

**Borough of Matawan  
Workshop Session  
February 4, 2020**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on February 4, 2020, with Mayor Joseph Altomonte presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing notification in *The Independent* on January 8, 2020, by sending notice to the *Asbury Park Press*, 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. Mayor Altomonte called the meeting to order at 7:00 PM, requesting a roll call.

On roll call the following members responded present:

Yes:                Councilwoman Deana Gunn  
                      Councilman Brian Livesey  
                      Councilwoman Stephanie Buckel  
                      Councilman John Lazar

Absent:           Councilman Brett Cannon  
                      Councilman Nicolas Reeve

Also present were Louis Ferrara, Borough Administrator, and Pasquale Menna, Esq. of The Menna Law Firm, LLC, Borough Attorney.

Mayor Altomonte asked everyone to stand for a Salute to the Flag.

Mayor Altomonte asked everyone to stand for a Moment of Silence.

Mayor Altomonte announced the addition of Resolution 20-02-16 to the agenda, and Resolutions 20-02-11 and 20-02-12 will be held.

**Workshop Item(s)**

*Shade Tree Fees*

Councilman Livesey addressed the issue of Borough trees being taken down and not being replaced. The majority of the Shade Tree budget goes towards the maintenance of trees, not replacement. The Shade Tree Commission is looking to set up a trust for the deposit of tree removal permit fees dedicating those monies for tree replacement and conservation. A proposed increase to the tree removal permit is from \$10.00 for five or fewer trees to \$35.00 and substantially increase the 'lot clearing' fee of \$150.00 for five trees or more. The increase may serve as a deterrent to tree removal. Discussion included fees based on size of tree(s), etc., and other municipalities and their fees.

Councilman Livesey asked Matt Schoffel of the Shade Tree Commission to step forward.

Matt Schoffel, 4 Cedar Street, Matawan. Mr. Schoffel informed Gary Lovallo, head forest for Old Bridge Township and consultant for Monroe and Jackson, spoke at a recent Shade Tree Commission meeting, who suggested raising Borough fees. After discussion, Councilman Livesey will bring Shade Tree's recommendation to Council.

**Privilege of the Floor for Agenda Items Only**

Mayor Altomonte opened the Privilege of the Floor for Agenda Items Only.

There were no comments.

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

**Consent Agenda**

Mayor Altomonte read by title Resolutions 20-02-01 through and including 20-02-10, as well as Resolution 20-02-16, requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 20-02-01  
REDEMPTION OF TAX SALE CERTIFICATES**

#18-00060  
#19-00011  
#19-00026  
#19-00040  
#19-00062

<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>
18-00060	Borough of Matawan	114	13	Fierro Ave.	\$5,269.97	\$0.00
19-00011	US Bank Cust for Pro Cap 8	14	13.0	49 Johnson Avenue	\$193.89	
19-00026	FNA DZ, LLC FBO WSFS	41	5	260 Main Street	\$2,241.50	\$6,400.00
19-00040	Tower DB IX Trust 2019-1	55	4	7 Lakeland Rd.	\$9,938.56	\$11,800.00
19-00062	US Bank Cust for Pro Cap 8	71	2	60 Middlesex Rd.	\$900.51	\$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 20-02-02  
PREMIUM ESCHEAT DUE TO NON-REDEMPTION  
INGENIOUS INTELLIGENCE BNC, INC.  
CERTIFICATE #050045**

**WHEREAS**, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #050045 was struck off to Ingenious Intelligence BNC, Inc.; and

**WHEREAS**, Certificate #050045, sold on December 28, 2005, for Block 96, Lot 1.03 otherwise known as Matawan Avenue; and

**WHEREAS**, in accordance with NJSA 54:5-33: Any premium payments shall be held by the collector and returned to the purchaser of the fee if and when redemption is made. If redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become part of the funds of the municipality.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, that they hereby authorize the Chief Financial Officer to accept the premium in the amount of \$200.00 for the above premium of Tax Sale Certificate #050045.

**RESOLUTION 20-02-03  
APPROVAL OF TOWING & STORAGE LICENSE RENEWAL  
DAWN'S AUTO BODY**

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**WHEREAS, Dawns Auto Body** (towing & storage contractor services) has submitted an application to be added to the Matawan Police Department tow call list; and

**WHEREAS, on the condition that, Dawns Auto Body** (towing & storage contractor services) has certified that the requirements of Chapter 4 of the Code of the Borough of Matawan and all other Statutes have been met and that the independent investigation by the Police Department reveals no nonconformity.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the following towing & storage license renewal:

Business: Dawn' Auto Body  
7 Division Street  
Keyport, New Jersey 07735  
Applicant: Christopher Matey

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

**RESOLUTION 20-02-04  
RESOLUTION CONFIRMING 2020 APPOINTMENT(S) BY THE MAYOR  
WITH CONFIRMATION OF COUNCIL**

**NOW, THEREFORE, BE IT RESOLVED**, that the appointments listed below made by the Mayor be and the same are hereby confirmed by the Council of the Borough, shall be appointed for a term of one year said term to expire December 31, 2020, unless otherwise specified or provided for by statute, and shall be residents of the Borough and serve without compensation:

<b><u>BOARD/COMMISSION</u></b>	<b><u>NAME</u></b>	<b><u>TERM OF OFFICE</u></b>
Local Historian	Kurtis Roinestad	

**RESOLUTION 20-02-05  
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY  
RESOLUTION COMMEMORATING THE CENTENNIAL OF THE  
RATIFICATION OF THE 19<sup>TH</sup> AMENDMENT**

**WHEREAS, the year Two Thousand and Twenty marks the 100<sup>th</sup> Anniversary of the ratification of the 19<sup>th</sup> Amendment of the United States Constitution; and**

**WHEREAS, women fought for the right to vote for more than a century and persevered in the face of resistance; and**

**WHEREAS, many New Jersey women advocated for the right to vote; and**

**WHEREAS, Monmouth County was the home to many suffragists both male and female, and suffrage rallies and events occurred within Monmouth County's borders; and**

**WHEREAS, February 9, 2020 will mark the centennial of the New Jersey ratification of the 19<sup>th</sup> Amendment; and**

**WHEREAS, August 26, 2020 will mark the nationwide centennial of the 19<sup>th</sup> Amendment officially becoming part of the United States Constitution, after the required number of states had ratified; and**

**WHEREAS, daughters, granddaughters, and great-granddaughters of the women who fought so hard to vote have been making their voices heard at the polls for nearly 100 years; and**

**WHEREAS, women are running for office and currently in elected office in large numbers in Monmouth County, follow in the footsteps of these great suffragists; and**

**WHEREAS, there are currently over 200,000 women registered to vote in Monmouth County, New Jersey; and**

**WHEREAS, all government entities on the local, state and national level should commemorate and recognize this historic milestone and reaffirm its commitment to empowering and uplifting the voices of women.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby:

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*(1) Celebrate and recognize the 100<sup>th</sup> Anniversary of the passage and ratification of the 19<sup>th</sup> Amendment to the United States Constitution providing for women's suffrage; and*

