

**Borough of Matawan
Public Session
June 7, 2012**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on June 7, 2012. The meeting was called to order at 7:00 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in *The Independent* on January 12, 2012, by sending notice to the *Asbury Park Press*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Also present were Barbara Bascom, Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

Mayor Buccellato asked everyone to stand for a moment of silence.

Mayor Buccellato asked everyone to stand in the Salute to the Flag.

Workshop Item - Infrastructure Improvements

Park Avenue Sanitary Sewer Line Repairs

Portions of the repairs have been made. It was suggested to possibly include this repair in the 2012 Road Program. Ms. Bascom informed Council after consultation, the Borough Auditor stated at present, the Park Avenue Sewer Bond Ordinance contains monies to cover the Engineer to do a bid package and estimate, and the Bond Ordinance can be amended by an increase of \$150,000.00 to \$200,000.00 to cover additional costs. As Jake Applegate, the DPW Superintendent, has all documents and plans from the previous failed bid, Mayor Buccellato will direct him to indicate what areas have been addressed and, if necessary, pursue any additional data. Ms. Bascom was directed to prepare a written request for proposals to include a general estimate in order to address funding.

2012 Road Program

The key to establishing a 2012 Program is funding with assistance from a grant totaling \$200,000.00 for Monroe and Sunset Streets. Council agrees to pursue on a smaller basis as the need remains. After consultation with the Borough Auditor, Mayor Buccellato, Councilmen Urbano and Fitzsimmons as well as Jake Applegate will meet to review a listing (compiled by a recent meeting of Councilmen Urbano, Lopez and Rob Keady) and funding.

Gravelly Brook Park

Ms. Bascom reiterated background on a previous Borough application for Green Acres Development Loan and Monmouth County Open Space Matching Grant prepared by T&M Associates. As this is a long standing item on Council's "wish list" Council request she pursue with the realization \$250,000.00 of matching funds must be provided by the Borough of Matawan.

Old Business

None.

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Consent Agenda

Mayor Buccellato read by title Resolutions 12-06-02 through 12-06-05 requesting a motion to approve en masse. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-02
REDEMPTION OF TAX SALE CERTIFICATE
DAXUAN WANG
CERTIFICATE #09-00004**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #09-00004 which was sold to Daxuan Wang, 11 Walnut St., Livingston, NJ 07039; and

WHEREAS, Certificate #09-00004 has been paid and fully redeemed for the property owner, Block 7, Lot 4 otherwise known as 82 Main St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$6,134.01 to the above for the redemption of Tax Sale Certificate #09-00004.

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

**RESOLUTION 12-06-03
REDEMPTION OF TAX SALE CERTIFICATE
JIAN YANG
CERTIFICATE #10-00088**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00088 which was sold to Jian Yang, 144-90 41st Avenue, Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #10-00088 has been paid and fully redeemed for the property owner, Block 122, Lot 9 otherwise known as 232 Freneau Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$416.57 to the above for the redemption of Tax Sale Certificate #10-00088.

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

**RESOLUTION 12-06-04
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00050**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00050 which was sold to Wen Lu, 144-90 41st Avenue, Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00050 has been paid and fully redeemed for the property owner, Block 61, Lot 4.26 otherwise known as 26 Oak Knoll Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$961.88 and a Premium of \$300.00 to the above for the redemption of Tax Sale Certificate #11-00050.

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

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**RESOLUTION 12-06-05
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00097**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00097 which was sold to Wen Lu, 144-90 41st Avenue, Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00097 has been paid and fully redeemed for the property owner, Block 119.01, Lot 20.10 otherwise known as 9 Shainy Lane.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$497.89 and a Premium of \$100.00 to the above for the redemption of Tax Sale Certificate #11-00097.

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

New Business

Mayor Buccellato read by title Resolution 12-06-06: Approval of Masseuse License – Gabrielle Bedle. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-06
APPROVAL OF MASSEUSE LICENSE
GABRIELLE BEDLE**

WHEREAS, Gabrielle Bedle (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Gabrielle Bedle has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Masseuse license:

*Business: Gabrielle Bedle
c/o Healing Touch & Spirit Therapeutic Massage, LLC
746 Highway 34, Suite 1
Matawan, New Jersey 07747*

*Applicant: Gabrielle Bedle
9 Baldwin Avenue
Morganville, New Jersey 07751*

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the Borough Clerk, Construction Official, Property Maintenance Officer and Monmouth County Health Officer.

