the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of Daria Dieterle, hereby authorizes the hiring of part-time personnel Emma McNamara at a rate of \$12.00 for the 2020 Summer Recreation Canoe Rentals effective June 6, 2020. The last day of rentals will be on September 7, 2020.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Payroll, Recreation and Emma McNamara.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the T-14-56-850-801 Borough of Matawan to Canoe Renters - Recreation for the Borough of Matawan in an amount not to exceed Four Thousand Five Hundred Dollars and No Cents (\$4,500.00).

This certification is based solely on the information encumbered into the financial records of the Borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Nicole Horvath, CMFO

Dated: June 3, 2020

Council President Gunn read by title Resolution 20-06-10: Authorizing Execution of Employment Agreement Between the Borough of Matawan and Borough Administrator D. Scott Carew making a brief statement welcoming Mr. Carew to the Borough. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Councilwoman Gunn requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman John Lazar
Councilman Brian Livesey
Councilman Nicolas Reeve

Motion passed.

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Mr. and Mrs. Carew and Carew thanked the Council.

**RESOLUTION 20-06-10
AUTHORIZING EXECUTION OF EMPLOYMENT AGREEMENT BETWEEN THE
BOROUGH OF MATAWAN AND
BOROUGH ADMINISTRATOR D. SCOTT CAREW**

WHEREAS, the Mayor and Council herewith approves the attached Terms and Conditions for D. Scott Carew in his position as Borough Administrator;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Matawan that pursuant to NJSA 40A:9-136 and 137, D. Scott Carew is the Borough Administrator, said term of service at the pleasure of the Governing Body.

BE IT FURTHER RESOLVED, D. Scott Carew shall receive a salary and benefits per attached agreement to perform all duties required of the position of Borough Administrator.

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that the Mayor be and is hereby authorized as signatory on behalf of the Borough of Matawan.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Payroll as well as D. Scott Carew.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 0-01-20-100-100 Budget (Salary & Wages) of the Borough of Matawan.

This certification is based solely on the information encumbered into the financial records of the Borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on File)

Nicole Horvath, CMFO

Dated: June 3, 2020

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Terms for Employment – Matawan Borough

Following are certain terms of employment as agreed by and between the Borough of Matawan, NJ, (hereinafter the "Borough") and D. Scott Carew (hereinafter also the "Employee"), regarding the appointment of Carew as the Business Administrator for Matawan:

1. **Appointment and Term.** Employee will become Business Administrator for the Borough commencing June 3, 2020. The term of this agreement shall be through December 31, 2022.
2. **Governing Laws.** This is an appointment in accordance with New Jersey State Law, including NJSA 40A:9-136-138 governing the appointment of Business Administrators, and Matawan municipal ordinances.
3. **Reporting Responsibilities.** Employee will report directly to the Governing Body and will be responsible for the day-to-day operations of the Borough according to the Borough Administrator ordinance in effect during his tenure, as well as any other duties assigned to him by the Borough Council. Duties may be assigned to the Employee, and the Employee may be managed, only by the Governing Body acting as a body and not by any one individual.
4. **Residency.** Employee is not required to live within the boundaries of the Borough of Matawan.
5. **Schedule.** Employee's regular schedule shall generally be 35 hours per week, Monday through Friday, and attendance at regularly scheduled meetings of the Borough ^{Council and} Committee. Employee recognizes that the role of Borough Administrator is a 24/7 commitment. As such, Employee may be required to work outside of regular office hours and/or attend meetings on behalf of the Borough including regular and special Borough Council meetings, community meetings, committee meetings, etc. Additionally, Employee may be required to respond outside of regular business hours to emergencies, events and other Borough business not scheduled during typical business hours. Employee recognizes that he is not entitled to any overtime/comp time and/or additional compensation for such work. As such, the Employer also recognizes that the Employee, as a professional, will be entitled to reasonable flexibility in the work schedule to accommodate the demands of the job. Likewise, as a professional, Employee is expected to devote service, on-site presence, and commitment to the Borough commensurate with the full-time nature of the job. *pro-rated for calendar year 2020.*
6. **Salary.** Upon commencement of employment, the Employee shall be paid an annual salary of \$150,000. *pro-rated for calendar year 2020.* Effective January 1, 2021, the annual salary shall be \$153,000 and effective on January 1, 2022, the annual salary shall be \$156,000.
7. **Professional Development.** A) Employee will be permitted a maximum of 8 days (7 nights) annually to attend conferences such as NJMMA and the NJ League of Municipalities. Reimbursements will be made according to Borough policy. Additional conferences, if any, for specific projects benefitting or effecting the Borough may be approved with consent of the Borough Council. Additionally, the Employee may represent the Borough and attend relevant one day job-related seminars provided prior notice is given to the Borough Council.
B) The Borough also recognizes the value to the Borough, its citizens, and the Employee of having Mr. Carew, as an expert in the field of municipal government and public administration,