*(2) Honor the role of the ratification of the 19<sup>th</sup> Amendment in promoting the core values of our democracy as set forth in the Constitution of the United States; and*

*(3) Reaffirm our desire to continue strengthening democratic participation and to inspire future generations to cherish and preserve the historic precedent established by the 19<sup>th</sup> Amendment.*

**RESOLUTION 20-02-06  
2017 ROAD IMPROVEMENT PROGRAM CONTRACT 2  
BLACK ROCK ENTERPRISES, LLC  
AUTHORIZING CHANGE ORDER NO. 9 & FINAL  
IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN NJAC 5:30-11.9 ET SEQ.**

**WHEREAS**, a Contract in the amount of \$1,341,223.33 was awarded to Black Rock Enterprises, LLC on May 15, 2018 by Resolution 18-05-38 for the 2017 Road Improvement Program Contract 2; and

**WHEREAS**, Change Order No. 8 was authorized on December 3, 2019 by Resolution 19-12-07 in the amount of \$3,618.86 on the recommendation of the Borough Engineer, T&M Associates, in order to address the as-built quantities for the 2017 Road Improvement Program Contract 2; and

**WHEREAS**, Change Order No. 9 and Final is being authorized on February 4, 2020 within this Resolution in the amount of \$45,660.52 on the recommendation of the Borough Engineer, T&M Associates, in order to address the as-built quantities for the 2017 Road Improvement Program Contract 2; and

**WHEREAS**, additional modifications to the original Contract are necessary due to unforeseen circumstances not anticipated at the time of the original bid resulting in significant additional work in the amount of \$45,660.52; and

**WHEREAS**, whenever a change order exceeds twenty percent (20%) of the Contract price, the Borough of Matawan is obligated by law to follow the procedures set forth in NJAC 5:30-11.9; and

**WHEREAS**, this change order reflects additional costs associated with the final as-built quantities for the 2017 Road Improvement Program Contract 2; and

**WHEREAS**, the sum of Change Orders 8, 9 and Final results in a 23% increase to the original Contract amount; and

**WHEREAS**, the basis for this change order is curb and sidewalk safety improvements as well as the police officer traffic protection for the described work; and

**WHEREAS**, in accordance with the Local Public Contracts Law, a written certification dated January 27, 2020 was provided by the contractor to justify the additional work; and

**WHEREAS**, T&M Associates has reviewed the information submitted by the contractor and agreed that the itemized breakdown of labor and materials required to complete 2017 Road Improvement Program Contract 2 are justified based on the amount of work required; and

**WHEREAS**, Black Rock Enterprises, LLC has provided a letter dated January 27, 2020 recommending that the Governing Body pass a resolution to approve the change order, execute the change order form, and return the executed change order for further process.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. Change Order No. 9 and Final to the 2017 Road Improvement Program Contract 2, dated January 16, 2020 which amends the original Contract with Black Rock Enterprises, LLC, is hereby approved with a supplementary price increase not to exceed \$45,660.52.
3. The Chief Financial Officer has certified that the funds are available from C-04-55-913-102 Budget of the Borough of Matawan, contingent upon expiration of the 20 day estoppel period of limitation within which a suit, action, or proceeding questioning the validity of such ordinance can be commence.

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- 4. *The Mayor and Clerk and/or the appropriate professionals are hereby authorized to execute any and all documents associated with Change Order No. 9 and Final.*
- 5. *The Clerk and Chief Financial Officer shall follow the procedures set forth in NJAC 5:30-11.9.*

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the C-04-55-913-102 Budget of the Borough of Matawan to Black Rock Enterprises, LLC for the Borough of Matawan 2017 Road Improvement Program Contract 2 in an amount not to exceed \$45,660.52.*

*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: February 4, 2020*

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T&M ASSOCIATES  
CONSULTING & MUNICIPAL ENGINEERS  
ELEVEN TINDALL ROAD  
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2  
PROJECT NO. MATN-04060

CHANGE ORDER NO. 9 & FINAL

DATE: January 16, 2020

PROJECT: 2017 Road Improvement Program - Contract 2

OWNER: Borough of Matawan

CONTRACTOR: Black Rock Enterprises, LLC

DESCRIPTION OF CHANGE:

REDUCTIONS:

EXTRA:

SUPPLEMENTARY:

Various items are increased to reflect current as-built quantities.  
Various items are decreased to reflect current as-built quantities.

APPROVAL RECOMMENDED:

ROBERT R. KEADY, JR., P.E., C.M.E.

ACCEPTED:

CONTRACTOR:  
Black Rock Enterprises, LLC

OWNER'S APPROVALS:

Borough of Matawan  
Mayor Joseph Altomonte

NOTE: All work to be done  
according to Contract  
Specifications.

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$0.00
B. TOTAL EXTRAS THIS C.O.	\$0.00	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$45,660.52	XXXXXXXXXX
TOTALS THIS C.O.	\$45,660.52	\$0.00
NET CHANGE THIS CHANGE ORDER	\$45,660.52	\$0.00
PREVIOUS CHANGE ORDERS	\$554,277.51	\$285,154.71
TOTAL CHANGE ORDERS TO DATE	\$599,938.03	\$285,154.71
NET CHANGE IN CONTRACT	\$314,783.32	\$0.00

ORIGINAL CONTRACT BID PRICE	\$1,341,223.33
CHANGE ORDERS TO DATE	\$314,783.32
REVISED CONTRACT PRICE	\$1,656,006.65

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CHANGE ORDER NO. 9 & FINAL

SHEET NO. 2 OF 2  
PROJECT NO. MATN-04060

PROJECT: 2017 Road Improvement Program - Contract 2  
OWNER: Borough of Matawan  
CONTRACTOR: Black Rock Enterprises, LLC

ITEM NO.	DESCRIPTION	QUANTITY	UNIT PRICE	AMOUNT
REDUCTIONS				\$0.00
				\$0.00
				\$0.00
				\$0.00
A. TOTAL REDUCTIONS				\$0.00
EXTRA				\$0.00
				\$0.00
				\$0.00
				\$0.00
B. TOTAL EXTRA				\$0.00
SUPPLEMENTARY	S-13 Police Traffic Directors (If & Where Dir)	308.19	HR	\$95.96
	S-19 Concrete Sidewalk, 4" Thick	150.24	SY	\$85.00
	S-28 Decorative Stone Driveway	35.00	SY	\$35.00
	S-29 Sawcut Existing Concrete	418.25	SY	\$5.00
C. TOTAL SUPPLEMENTARY				\$45,660.52

RESOLUTION 20-02-07  
2018 ROAD IMPROVEMENT PROGRAM CONTRACT 1  
S. BROTHERS, INC.  
AUTHORIZING CHANGE ORDER NO. 2

WHEREAS, T&M Associates has informed the Council that Various Items are increased to include the Broad Street Watermain Replacement (Church Street to Park Avenue) in the 2018 Road Improvement Program Contract 1, for an increase this Change Order No. 2 of Three Hundred Fifty-One Thousand, Seven Hundred Sixty Dollars and No Cents (\$351,760.00); and

WHEREAS, T&M Associates has informed the Council that Item S-2 is Supplemental for the 2018 Road Improvement Program Contract 1, for an increase this Change Order No. 2 of Eighty-Four Thousand, Five Hundred Sixty Dollars and No Cents (\$84,560.00).