Mayor Buccellato read by title Resolution 12-06-07: Approval of Masseuse License – Dawn Jacobs. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-07
APPROVAL OF MASSEUSE LICENSE
DAWN JACOBS**

WHEREAS, Dawn Jacobs (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Dawn Jacobs has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Masseuse license:

*Business: Dawn Jacobs
c/o Healing Touch & Spirit Therapeutic Massage, LLC
746 Highway 34, Suite 1
Matawan, New Jersey 07747*

*Applicant: Dawn Jacobs
40 Cross Road, Apt. 137
Matawan, New Jersey 07747*

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the Borough Clerk, Construction Official, Property Maintenance Officer and Monmouth County Health Officer.

Mayor Buccellato read by title Resolution 12-06-08: Approval of Masseuse License Renewal – Lois Bass. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-08
APPROVAL OF MASSEUSE LICENSE RENEWAL
LOIS BASS**

WHEREAS, Lois Bass (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Lois Bass has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

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

*Business: Lois Bass
c/o Healing Touch & Spirit Therapeutic Massage, LLC*

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746 Highway 34, Suite 1
Matawan, New Jersey 07747

Applicant: Lois Bass
1401 Wellington Place
Aberdeen, New Jersey 07747

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the Borough Clerk, Construction Official, Property Maintenance Officer and Monmouth County Health Officer.

Mayor Buccellato read by title Resolution 12-06-09: Approval of Massage Parlor License Renewal – Oriental Massage Group, LLC. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-09
APPROVAL OF MASSAGE PARLOR LICENSE RENEWAL
ORIENTAL MASSAGE GROUP, LLC**

WHEREAS, Oriental Massage Group, LLC (Massage Parlor) has passed the required Police Department background checks; and

WHEREAS, on the condition that Oriental Massage Group, LLC has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Massage Parlor license renewal:

Business: Oriental Massage Group, LLC
1008 Highway 34, #7
Matawan, New Jersey 07747

Applicant: Lun Zhang
59-52 156th Street
Flushing, New York 11355

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the Borough Clerk, Construction Official, Property Maintenance Officer and Monmouth County Health Officer.

Mayor Buccellato read by title Resolution 12-06-10: Release of Escrow Funds – John Savolaine – 7 Edgemere Drive – Block 56, Lot 2. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

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**RESOLUTION 12-06-10
RELEASE OF ESCROW FUNDS
JOHN SAVOLAINE
7 EDGEMERE DRIVE - BLOCK 56, LOT 2**

WHEREAS, John Savolaine has requested the release of the balance on his escrow account, Block 56, Lot 2, otherwise known as 7 Edgemere Drive, Matawan, New Jersey; and

WHEREAS, on October 14, 2011 John Savolaine posted total escrow in the amount of Three Thousand Seven Hundred Fifty Dollars and No Cents (\$3,750.00); and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of May 21, 2012 is Two Thousand Six Hundred Seventy Seven Dollars and Fifty One Cents (\$2,677.51); and

WHEREAS, Philip A. Haderer, PE, CMC of T&M Associates has recommended the release of the escrow.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Two Thousand Six Hundred Seventy Seven Dollars and Fifty One Cents (\$2,677.51) posted by John Savolaine for 7 Edgemere Drive - Block 56, Lot 2, Matawan, New Jersey.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer as well as John Savolaine.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of May 21, 2012 the balance of the Escrow Account for John Savolaine is approximately Two Thousand Six Hundred Seventy Seven Dollars and Fifty One Cents (\$2,677.51).

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)

Monica Antista, CMFO

Dated: June 7, 2012

Mayor Buccellato read by title Resolution 12-06-11: Release of Cash Bond – Russell Weber – 1 Fierro Avenue – Block 115, Lots 12 and 13. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-11
RELEASE OF CASH BOND
RUSSELL WEBER
1 FIERRO AVENUE - BLOCK 115, LOTS 12 & 13**

WHEREAS, Russell Weber has requested the release of the balance on his cash bond for Block 115, Lots 12 and 13, otherwise known as 1 Fierro Avenue, Matawan, New Jersey; and

WHEREAS, Russell Weber has posted total escrow in the amount of One Thousand Three Hundred Twenty Four Dollars and No Cents (\$1,324.00); and

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WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of May 21, 2012 is Three Hundred Sixty Four Dollars and Eighty One Cents (\$364.81); and

WHEREAS, Robert Keady, Jr., PE, CMC of T&M Associates has recommended the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the release of the balance of the cash bond posted by Russell Weber in the amount of Three Hundred Sixty Four Dollars and Eighty One Cents (\$364.81) for 1 Fierro Avenue, Block 115, Lots 12 and 13, Matawan, New Jersey.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer as well as Russell Weber.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of May 21, 2012 the balance of the Escrow Account for Russell Weber is approximately Three Hundred Sixty Four Dollars and Eighty One Cents (\$364.81).