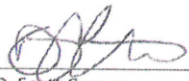
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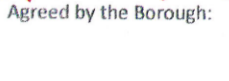
continue serving as a part-time educator at the University-level in the field of Public Administration. As such, the Employee will be permitted to teach up to two classes per semester; however, under no circumstances will this be permitted to interfere with or diminish the employee's overall service to the Borough, as determined by the Borough Council.

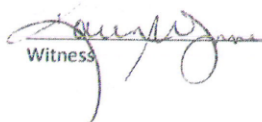
8. **Time-Off Benefits.** Employee shall be entitled to time-off benefits equal to that of an employee with 20 years of service hired on or after 1/1/98 per Matawan's Employee Policy and Procedure Manual. Time off for 2020 will be available starting June 3, 2020 and be prorated to cover the time period of March 23, 2020 – December 31, 2020.

9. **Other Benefits.** In addition to the above, the Employee shall be entitled to all other employee benefits as provided to the full-time department heads in Borough government, including health, dental, pension, paid holidays, and life insurance, and as per policies in effect pertaining to said benefits.

10. **Municipal Car.** Employee shall be entitled to the use of a municipal car while working at Municipal Facilities and to attend in-state of NJ meetings held when the B.A. is the representative of the Borough.

Agreed by Employee: 
D. Scott Carew

Agreed by the Borough: 
Joseph Altomonte, Mayor

Witness: 
Witness

Council President Gunn read by Ordinance 20-07: Amending Ordinance 13-17: Ordinance to Amend the Code of the Borough of Matawan, Chapter XV – Property Maintenance, Article I – Section 15-2 Maintenance of Vacant Properties, Structures Registration Requirements and Fees. Council President Gunn requested a motion to introduce. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council agreed. Councilwoman Gunn requested a roll call. A roll call vote was taken.

- Yes:
- Councilwoman Stephanie Buckel
 - Councilman Brett Cannon
 - Councilwoman Deana Gunn
 - Councilman John Lazar
 - Councilman Brian Livesey
 - Councilman Nicolas Reeve

Motion passed.

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**ORDINANCE 20-07
AMENDING ORDINANCE 13-17
ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MATAWAN
CHAPTER XV – PROPERTY MAINTENANCE
ARTICLE I – SECTION 15-2
MAINTENANCE OF VACANT PROPERTIES, STRUCTURES REGISTRATION
REQUIREMENTS AND FEES**

WHEREAS, the Borough of Matawan is desirous of maintaining and providing the residents of Matawan with a safe, pleasant environment, and to that end structures that are abandoned or vacant distract from this goal create an attractive nuisance for a neighborhood; and

WHEREAS, in many cases the owners or other responsible parties of these structures are neglectful of them, do not maintain or secure them to a recognized adequate community standard or municipal maintenance code, or restore them to productive use; and

WHEREAS, vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health risk; and

WHEREAS, the Borough of Matawan incurs disproportionate costs in order to address the problems of vacant and abandoned structures, including but not limited to code enforcement violations, excessive police calls, fire calls, property maintenance calls, and property inspections; and

WHEREAS, it is in the public interest for the Borough of Matawan to establish minimum standards of accountability for the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety, and general welfare of the residents of the Borough of Matawan; and

WHEREAS, it is in the public interest for the Borough of Matawan to impose a fee in conjunction with a registration ordinance fee, which is in addition to others fees or costs that are imposed or required by the Borough of Matawan for any maintenance or other reason for vacant and abandoned structures in light of the disproportionate costs imposed on the Borough by the presence of these structures within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Matawan that:

15-2 Maintenance of Vacant Properties, Structures Registration Requirements and Fees

15-2.1 Definitions

Owner shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of, or any other entity determined by the Borough of Matawan to have authority to act with respect to the property.