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***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, based upon the recommendation of Robert Keady, T&M Associates, that they hereby authorize the attached contract modification proposal, 2018 Road Improvement Program Contract 1, Change Order No. 2, a Net Change this Change Order in the amount of Four Hundred Thirty-Six Thousand, Three Hundred Twenty Dollars and No Cents (\$436,320.00).*

***BE IT FURTHER RESOLVED** this amount reflects a total Net Change Increase in Contract of Four Hundred Fifty Thousand, Five Hundred Eighty-One Dollars and Forty-Six Cents (\$450,581.46).*

***BE IT FURTHER RESOLVED** the Mayor of the Borough of Matawan is hereby authorized to execute the attached contract modification proposal and acceptance.*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Public Works as well as T&M Associates and S. Brothers, Inc.*

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the W-06-55-519-101 Budget of the Borough of Matawan to S. Brothers, Inc. (T&M Project No. MATN-04136) for the Borough of Matawan 2018 Road Improvement Program Contract 1 in an amount not to exceed Four Hundred Thirty-Six Thousand, Three Hundred Twenty Dollars and No Cents (\$436,320.00).*

*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)*

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*Nicole Horvath, CMFO*

*Dated: February 4, 2020*



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T&M ASSOCIATES  
CONSULTING & MUNICIPAL ENGINEERS  
ELEVEN TINDALL ROAD  
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2  
PROJECT NO. MATN-04136

CHANGE ORDER NO. 2

DATE: January 27, 2020

PROJECT: 2018 Road Program

OWNER: Borough of Matawan

CONTRACTOR: 2018 Road Program

DESCRIPTION OF CHANGE:

REDUCTIONS:

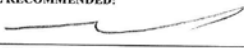
EXTRA:

Various items are increased for Broad Street Watermain Replacement (Church Street to Park Avenue)

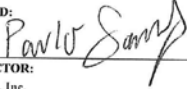
SUPPLEMENTARY:

S-2 Police Traffic Directors (If & Where Directed)


APPROVAL RECOMMENDED:



ROBERT R. KEADY, JR., P.E., C.M.E.

ACCEPTED: 

CONTRACTOR:  
S. Brothers, Inc.

OWNER'S APPROVALS:  
  
Borough of Matawan  
Mayor Joseph Altomonte

NOTE: All work to be done  
according to Contract  
Specifications.

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$0.00
B. TOTAL EXTRAS THIS C.O.	\$351,760.00	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$84,560.00	XXXXXXXXXX
TOTALS THIS C.O.	\$436,320.00	\$0.00
NET CHANGE THIS CHANGE ORDER	\$436,320.00	\$0.00
PREVIOUS CHANGE ORDERS	\$24,487.46	\$10,226.00
TOTAL CHANGE ORDERS TO DATE	\$460,807.46	\$10,226.00
NET CHANGE IN CONTRACT	\$450,581.46	\$0.00

ORIGINAL CONTRACT BID PRICE	\$2,253,053.00
CHANGE ORDERS TO DATE	\$450,581.46
REVISED CONTRACT PRICE	\$2,703,634.46

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CHANGE ORDER NO. 2

SHEET NO. 2 OF 2  
PROJECT NO. MATN-04136

PROJECT: 2018 Road Program  
OWNER: Borough of Matawan  
CONTRACTOR: 2018 Road Program

	ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
REDUCTIONS						\$0.00
						\$0.00
A. TOTAL REDUCTIONS						\$0.00
EXTRAS	B3	Excavation, Test Pit	20.00	UN	\$150.00	\$3,000.00
	B4	Fuel Price Adjustment	0.13	DOL	\$800.00	\$100.00
	B5	Asphalt Price Adjustment	0.31	DOL	\$1,600.00	\$500.00
	B12	HMA 19M64 Base Course, 6" Thick	560.00	TON	\$148.00	\$82,880.00
	B16	8" Ductile Iron Pipe, Class 52	1240.00	LF	\$112.00	\$138,880.00
	B37	10"x8" Wet Tap	2.00	UN	\$12,600.00	\$25,200.00
	B39	Curb Boxes	18.00	UN	\$600.00	\$10,800.00
	B40	8" Gate Valve	8.00	UN	\$7,800.00	\$62,400.00
	B42	10" Insertion Valve	2.00	UN	\$14,000.00	\$28,000.00
B. TOTAL EXTRA						\$351,760.00
SUPPLEMENTARY	S-2	Police Traffic Directors (If & Where Directed)	800.00	HR	\$105.70	\$84,560.00
C. TOTAL SUPPLEMENTARY						\$84,560.00

RESOLUTION 20-02-08  
AUTHORIZING T&M ASSOCIATES  
TO PROVIDE PROFESSIONAL SERVICES FOR  
2018 ROAD IMPROVEMENT PROGRAM BROAD STREET WATERMAIN REPLACEMENT

WHEREAS, the Mayor and Council of the Borough of Matawan received the attached Scope and Fee Estimate from T&M Associates for professional services for supplementary construction administration and inspection services associated with the addition of the replacement of the watermain on Broad Street from Route 34 to Church Street to the 2018 Road Improvement Program.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan does hereby award the contract for professional services to T&M Associates associated with the Broad Street Watermain Replacement Project addition to the 2018 Road Improvement Program as outlined in the attached Scope and Fee Estimate in an amount not to exceed Fifty Thousand, Seven Hundred Fifty Dollars and No Cents (\$50,750.00).

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***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, Public Works as well as Robert R. Keady, Jr. of T&M Associates.*

**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 W-06-55-519-101 Budget of the Borough of Matawan to T&M Associates for professional services associated with the 2018 Road Program (Project #MATN-04136) for the Borough of Matawan in an amount not to exceed Fifty Thousand, Seven Hundred Fifty Dollars and No Cents (\$50,750.00).*

*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)*

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*Nicole Horvath, CMFO  
Dated: February 4, 2020*

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MATN-04136

January 27, 2020

Louis Ferrara, Administrator  
Borough of Matawan  
201 Broad Street  
Matawan, NJ 07747

**Re: 2018 and 2019 Road Improvement Programs  
Scope and Fee Estimate for Broad Street Watermain Replacement  
Borough of Matawan**

Dear Mr. Ferrara:

T&M Associates is pleased to submit this addendum to our original proposal dated June 8, 2018 associated with the Borough's 2018 Road Improvement Program. The addendum has been prepared due to additional construction administration and inspection services that will be required to oversee construction of the watermain replacement between Church Street and Park Avenue. The anticipated scope of work is shown below:

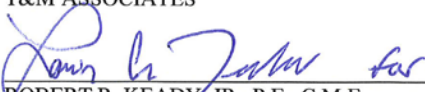
**Broad Street Watermain Replacement between Church Street and Park Avenue**

During replacement of the watermain on Broad Street from Route 34 to Church Street, it was determined that the existing watermain from Church Street to Park Avenue was also in very poor condition and in need of replacement. Construction will also include replacement of all valves, hydrants and service connections and all work is expected to be completed within 45 working days. As a result of this work, additional construction administration and inspection services will be required beyond the original scope of services. We are prepared to proceed upon your authorization and suggest an estimated fee of \$50,750 to be billed hourly utilizing our current billing rate schedule.