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)

Monica Antista, CMFO

Dated: June 7, 2012

Mayor Buccellato read by title Resolution 12-06-12: Amending Resolution 12-05-31: Establishing the Borough of Matawan Handicap Accessibility Committee. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-12
AMENDING
RESOLUTION 12-05-31
ESTABLISHING THE BOROUGH OF MATAWAN
HANDICAP ACCESSIBILITY COMMITTEE**

WHEREAS, the Mayor and Council of the Borough of Matawan wish to ensure continued access by all citizens to all Borough public buildings and properties; and

WHEREAS, the Governing Body has requested the establishment of a "Handicap Accessibility Committee" to ensure for continued compliance with the Americans With Disabilities Act (ADA) for all Borough public buildings and properties, and to make recommendations on any various policies, issues, needs and future of said buildings, properties and projects.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan hereby establishes a Handicap Accessibility Committee as a joint advisory committee composed of members of the Governing Body, the Department of Public Works and Borough resident(s).

BE IT FURTHER RESOLVED, the Council authorizes the Mayor to appoint the Committee's members and hereby approves the Mayor's recommendation that the Committee shall be composed of the following members:

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- 2 Governing Body Representatives: Councilwoman Donna Gould
Councilman Joseph Urbano
- 1 Public Works Representative: John Applegate, Superintendent of Public Works
- 1 Construction Officer: John Quinn, Construction Official
- 1 Resident(s) Representative: Rosemary Conte

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, and members of the Handicap Accessibility Committee.

Mayor Buccellato read by title Resolution 12-06-13: Entering Interlocal Agreement for Use of Matawan-Aberdeen Regional School District Buses and Drivers to Provide Transportation for the Borough of Matawan’s 2012 Summer Recreation Program. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

- Yes:
- Councilwoman Gould
 - Councilman Lopez
 - Councilwoman Angelini
 - Councilman Urbano
 - Councilwoman Clifton
 - Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-13
ENTERING INTERLOCAL AGREEMENT FOR USE OF
MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT
BUSES AND DRIVERS TO PROVIDE TRANSPORTATION FOR THE BOROUGH OF MATAWAN’S
2012 SUMMER RECREATION PROGRAM**

WHEREAS, the Borough of Matawan needs to provide transportation for the 2012 Matawan Borough Summer Recreation Program; and

WHEREAS, the Matawan-Aberdeen Regional School have agreed to provide transportation for the 2012 Matawan Borough Summer Recreation Program in agreement with the attached agreement; and

WHEREAS, the attached agreement is in compliance with the Interlocal Services Act.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Matawan that the Borough of Matawan enter into the attached Interlocal Service Agreement with the Matawan-Aberdeen Regional School District, and the Mayor be and is hereby authorized to execute this Agreement on behalf of Borough of Matawan in an amount not to exceed Four Thousand Dollars and No Cents (\$4,000.00).

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Chief Financial Officer, Recreation as well as the Township of Aberdeen, the Matawan-Aberdeen Regional School District and the Division of Local Government Services at PO Box 803, Trenton, NJ 08625-0803 Attn: Shared Services.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the Recreation Trust Budget of the Borough of Matawan to the Matawan-Aberdeen Regional School District for providing transportation of the 2012 Summer Recreation Program for the Borough of Matawan in an amount not to exceed Four Thousand Dollars and No Cents (\$4,000.00).

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)

Monica Antista, CMFO
Dated: June 7, 2012

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INTERLOCAL SERVICES AGREEMENT

This **INTERLOCAL SERVICES AGREEMENT** (this "Agreement"), by and between the Borough of Matawan, in the County of Monmouth, New Jersey, a municipal corporation of the State of New Jersey (the "Borough"), and the Matawan-Aberdeen Regional School Board of Education, in the County of Monmouth, New Jersey, a school district and political subdivision of the State of New Jersey (the "Board") (collectively the "Parties"), dated as of _____.