Vacant property shall mean any building or structure intended for or having an existing commercial, industrial, mixed-use, single or multifamily residential use, and which is not legally occupied or at which substantially all lawful commercial, business, construction operations or residential occupancy has ceased, or said structure is in such condition that it cannot legally be occupied without repair, renovation, or rehabilitation; provided, however, that any property that contains all building systems or components in working order and is being actively marketed by its owner for sale or rental, shall not be deemed vacant. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., which shall include commercial, industrial, single or multifamily, or mixed-use residential structures are deemed to be vacant property for the purposes of this section. However, the owner or owner's agent shall maintain and secure the property even if the property, building, or structure has been placed for sale or rental until such time as the property, building, or structure is sold or rented and occupied.

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15-2.2 General Requirements

- a. Effective **upon the adoption of this Ordinance** ~~September 1, 2013~~, the owner of any vacant property or structure as defined herein shall within sixty (60) days after the building or structure becomes vacant property or within thirty (30) days after assuming ownership of the vacant property or structure, whichever is later, file a registration statement for each such vacant property or structure with the ~~Borough Clerk~~ **Property Maintenance Officer** or any other designated Borough Representative on forms provided by the Borough of Matawan for such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building or structure remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Section 15-2.4 of this Ordinance for each vacant property registered.
- b. Any owner of any building that meets the definition of vacant property prior to ~~September 1, 2013~~, **the effective date of this Ordinance**, shall file a registration statement for that property on or before ~~November 1, 2013~~ **September 1, 2020**. The registration statement shall include the information required under the appropriate Section of this Ordinance as well as any additional information that the Borough may reasonably require.
- c. The owner shall notify the ~~Borough Clerk~~ **Property Maintenance Officer** or any other designated Borough Representative within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Borough for such purpose. **Upon any transfer of title or change of ownership, the new owner of the vacant property shall be assessed an initial registration fee in the amount of \$500.00 as a new owner.**
- d. The registration statement shall be deemed an official record and business record in any administrative enforcement proceeding or court proceeding instituted by the Borough of Matawan against the owner, owners, or other responsible parties responsible for the building or structure.

15-2.3 Registration Statement Requirements; Property Inspection

After filing a registration statement or a renewal of a registration statement, the owner of any vacant property or structure shall provide access by the Borough's agent or representative to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- a. The registration statement shall include the name, street address and telephone number of a person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey. The statement shall also include the name of the person responsible for the maintenance and security of the property, if different.
- b. An owner who is a person who meets the requirements of this Ordinance as to location of residence or office may designate him or herself as agent.
- c. By designating an authorized agent under the provisions of this section the owner or designated agent consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough's agent or representative of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this Ordinance.

15-2.4 Fee Schedule

The initial registration fee for each building shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand (\$1,000.00) dollars, and the fee for the second renewal is one thousand five hundred (\$1,500.00) dollars. The fee for any subsequent renewal beyond the second renewal is two thousand (\$2,000.00) dollars.

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Vacant Property / Building Registration Fee Schedule

<i>Initial registration</i>	\$ 500.00
<i>First renewal</i>	\$1,000.00
<i>Second renewal</i>	\$1,500.00
<i>Any subsequent renewal</i>	\$2,000.00

15-2.5 Requirements for Owners of Vacant Property

The owner, owners, or the authorized agent of any building that has become or is a vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days:

- a. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the State of New Jersey and the Borough of Matawan, or as set forth in rules and regulations adopted by the Borough of Matawan to supplement those codes; and*
- b. Post a permanent laminated or protected sign in a form specified by the Borough agent or representative and affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process, and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18 inches x 24 inches. The sign shall be professional made and printed (no hand written signs will be permitted); and*
- c. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.*

15-2.6 Administration

The Borough of Matawan may issue rules and regulations for the administration of the provisions of this ordinance as it deems necessary.