On behalf of T&M Associates, I would like to thank you and the Governing Body for the opportunity to submit this scope of services and fee estimate. We look forward to our continued successful work with you and members of your staff.

Very truly yours,

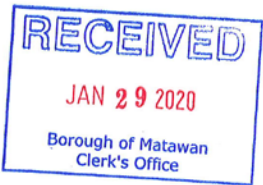
T&M ASSOCIATES

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

RRK:lt

c: Mayor & Council  
Karen Wynne, Borough Clerk  
John J. Applegate, Superintendent of Water Department

G:\Projects\MATN\04136\Admin\Ferrara\_RRK\_Proposal Broad Street Watermain Ext 1-27-20.docx



T&M ASSOCIATES, 11 Tindall Road, Middletown, NJ 07748

P 732.671.6400 F 732.671.7365 W tandmassociates.com

**RESOLUTION 20-02-09  
2019 ROAD IMPROVEMENT PROGRAM  
S. BROTHERS, INC.  
AUTHORIZING CHANGE ORDER NO. 1**

**WHEREAS**, T&M Associates has informed the Council that Item B6 is reduced to reflect a rate change of police traffic director in the 2019 Road Improvement Program, for a reduction this Change Order No. 1 of Nine Thousand, Two Hundred Twelve Dollars and Sixteen Cents (\$9,212.16); and

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***WHEREAS**, T&M Associates has informed the Council that Item 33 is increased to reflect Broad Street Watermain Replacement in the 2019 Road Improvement Program, for an increase this Change Order No. 1 of Thirty-One Thousand, Two Hundred Dollars and No Cents (\$31,200.00); and*

***WHEREAS**, T&M Associates has informed the Council that Items S-1, S-2 and S-3 are Supplemental for the 2019 Road Improvement Program, for an increase this Change Order No. 1 of One Hundred Twenty Thousand, Nine Hundred Seven Dollars and Twenty Cents (\$120,907.20).*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, based upon the recommendation of Robert Keady, T&M Associates, that they hereby authorize the attached contract modification proposal, 2019 Road Improvement Program, Change Order No. 1, a Net Change this Change Order in the amount of One Hundred Forty-Two Thousand, Eight Hundred Ninety-Five Dollars and Four Cents (\$142,895.04).*

***BE IT FURTHER RESOLVED** this amount reflects a total Net Change Increase in Contract of One Hundred Forty-Two Thousand, Eight Hundred Ninety-Five Dollars and Four Cents (\$142,895.04).*

***BE IT FURTHER RESOLVED** the Mayor of the Borough of Matawan is hereby authorized to execute the attached contract modification proposal and acceptance.*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Public Works as well as T&M Associates and S. Brothers, Inc.*

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the C-04-55-919-101 Budget of the Borough of Matawan to S. Brothers, Inc. for the Borough of Matawan 2019 Road Improvement Program (T&M Project No. MATN-04144) in an amount not to exceed One Hundred Forty-Two Thousand, Eight Hundred Ninety-Five Dollars and Four Cents (\$142,895.04).*

*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)*

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*Nicole Horvath, CMFO*

*Dated: February 4, 2020*

Borough of Matawan  
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February 4, 2020

T&M ASSOCIATES  
CONSULTING & MUNICIPAL ENGINEERS  
ELEVEN TINDALL ROAD  
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2  
PROJECT NO. MATN-04144

CHANGE ORDER NO. 1

DATE: January 27, 2020

PROJECT: 2019 Road Improvement Program

OWNER: Borough of Matawan

CONTRACTOR: 2019 Road Improvement Program

DESCRIPTION OF CHANGE:

**REDUCTIONS:**  
Item 6 reduced to change police traffic director rate

**EXTRA:**  
Item 33 increased for Broad Street Watermain.

**SUPPLEMENTARY:**

S-1 Police Traffic Directors (If & Where Directed)  
S-2 8" Ductile Iron Pipe, Class 52  
S-3 Water Service Connection

APPROVAL RECOMMENDED:

ROBERT R. KEADY, JR., P.E., C.M.E.

ACCEPTED:

CONTRACTOR:  
S. Brothers, Inc.

OWNER'S APPROVALS:

Borough of Matawan  
Mayor Joseph Altomonte

NOTE: All work to be done  
according to Contract  
Specifications.

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$9,212.16
B. TOTAL EXTRAS THIS C.O.	\$31,200.00	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$120,907.20	XXXXXXXXXX
TOTALS THIS C.O.	\$152,107.20	\$9,212.16
NET CHANGE THIS CHANGE ORDER	\$142,895.04	\$0.00
PREVIOUS CHANGE ORDERS	\$0.00	\$0.00
TOTAL CHANGE ORDERS TO DATE	\$152,107.20	\$9,212.16
NET CHANGE IN CONTRACT	\$142,895.04	\$0.00

ORIGINAL CONTRACT BID PRICE	\$968,403.55
CHANGE ORDERS TO DATE	\$142,895.04
REVISED CONTRACT PRICE	\$1,111,298.59

Borough of Matawan  
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CHANGE ORDER NO. 1

SHEET NO. 2 OF 2  
PROJECT NO. MATN-04144

PROJECT: 2019 Road Improvement Program

OWNER: Borough of Matawan

CONTRACTOR: 2019 Road Improvement Program

	ITEM NO.	DESCRIPTION	QUANTITY		UNIT PRICE	AMOUNT
REDUCTIONS	6	Police Traffic Directors (If & Where Directed)	96.00	HR	\$95.96	\$9,212.16
A. TOTAL REDUCTIONS						\$9,212.16
EXTRA	33	Fire Hydrant Assembly	4.00	UN	\$7,800.00	\$31,200.00
B. TOTAL EXTRA						\$31,200.00
SUPPLEMENTARY	S-1	Police Traffic Directors (If & Where Directed)	96.00	HR	\$105.70	\$10,147.20
	S-2	8" Ductile Iron Pipe, Class 52	105.00	LF	\$112.00	\$11,760.00
	S-3	Water Service Connection	55.00	UN	\$1,800.00	\$99,000.00
C. TOTAL SUPPLEMENTARY						\$120,907.20

**RESOLUTION 20-02-10**  
**AUTHORIZING THE BOROUGH ENGINEER TO UNDERTAKE ANY NECESSARY STEPS FOR THE**  
**PUBLIC ADVERTISEMENT AND ACCEPT BIDS FOR**  
**SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION SERVICE CONTRACT**

*WHEREAS, the Mayor and Council of the Borough of Matawan received an estimate from T&M Associates for professional services for the preparation of all necessary specifications and documents for the Solid Waste and Recyclable Materials Collection Service Contract; and*