15-2.7 Violations and Penalties

- a. Any owner who is not in full compliance with this ordinance or who otherwise violates any provision of this ordinance or of the rules and regulations issued hereunder shall be in addition to the payment of the prescribed licensing fee subject to a fine of not less than \$200.00 and not more than \$1,000.00 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this chapter shall be recoverable from the owner and shall be a lien on the property and all such legal fees associated with any reasonable cost recoverable from the owner as well.*
- b. For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 15-2.2 through and including Section 15-2.5 this Chapter, or such other matters as may be established by the rules and regulations of the Borough of Matawan shall be deemed to be violations of this ordinance.*
- c. Nothing in this Ordinance is intended to nor shall be read to conflict or prevent the Borough of Matawan from taking action against owners of building or structures found to be unfit for human habitation or are unsafe structures as provided in applicable provision of the Code of the Borough of Matawan, including but not limited to provisions of the State or Borough Building or Property Maintenance codes. Further, any action taken under any such code provision other than the demolition of a structure shall relieve an owner from its obligations under this ordinance.*
- d. This Ordinance shall take effect immediately upon final passage and publication and in accordance with the laws of the State of New Jersey.*
- e. The administration of this within Ordinance shall be under the authority of the Property Maintenance Officer of the Borough of Matawan.*

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The Clerk announced the Public Hearing will be held 7:00 PM on June 16, 2020.

Council President Gunn read by title Resolution 20-06-11: Emergency Temporary Appropriation. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council President Gunn requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman John Lazar
Councilman Brian Livesey
Councilman Nicolas Reeve

Motion passed.

**RESOLUTION 20-06-11
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2020 temporary budget for the aforesaid purposes; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2019 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$8,908,848.22.

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all member of the Council of the Borough of Matawan, New Jersey affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. *An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
2. *That said emergency temporary appropriations will be provided for in the 2020 budget under the appropriate titles.*
3. *That one certified copy of this resolution be filed with the Director of Local Government Services.*

BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2020 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance as well as Director of Local Government Services.

2020 Temporary Budget-for June 3, 2020 Meeting

	Salary & Wages	Other Expenses
GENERAL ADMIN	13,923.36	
MAYOR & COUNCIL	15,628.03	
MUNI CLERK	7,389.76	
FINANCE	6,802.32	
AUDIT		
TAX COLLECTOR	6,014.92	
TAX ASSES	4,763.54	
LEGAL SERVICES		
ENGINEERING		
DOWNTOWN REDEV		
HISTORICAL SITES		
PLAN/ZONING BD	1,393.80	
CONSTR OFFICIAL	12,680.00	
PROP MAINT	600.00	

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OTHER INSURANCE OTHER EXP			
INSURANCE-WORKERS COMP			
HOSPITALIZATION			
POLICE	181,441.38		
EMERGENCY 911			
OEM			
VOL 1ST AID SQUAD			
FIRE PREVENTION	7,482.96	800.00	
FIRE			
FIRE-AID TO DEPARTMENT			
STREETS & ROADS	30,452.60		
RR PARKING	16,169.90		
SHADE TREE COMM			
SOLID WASTE COLL	485.14	30,000.00	
PUBLIC BLDGS			
VEHICLE MAINT			
BD OF HEALTH	443.96		
ENVIRON COMM			
RECREATION	1,894.88		
FREE PUBLIC LIBRARY			
ACCUM SICK LEAVE			
STREET LIGHTING		10,000.00	
UTILITIES			
PERS			
OASI			
P/F RETIREMENT			
DCRP			
LOSAP			
MUNICIPAL COURT			
PUBLIC DEFENDER			
CAPITAL IMPROVEMENT FUND			
PAYMENT OF BOND PRINCIPAL			
MCIA LEASE PRINCIPAL			
PAYMENT OF BANS			
INTEREST ON BONDS			
MCIA LEASE INTEREST			
INTEREST ON NOTES			
GREEN TRUST LOAN		9,172.02	
SPECIAL EMERGENCY			
SUBTOTAL	307,566.55	49,172.02	
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		357,538.57	6,395,591.37
WATER SEWER UTILITY			
OPERATING	67,013.00	50,000.00	
BULK WATER PURCHASE/ACQUISITION OF WATER			
BAYSHORE REGIONAL SEWERAGE AUTHORITY			
PAYMENT ON BOND PRINCIPAL			
PERS			
BANS			

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INTEREST ON BONDS		
INTEREST ON NOTES		
WATER-SEWER REHAB LOAN		
WASTEWATER LOAN		
SOCIAL SECURITY		<u>3,780.09</u>
SUBTOTAL	67,013.00	53,780.09
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS		120,793.09 2,513,256.85

Council President Gunn read by title Resolution 20-06-13: Authorizing the Mailing of Estimated Third Quarter 2020 Tax Bills. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Councilwoman Gunn requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Stephanie Buckel
 Councilman Brett Cannon
 Councilwoman Deana Gunn
 Councilman John Lazar
 Councilman Brian Livesey
 Councilman Nicolas Reeve

Motion passed.