*WHEREAS, the Council is requesting T&M Associates, Borough Engineer, to assist the Borough with the receipt of bids and with the bid review process including an evaluation of the contractor's bid submissions.*

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***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that it herewith authorizes the Borough Engineer to survey, design and prepare any and all necessary specifications and documents for general distribution and public advertisement, accept and review bids as well as make a recommendation for award for the Solid Waste and Recyclable Materials Collection Service Contract in an amount not to exceed an amount of Sixteen Thousand Six Hundred Dollars and No Cents (\$16,600.00).*

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

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the 0-01-20-165-200 Budget of the Borough of Matawan to T&M Associates (T&M Project No. MATNOH-16002) for any necessary steps for the public advertisement and accept bids for Solid Waste and Recyclable Materials Collection Service Contract for the Borough of Matawan in an amount not to exceed Sixteen Thousand Six Hundred Dollars and No Cents (\$16,600.00).*

*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)*

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*Nicole Horvath, CMFO  
Dated: February 4, 2020*



**Borough of Matawan  
Workshop Session  
February 4, 2020**



YOUR GOALS. OUR MISSION.

MATNOH-16002

January 20, 2020  
(Via Email and First Class Mail)

Louis Ferrara, Administrator  
Borough of Matawan  
201 Broad Street  
Matawan, New Jersey 07747

**Re: Uniform Bid Specifications for Solid Waste and Recyclable Materials Collection Service  
Authorization to Prepare Contract Documents and Advertise**

Dear Mr. Ferrara:

T&M Associates is seeking authorization to prepare and advertise for the Uniform Bid Specifications for Solid Waste and Recyclable Materials Collection Service.

T&M Associates will prepare contract documents for a five year refuse contract for curb side collection of garbage, recyclables, and other refuse. T&M will review estimates of refuse and recycling over past five years, prepare the specification, advertise the project, receive and review bids, and make a recommendation for award. The fee is estimated to be \$16,600.00.

Should you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

T&M ASSOCIATES

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

RRK:PB

cc: Mayor Joseph Altomonte  
Karen Wynne, Borough Clerk  
Grace Rainforth, Recycling Coordinator  
Nicole Horvath, CFO

G:\Projects\MATN\Proposals\16002\Correspondence\Ferrara\_RRK\_Authorization to Prepare Contract Docs and Advertise.doc



T&M ASSOCIATES, 1455 Broad Street, Suite 250, Bloomfield, NJ 07003

P 973.614.0005 F 973.338.5867 W tandmassociates.com

**RESOLUTION 20-02-16  
AUTHORIZING PROFESSIONAL SERVICES CONTINUATION RENEWAL AGREEMENT FOR  
WIRELESS TELECOMMUNICATIONS CONSULTANT  
FSD ENTERPRISES, LLC**

**WHEREAS**, the Borough of Matawan, a Municipal Corporation of the State of New Jersey, with offices at 201 Broad Street, Matawan, NJ 07747 (hereinafter referred to as "The Borough"); and

**WHEREAS**, FSD Enterprises, LLC, with offices at 65 Mechanic Street, Suite 201, Red Bank, NJ 07701 (hereinafter referred to as "Wireless Telecommunications Consultant"); and

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***WHEREAS**, the Borough of Matawan desires to continue to engage the services of Declan O’Scanlan of the firm FSD Enterprises, LLC as the Borough’s Wireless Telecommunications Consultant for the year 2020; and*

***WHEREAS**, the Local Public Contracts law requires that the compensation for attorneys and other professionals engaged by a municipality be set forth in a written agreement to be maintained on file in the office of the Borough Clerk; and*

***NOW, THEREFORE, BE IT AGREED**, by and between the parties hereto as follows:*

- 1. **Dutes of Wireless Telecommunications Consultant** – The Wireless Communications Consultant will continue to perform all services related to the potential replacement of wireless telecommunications facilities upon public property throughout the Borough of Matawan as per proposal dated May 23, 2018.*
- 2. **Periods of Appointment** – The period of appointment of the Wireless Telecommunications Consultant shall be January 1, 2020 through December 31, 2020.*
- 3. **Compensation** – Shall be as follows:  
\$1,000.00 initial retainer – due upon execution of this Agreement and as per proposal dated May 23, 2018.*

***NOW, THEREFORE, BE IT RESOLVED** the Council hereby authorizes the approval of said Agreement and authorizes the Mayor to execute said Agreement.*

***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, Public Works as well as FSD Enterprises, LLC.*

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the O-01-20-155-200 Budget of the Borough of Matawan to FSD Enterprises, LLC for the Borough of Matawan in an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00).*

*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)*

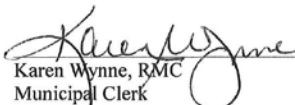
\_\_\_\_\_  
*Nicole Horvath, CMFO  
Dated: February 4, 2020*

**Borough of Matawan  
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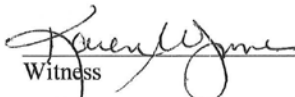
**CERTIFICATION OF RESOLUTION**

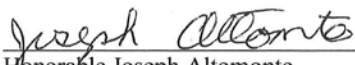
I, Karen Wynne, Municipal Clerk of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council of the Borough of Matawan on February 4, 2020.

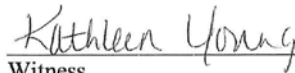
IN WITNESS WHEREOF, I have hereunder set my hand and official seal of the Borough of Matawan this 4<sup>th</sup> day of February, 2020.


  
Karen Wynne, RMC  
Municipal Clerk

Attest:

  
Witness

  
Honorable Joseph Altomonte  
Borough of Matawan

  
Witness

  
Declan O'Scanlon  
FSD Enterprises, LLC

**New Business**

Mayor Altomonte read by title Resolution 20-02-13: Approving Extended Sick Leave Request for Police Captain Jeremiah Hourihan, III. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 20-02-13  
APPROVING EXTENDED SICK LEAVE REQUEST FOR  
POLICE CAPTAIN JEREMIAH HOURIHAN, III**

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***WHEREAS**, Police Captain Jeremiah Hourihan III is employed by the Borough of Matawan as a Full-Time Police Officer for the Borough of Matawan Police Department; and,*

***WHEREAS**, according to the Code for the Borough of Matawan, Chapter 9-4.5(a)(2) Extended Leave if the employee has served for more than ten (10) years, he shall be entitled to a leave of absence with full pay for twenty six (26) weeks, plus an additional thirteen (13) weeks at half pay; and*

***WHEREAS**, Police Captain Jeremiah Hourihan III was hired as a Full-Time Police Officer effective May 15, 2000; and*

***WHEREAS**, on January 21, 2020, Police Chief Thomas J. Falco Jr. formally requested that the Mayor and Council approve a request for extended sick leave for Police Captain Jeremiah Hourihan, III, effective February 3, 2020, pursuant to the provisions of the Code of the Borough of Matawan; and*

***WHEREAS**, the Borough Administrator and the Chief of Police have reviewed the extended sick leave request; and*

***WHEREAS**, it is in the best interest of the Borough of Matawan and the employee to approve the extended sick leave request upon a certification submitted by the employee; and,*

***WHEREAS**, the employee has requested a leave based upon the Code for the Borough of Matawan, Chapter 9-4.5 Extended Leave.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that the employee's extended sick leave request is granted pursuant to the Code for the Borough of Matawan, Chapter 9-4.5 Extended Leave, and said request for a leave with full pay for twenty six (26) weeks is herewith granted subject to an additional thirteen (13) weeks of leave of absence at half pay pursuant to the Code for the Borough of Matawan, Chapter 9-4.5(a)(2) Extended Leave, since the employee has more than ten (10) years of service with 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, Police and Police Captain Jeremiah Hourihan, III.*

Mayor Altomonte read by Ordinance 20-01: Amending and Supplementing the Code of the Borough of Matawan – Chapter II – Administration, Article IX – Administrative Fees and Charges, Section 2-73 Marriage Ceremonies. Mayor Altomonte requested a motion to introduce. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Council agreed. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn  
Councilman Brian Livesey  
Councilwoman Stephanie Buckel  
Councilman John Lazar

Motion passed.

The Clerk announced the public hearing will be held at 7:00 PM, February 18, 2020.

**ORDINANCE 20-01  
AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN  
CHAPTER II – ADMINISTRATION  
ARTICLE IX – ADMINISTRATIVE FEES AND CHARGES  
SECTION 2-73 MARRIAGE CEREMONIES**

***WHEREAS**, NJSA 37:1-13 et seq. permits Mayors to perform such ceremonies to solemnize marriages; and*

***WHEREAS**, in accordance with NJSA 40:48-1 fees collected in association with the service or performance of a marriage shall be established and collected pursuant to an ordinance.*

***NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Matawan that it herewith amends and supplements General Ordinances of the Borough of Matawan, Chapter 2, Section 2-73 Administrative Fees and Charges, be supplemented as follows:*

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**Section 2-73     MARRIAGE CEREMONIES**

**2.73.1    Purpose.**

*The purpose of this section is to establish policies and procedures for the collection of fees associated with the performance of marriage ceremonies by the Mayor.*

**2.73.2    General Regulations.**

**a.        Collection of Fees.**

*Persons seeking to be married or joined in civil union by the mayor of the Borough of Matawan shall remit a fee of \$160.00 to be paid to the Borough of Matawan. An administrative fee of \$10.00 is included within the above established fee.*

**b.        Compensation and Reimbursement of Expenses incurred through the performance of marriage and civil union ceremonies.**

- 1.    Receipt of Fees –** *The fee shall be paid by check, payable to the Borough of Matawan. Fees collected shall be deposited into the Borough of Matawan’s current fund.*
- 2.    Disbursement of Fees –** *A fee of \$150.00 for service may be disbursed to the Mayor through the appropriate budget line item and with appropriate authorization. A fee of \$10.00 shall remain in the general account as an Administrative Fee.*

**BE IT FURTHER ORDAINED** any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

**BE IT FURTHER ORDAINED** if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** this ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to law.

**BE IT FURTHER ORDAINED** that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance and Registrar.

The Clerk announced the public hearing will be held at 7:00 PM, February 18, 2020.

Mayor Altomonte read by Ordinance 20-02: Bond Ordinance of the Borough of Matawan Appropriating \$210,000 to Further Supplement Bond Ordinance No. 01-21 Finally Adopted on September 19, 2001, as Amended and Supplemented Thereafter, and Authorizing the Issuance of \$200,000 Bonds or Notes of the Borough to Finance Part of the Appropriation. Mayor Altomonte requested a motion to introduce. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes:            Councilwoman Deana Gunn  
                    Councilman Brian Livesey  
                    Councilwoman Stephanie Buckel  
                    Councilman John Lazar

Motion passed.

**ORDINANCE 20-02  
BOND ORDINANCE OF THE BOROUGH OF MATAWAN APPROPRIATING \$210,000  
TO FURTHER SUPPLEMENT BOND ORDINANCE NO. 01-21  
FINALLY ADOPTED ON SEPTEMBER 19, 2001,  
AS AMENDED AND SUPPLEMENTED THEREAFTER,  
AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES  
OF THE BOROUGH TO FINANCE PART OF THE APPROPRIATION**

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***BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN*** (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. *Bond Ordinance No. 01-21 of the Borough of Matawan, a municipal corporation of the State of New Jersey (the "Borough"), finally adopted on September 19, 2001, as amended by Bond Ordinance No. 02-15 finally adopted on July 16, 2002, as amended by Bond Ordinance No. 06-18 finally adopted on September 5, 2006, as amended by Bond Ordinance No. 13-19 finally adopted on October 15, 2013, and as supplemented by Bond Ordinance No. 18-15 finally adopted on September 18, 2018 (collectively, the "Prior Ordinance") is hereby supplemented as set forth within this bond ordinance. . The improvement or purpose provided for in the Prior Bond Ordinance and in Section 3 of this bond ordinance has been authorized to be undertaken by the Borough as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the additional amount of \$210,000, including the sum of \$10,000 as the additional down payment required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.*

Section 2. *In order to finance the cost of the improvement or purpose not covered by the application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$200,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.*

Section 3.

(a) *The improvement or purpose hereby authorized for which bonds are to be issued is capital improvements for the Borough Municipal Community Center, including all work and materials necessary therefor and incidental thereto. This improvement or purpose supplements the improvement or purpose authorized in the Prior Bond Ordinance.*

(b) *The estimated maximum amount of bonds or notes to be issued for the improvement or purpose authorized in this bond ordinance and the Prior Bond Ordinance is increased by the amount of \$200,000 as authorized in this bond ordinance.*

(c) *The estimated cost of the improvement or purpose authorized in this bond ordinance and in the Prior Bond Ordinance is increased by the \$210,000 appropriated in this bond ordinance.*

Section 4. *All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the regular council meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the names of the purchaser.*

Section 5. *The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith.*

Section 6. *The following additional matters are hereby determined, declared, recited and stated:*

(a) *The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.*

(b) *The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.*

(c) *An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.*

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(d) *The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$200,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.*

Section 7. *The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.*

Section 8. *This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.*

Mayor Altomonte read by title Resolution 20-02-14: Payment of Bills. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 20-02-14  
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.*

Current	\$2,627,761.31
Water & Sewer	\$95,595.49
Borough Capital	\$548,360.96
Water Capital	\$470.25
Grant	\$221.01
Borough Trust	\$58,346.52
Railroad Parking Trust	\$11,500.00
Recreation Trust	\$1,434.34
<b>Total</b>	<b>\$3,343,689.88</b>

*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.*

Mr. Menna requested Council consider the addition of a non-fair and open Resolution for the independent appointment of an Administrative Hearing Officer for a personnel matter, recommending M. Lou Garty, Esq. of The Garty Law Firm citing her credentials. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn  
Councilman Brian Livesey  
Councilwoman Stephanie Buckel  
Councilman John Lazar

Motion passed.