**RESOLUTION 20-06-13
AUTHORIZING THE MAILING OF ESTIMATED
THIRD QUARTER 2020 TAX BILLS**

WHEREAS, in light of the economic impact of COVID-19 and the potential for a delayed state budget and certified tax rates, the tax collector may be unable to mail tax bills in a timely manner; and

WHEREAS, the Matawan Borough Tax Collector, in consultation with the Matawan Borough Chief Financial Officer, has computed an estimated tax levy in accordance with NJSA 54:4-66.3, and they have both signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Borough Council shall not need the approval from the Director of the Division of Local Government Services since the estimated tax levy will not exceed 105% maximum allowed. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments, and save the unnecessary cost of interest expenses on borrowing.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE BOROUGH OF MATAWAN, on this 3rd day of June, 2020, as follows:

1. The Matawan Borough Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2020 taxes. The Tax Collector shall proceed, upon approval from the Director, and take such actions as are permitted and required by L 1994, c. 72 (NJSA 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy including Municipal, Library, School, County, and County Open Space for 2020 is hereby set at \$31,766,422.36.
3. In accordance with the law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.
4. The Tax Collector may rescind this resolution in the event the State budget is adopted and the County of Monmouth releases a tax rate for the Borough of Matawan.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance and Tax Collector.

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ESTIMATED TAX RATE 2020

2019 TAX RATE	2.730%
2019 ASSESSMENT	\$ 1,116,243,000.00
TOTAL TAX	\$ 30,473,433.90 BEFORE ADDED/OMITTED BILLING AND DEDUCTIONS


ACCEPTABLE LEVY RANGE FOR 2020

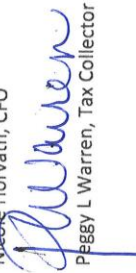
95%	\$ 28,949,762.21
105%	\$ 31,997,105.60

PROPOSED 2020 TOTAL TAX LEVY

\$ 1,164,031,600.00	2.729%	\$ 31,766,422.36
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Amount proposed falls within above range and therefore no DCA approval needed.


Nicole Horvath, CFO


Peggy L Warren, Tax Collector

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BOROUGH OF MATAWAN											
SUMMARY OF TAX RATES						LEVY CHANGE PER VARIOUS ASSESSED VALUES					
	Estimated 2020		Actual 2019		Change %	Property Assessment	Estimated 2020		Actual 2019		Local Tax Change
	Levy Amount	Rate	Levy Amount	Rate			Total Tax	Local Tax	Total Tax	Local Tax	
COUNTY:											
County Tax (General)	2,718,944.03	0.234	2,665,631.40	0.239	(0.005)	100,000.00	2,728.50	783.77	2,730.00	764.00	(1.50)
County Library	-	-	-	-	#DIV/0!	125,000.00	3,410.63	979.71	3,412.50	985.00	(1.87)
County Health	54,763.53	0.005	53,689.74	0.005	(0.000)	150,000.00	4,082.75	1,175.66	4,095.00	1,146.00	(2.25)
County Open Space	314,250.08	0.027	308,088.31	0.028	(0.001)	175,000.00	4,774.88	1,371.60	4,777.50	1,337.00	(2.62)
Total All County Levies	3,087,957.64	0.265	3,027,409.45	0.272	(0.007)	200,000.00	5,457.00	1,567.54	5,460.00	1,528.00	(3.00)
SCHOOLS:											
Local School	-	-	-	-	#DIV/0!	225,000.00	6,139.13	1,763.48	6,142.50	1,718.00	(3.37)
Regional School	19,155,492.00	1.646	18,537,882.00	1.661	(0.015)	250,000.00	6,821.25	1,959.43	6,825.00	1,910.00	(3.75)
Regional High School	-	-	-	-	-0.92%	275,000.00	7,503.38	2,155.37	7,507.50	2,101.00	(4.12)
Additional Local School	-	-	-	-	#DIV/0!	300,000.00	8,185.50	2,351.31	8,190.00	2,292.00	(4.50)
School Debt Service	-	-	-	-	#DIV/0!	325,000.00	8,867.63	2,547.25	8,872.50	2,483.00	(4.87)
SPECIAL DISTRICTS:											
Special District Tax	-	-	-	-	-	375,000.00	9,549.75	2,743.20	9,555.00	2,674.00	(5.25)
LOCAL PURPOSE TAX						400,000.00	10,914.00	3,135.06	10,237.50	2,865.00	(5.62)
Municipal Library	9,123,332.35	0.784	8,524,324.68	0.764	0.020	425,000.00	11,596.13	3,331.02	11,602.50	3,056.00	(6.00)
Municipal Open Space	392,821.61	0.034	372,962.00	0.033	0.001	450,000.00	12,278.25	3,526.97	12,285.00	3,247.00	(6.37)
TOTAL ALL LEVIES	31,760,603.60	2.729	30,462,578.13	2.730	(0.001)	1,500,000.00	40,927.50	11,756.55	40,950.00	11,450.00	(22.50)
NET VALUATION TAXABLE	1,164,031,600		1,116,243,000								

Council President Gunn read by title Resolution 20-06-12: Payment of Bills. Councilwoman Buckel made the motion, seconded by Councilman Cannon. Council President Gunn requested a roll call vote. A roll call vote was taken.

- Yes: Councilwoman Stephanie Buckel
 Councilman Brett Cannon
 Councilwoman Deana Gunn
 Councilman John Lazar
 Councilman Brian Livesey
 Councilman Nicolas Reeve

Motion passed.

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**RESOLUTION 20-06-12
PAYMENT OF BILLS**

***BE IT RESOLVED** by the Mayor and Council of the Borough of Matawan, New Jersey. That the following numbered vouchers be paid to the persons therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers and that warrants be issued therefore, directed to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.*

<i>Current</i>	\$1,840,036.64
<i>Water & Sewer</i>	\$103,872.02
<i>Borough Capital</i>	\$86,862.97
<i>Water Capital</i>	\$20,809.50
<i>Grant</i>	\$221.01
<i>Borough Trust</i>	\$40,319.43
Total	\$2,092,121.57

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance as well as the Borough Auditor.*

Privilege of the Floor

Council President Gunn opened the Privilege of the Floor.

Scott Carew, Borough of Matawan Business Administrator. Mr. Carew thanked the Council again, stating that he will work as hard as he can. He inquired as to who will be participating in the protest march on Saturday, June 6. He asked anyone who plans to attend to please notify Council President or himself as the Matawan Police Department asks for an accounting of who will be in attendance from the Borough.

Cathy Zavorskas, Borough of Matawan Public Information Officer. Ms. Zavorskas expressed her excitement over Mr. Carew's decision to remain with the Borough and that she looks forward to working with him. She then asked for more information about the protest march scheduled for Saturday. Council President Gunn reiterated her statement from earlier about the Council supporting the First Amendment Right of peaceful protest. Ms. Zavorskas mentioned some rumors about the Red, White, and Blue Contest being targeted and that some decorations and/or flags may be removed or destroyed. She was concerned for Burrowes Mansion, which is advertising and decorated for the event. Council President Gunn said she understood her concern stating she, Mr. Carew and Councilman Cannon met with Chief Falco and the Matawan Police Department to discuss the upcoming protest and the precautions they are taking to ensure the safety of all. Councilman Cannon said he has faith our Police Department will be able to provide the safety that is needed and faith the protesters will remain peaceful.

Mr. Carew congratulated and thanked Councilwoman Buckel and the Recreation Director, Daria Dieterle, for their implementation of the Red, White, and Blue Contest. Excellent press was received for the Borough. It showed great characteristics of the Borough. Councilwoman Buckel added the houses turned out beautiful to the enjoyment of many and may be an annual event. Councilwoman Buckel agreed acknowledging the addition to the atmosphere and festivities between Memorial Day Parade through the Independence Day fireworks display. She also thanked all the residents for their much-appreciated donations to the Matawan Food Pantry.

Council President Gunn reiterated the Borough staff has resumed normal work schedule, but the building remains closed to the public. She thanked everyone for their cooperation, flexibility, and support during these unusual times. The Borough employees are the backbone that keep the town moving and asked Mr. Carew to express the Council's appreciation when he hosts his Department Head meeting on Thursday.

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Council President Gunn requested a motion to close the Privilege of the Floor. Councilman Cannon made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed.

Adjournment

Council President Gunn requested a motion to adjourn. Councilman Cannon made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed.

Meeting recessed at 7:54 PM.

(Signature on File)

Karen Wynne, RMC
Municipal Clerk