**RESOLUTION 20-02-17  
AUTHORIZING THE APPOINTMENT OF ADMINISTRATIVE HEARING OFFICIAL  
UNDER NON-FAIR AND OPEN  
THE GARTY LAW FIRM**

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***WHEREAS**, the Borough of Matawan has a need to acquire certain services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and*

***WHEREAS**, the Borough is in need of an Attorney to act as a Hearing Official for a disciplinary matter involving a Borough employee and has sought the services of a law firm to provide said legal services as a Hearing Officer for the disciplinary matter; and*

***WHEREAS**, upon the recommendation of Pasquale Menna, Borough Attorney, the credentials of M. Lou Garty, Esq. are deemed to be qualified to serve as Hearing Official; and*

***WHEREAS**, of the Council of the Borough of Matawan appoints M. Lou Garty, Esq. of The Garty Law Firm, under Non-Fair and Open to serve as Disciplinary Hearing Official.*

***NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Matawan authorizes the Mayor, as signatory on behalf of the Borough of Matawan, to enter into an Agreement with M. Lou Garty, Esq., of The Garty Law Firm, located at 712 East Main Street, Suite 2A, Moorestown, New Jersey 08057, in an amount not to exceed Ten Thousand Dollars (\$10,000.00).*

***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 Attorney and M. Lou Garty, Esq.*

**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 0-01-20-155-201 Budget of the Borough, M. Lou Garty, Esq. of The Garty Law Firm as Disciplinary Hearing Official for the Borough of Matawan, in an amount not to exceed Ten Thousand Dollars (\$10,000.00).*

*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: February 4, 2020*



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**This LEGAL SERVICES AGREEMENT** (the "Agreement") is made effective this 15<sup>th</sup> day of January, 2020 by and between the **Borough of Matawan**, a municipal corporation of the State of New Jersey with principal offices located at 201 Broad Street, Matawan, New Jersey 07747 (hereinafter the "Borough") and **The Garty Law Firm**, with principal offices located at 712 East Main Street, Suite 2A, Moorestown, NJ (hereinafter "the Law Firm").

**RECITALS**

**WHEREAS**, the Borough is in need of an Attorney to act as a Hearing Officer for ~~the~~ a disciplinary matter involving a Borough employee and has sought the services of a law firm to provide said legal services as the Hearing Officer for a disciplinary matter (hereinafter, the "Legal Services"); and

**WHEREAS**, the Law Firm submitted the credentials of M. Lou Garty, Esq., the attorney designated to provide the Legal Services in accordance with the terms and conditions prescribed herein (the "Proposal") and the Borough's Solicitor deemed the Law Firm to be qualified; and

**WHEREAS**, the Borough relied upon the accuracy of the representations made in the Law Firm's Proposal in rendering its decision to award this Agreement to the Law Firm; and

**WHEREAS**, the Mayor and Governing Body of the Borough of Matawan authorized the award of this Agreement pursuant to Resolution No. 20-02-17 (the "Resolution"), incorporated herein by reference, for a total contract amount not to exceed \$10,000.00, in order to perform the services described and incorporated herein, the terms of which are incorporated herein, including the fee structure; and

**WHEREAS**, the Law Firm agrees to perform all services under the terms and conditions as hereinafter set forth, with the Borough being agreeable thereto.

**NOW THEREFORE**, the parties mutually agree as follows:

1. **Scope of Services:** The Hearing Officer shall serve at the pleasure of the Mayor for the Borough of Matawan, and will perform legal services for the Borough of Matawan with respect to legal issues relating to: 1) conducting a hearing and rendering a timely decision on an employee disciplinary matter, including making findings as to any grievance or disputes involving the interpretation of New Jersey Statutes, Attorney General Guidelines, Borough policies and procedures, and/or Rules and Regulations or SOP's; 2) Conducting internal investigations relating to employment matters as may be assigned; 3) such other legal services relating to resolution of internal Labor and Employment matters as may be assigned.

2. **Term:** The term of this contract to serve as Hearing Officer is for a designated project as assigned by the Solicitor, which is anticipated to be completed by June 30, 2020. The Hearing Officer serves at the pleasure of the Mayor and this contract may be terminated by the Borough of Matawan at any time upon notice to the contractor.

*and Council*

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3. **Termination of the Contract:** This Contract may be terminated by the Borough on thirty (30) days written notice to the Law Firm without cause, or by a mutual written agreement of the parties, or by the Borough with no notice to the Law Firm in the event of substantial failure by the Law Firm to perform in accordance with the terms hereof through no fault of the terminating party. If this Contract is terminated, the Law Firm shall be paid in accordance with the provisions of this contract.

4. **Notices:** Any and all notices and other correspondence required or permitted to be given in connection with this Agreement, shall be in writing and delivered to the parties or sent by mail to the parties at their respective addresses set forth above, or to such other addresses as the parties may designate by written notice to the others in the foregoing manner.

5. **Assignment:** This agreement may not be assigned or transferred by the Law Firm without prior written consent of the Borough. The services to be performed shall be performed by the Attorney designated in the contract, M. Lou Garty, Esq.

6. **Entire Agreement:** This Agreement constitutes the entire agreement between the parties and any representations that may have been made prior to the execution of this Agreement are nonbonding, void, and of no effect. Neither party has relied on any such prior representations in entering into this Agreement. This Agreement may not be amended, modified, released, or discharged, in whole or in part, except as specifically provided herein or by an instrument in writing executed by the parties hereto.

7. **Severability:** If any term or condition of this Agreement or its application to any party or circumstance shall be deemed invalid or unenforceable, the remainder of the Agreement and its application to other parties and circumstances shall not be affected.

8. **Governing Law:** This Agreement shall be governed by the laws of the State of New Jersey, and is expressly subject to all the limitations as set forth within the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; N.J.A.C. 5:34-1, et seq. In the event of any litigation arising out of this contract, the parties hereby consent to jurisdiction in the Superior Court of New Jersey, Burlington County, or the United States District Court for the District of New Jersey, Camden Division.

9. **Billing Procedure:** The Law Firm's services are compensated by hourly billings as set forth herein. For services rendered pursuant to this Agreement, such billing shall be at the rate of \$175 per hour for each hour expended by the Partner attorney; \$90 per hour for each hour expended by a paralegal or law clerk for paralegal services as appropriate and to promote efficiency. All billings shall be in itemized form, in increments of one tenth (1/10) of one hour. The billings shall provide such detail as the Borough Solicitor shall require, including but not limited to setting forth in detail the date of services provided, the nature of the services, the name of the Law Firm employee providing the service, the time expended in providing the service (rounded off to the nearest tenth of an hour), and the name of the case or matter under which services were provided. Each bill shall include a recapitulation showing the total amount billed by case or matter for that billing period. If the Borough agrees to an alternative billing arrangement as outlined within the Resolution approving this Agreement, same shall be annexed hereto in

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writing and made a part of this Agreement.

The Borough shall in all circumstances attempt to render reasonably prompt payments to the Law Firm, however under no circumstances shall the Borough be responsible for any penalties, late fees, interest, or other charges of any kind.

**10. Documents & Files:** All papers, documents, memoranda, plans, materials, records, files, and reports (collectively, "property") created, assigned to, and/or relating to the duties assigned under this contract shall be and remain the property of the Borough. Upon the Borough's request and/or upon the termination or expiration of this contract, the Law Firm shall immediately surrender and return all such property to the Borough Solicitor or their designee, together with a written consent to use all such materials in the best interest of the Borough. The surrender/return of all property shall be at the sole cost and expense of the Law Firm.

**11. Confidentiality:** All matters assigned to the Law Firm shall be handled in accordance with the usual standard of confidentiality under the applicable codes of Professional Conduct. The Law Firm shall make no public comment on cases or matters assigned to it, and shall direct any such requests to the Borough Solicitor. The Law Firm shall report on the conduct, status, prospects, and recommended resolution of all matters directly and exclusively to the Borough Solicitor or their designee, except as otherwise directed in writing by the Borough and/or as may be required by the applicable code of Professional Conduct.

**12. Client Responsibility:** The Borough agrees and acknowledges that it must fully cooperate with Law Firm and provide all information relevant to the assigned scope of work. The Borough must also pay all statements as required by this Contract. If the Borough does not comply with these requirements, Law Firm may withdraw from performing the services requested, consistent with their ethical obligations to the Borough, at which time the Borough will still be obligated to pay any amount due and owing to the Law Firm for Legal Services provided and accepted by the Borough.

**13. Certification of Compliance:** The Law Firm and its attorneys represent that they are in good standing, are in compliance with all laws of the State of New Jersey and all applicable Ordinances of the Borough of Matawan, and will remain so for the term of this Agreement. Failure to continue in compliance shall be deemed a breach of this Agreement.

**14. Contingency:** It is understood that this Agreement is contingent upon the availability of funds in the Borough's budget. In the event said funds are not appropriated or available for this Agreement, this Agreement shall become null and void, and the Law Firm shall not be entitled to any compensation.

**15. Insurance:** The Law Firm represents that the firm maintains the required forms of insurance as required by law and shall continue to maintain required insurance during its performance of services under this Agreement for policies written with an insurance company currently authorized to do business in the State of New Jersey by the Division of Banking and Insurance, in the following types and amounts:

- a. Workers Compensation As required by statute

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- b. Professional Liability, including coverage for Acts and/or Errors and Omissions \$500,000/\$1,000,000

16. **Indemnification:** The Law Firm shall indemnify, defend, and hold harmless the Borough from and against any and all claims, known or unknown (including any claim brought by employees of the Law Firm), liability, damages, or expenses (including attorneys' fees) that the Borough may incur relating to, arising out of, or existing by reason of: (1) the Law Firm's performance of this Agreement or the conditions created thereby, (including the use, misuse, or failure of any equipment used by the Law Firm or its subcontractors, servants, or employees), or (ii) The Law Firm's breach of this Agreement or the inadequate or improper performance of this Agreement by the Law Firm or its subcontractors, servants or employees.

17. **No Waiver:** The waiver or renunciation by either party of any term, provision, or condition contained in this Agreement shall not constitute the automatic waiver or renunciation of any subsequent breach or default of such term, provision, or condition of this Agreement, nor shall it authorize the non-observance on any other occasion of the same or any other term, provision or condition of this Agreement by either party, unless such waiver or renunciation shall be expressed in writing and signed by the party making such waiver or renunciation, specifying the nature and extent of such waiver or renunciation.

18. **Status of Contractor:** Unless otherwise authorized by Ordinance and indicated herein, it is expressly understood and agreed by and between the parties that the status of the Law Firm and its employees, officers, and agents shall be that of an independent contractor. It is not intended, nor shall it be construed that the Law Firm or any of its employees, officers, and agents are employees or officers of the Borough for any purpose.

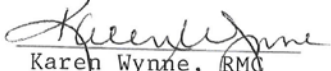
19. **Disclosures, Including Political:** The Law Firm agrees to submit all Certificates and Disclosures that are required to comply with Local, State and Federal law associated with the award of this contract. This contract has been awarded to the contractor identified above, based upon the merits and abilities of the Law Firm to provide the services described herein. The contract was awarded through a "fair and open process" pursuant to N.J.S.A. 19:44A-20.4, 35, et seq. Nevertheless, the undersigned does hereby attest that the Law Firm, their subsidiaries, assigns, or principals controlling in excess of ten percent (10%) of the company are in compliance with the New Jersey Pay to Play law (P.L. 2004, Chapter 19 as amended by P.L. 2005, C.51) N.J.S.A. 19:44A-20.4, et seq.; and the New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-8; N.J.S.A. 19:44A-16.

[Remainder of this page intentionally left blank – signatures on following page]

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IN WITNESS WHEREOF, of the parties have set their hands and seals the day and year first above written.

ATTEST:

  
Karen Wynne, RMC  
Municipal Clerk

BOROUGH OF MATAWAN

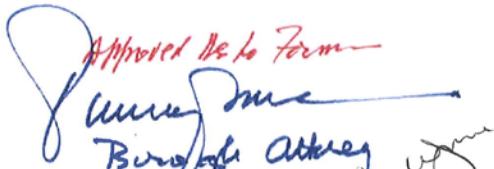
By:   
Mayor Joseph Altomonte

Witness:



THE GARTY LAW FIRM

By:   
M. Lou Garty, Esq.

*Approved As to Form*  
  
Borough Attorney  
2/5/2020

**Privilege of the Floor**

Mayor Altomonte opened the Privilege of the Floor.

There were no comments.

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

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**Recess to Executive Session**

Mayor Altomonte requested a motion to recess to Executive Session. Mr. Menna announced the purpose of the Council retiring into Executive Session is to discuss contract negotiations. No formal action will be taken. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed.

***RESOLUTION 20-02-15  
EXECUTIVE SESSION RESOLUTION***

*WHEREAS, the Open Public Meetings Act, PL 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and*

*WHEREAS, this public body is of the opinion that such circumstances presently exist; and*

*WHEREAS, the Governing Body wishes to discuss:*

- *Contracts*
- *Litigation*
- *Personnel*

*WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.*

*NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.*

Meeting recessed at 7:18 PM.

**Reconvene and Adjourn the Public Session**

Mayor Altomonte requested a motion to reconvene the Public Session. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed. Mayor Altomonte requested a roll call. On roll call the following members responded present:

Yes:            Councilwoman Deana Gunn  
                  Councilman Brian Livesey  
                  Councilwoman Stephanie Buckel  
                  Councilman John Lazar

Also present were Louis Ferrara, Borough Administrator, and Pasquale Menna, Esq. of The Menna Law Firm, LLC, Borough Attorney.

The meeting reconvened at 8:08 PM.

Mayor Altomonte announced no formal action was taken in Executive Session and asked for any public comment.

There were no comments.

Mayor Altomonte requested a motion to adjourn the Public Session. Councilwoman Buckel made the motion, seconded by Councilman Lazar. Council agreed. Motion passed.

The meeting adjourned at 8:08 PM.

(Signature on File)

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Karen Wynne, RMC  
Municipal Clerk