WITNESSETH:

WHEREAS, the Borough and Board have worked in cooperative spirit to meet the short and long term needs of Matawan; and

WHEREAS, the Borough and Board have certain needs that are best served through interlocal cooperation; and

WHEREAS, N.J.S.A 40:8A-1 et seq., authorizes and encourages a municipality and a board of education to enter into contracts for the joint provision within their jurisdiction of any service which either party to Agreement is empowered to render within its own jurisdiction; and

WHEREAS, the purposes of the Borough and the Board can be accomplished effectively through this Agreement; and

WHEREAS, the Borough and Board desire to enter into this Agreement; and

WHEREAS, the Borough has approved the execution of this Agreement by resolution adopted on _____ and the Board has approved the execution of this Agreement by resolution adopted on _____.

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

Section 1. Joint Cooperation. The Borough and Board shall provide, in cooperation with or on behalf of the other any desired services authorized by law (including, but not limited to, the use, lease or provision of either or both Party's employees or property, whether real or personal ("Property")), as may be from time to time authorized by joint or concurring resolution of the Parties ("Services Resolution").

Section 2. Services Resolutions, Procedures. Each Services Resolution shall be individually tailored and shall specifically indicate the nature of the service to be performed, Property to be used, and the approval of both Parties in providing the joint cooperating Property. The Services Resolution shall expressly make reference to this Agreement as the controlling document and shall incorporate the terms of this Agreement by reference. Upon passage by both Parties, the Services Resolution shall be appended to this Agreement. In the event that the Services Resolution and this Agreement conflict, the terms of this Agreement shall control. In no event may the terms of a Services Resolution modify this Agreement.

Section 3. Other Agreements Unaffected. All other interlocal services agreements, whether currently existing or not, shall remain in full force and effect and shall not be governed by the terms of this Agreement.

Section 4. Maintenance and Payment. Unless otherwise specified in a Services Resolution, each Party agrees to maintain its own Property. Any and all payments made for the use of Property in accord with a Services Resolution shall be specified in and made pursuant to that Services Resolution.

Section 5. Standards. Services performed through the use of the Property pursuant to a Services Resolution shall be governed by the reasonable satisfaction standard, unless a different standard is specified in such Services Resolution.

Section 6. No Assignment. The rights and the obligations under this Agreement and any Services Resolution shall not be assigned by either Party without the written consent of the other.

Section 7. Term of Agreement and Services Resolution. This Agreement shall be for a term of one (1) year from the date hereof and may be extended by mutual agreement of the Parties. Each Services Resolution shall be for such time periods as specified in said Services Resolution. Either party may cancel this Agreement, or any Services Resolution covered hereunder, on 90 days written notice to the other party. In the event that this Agreement ceases, any and all Services Resolutions passed in accordance with this Agreement shall also cease.

Section 8. Fees and Fee Shifting. Attorney's fees and fee shifting are prohibited under this Agreement and neither Party may recover fees from the other Party in the event that litigation or arbitration or any proceeding is brought to enforce the obligations of any Party under this Agreement or any Services Resolution.

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Section 9. Joint Insurance. *The Parties shall maintain a joint insurance policy in the usual and customary amount and in a form acceptable to both Parties to insure the Borough and the Board's use of each other's Property. At the option of both Parties, the Parties may agree that a specific Services Resolution and the Property used thereunder not be covered by the joint insurance policy, and instead be covered by a separate policy or other insurance arrangement.*

Section 10. Disputes. *The Parties agree that, in the event a dispute arises as to the interpretation of this Agreement or a Services Resolution pursuant to this Agreement, the Borough Administrator, on behalf of the Borough, and the Superintendent of Schools, on behalf of the Board, shall be notified. The Borough Administrator and Superintendent of Schools shall immediately confer on the disputed issue and attempt to reach an accord. If the dispute cannot be rectified, the matter shall be submitted to mediation, failing which, the matter shall be submitted to binding arbitration. New Jersey Law shall govern this Agreement and any Services Resolution pass pursuant to the same.*

Section 11. Efficiency and Public Benefit. *The Borough and the Board concur that this Agreement is being undertaken on behalf of the general public of the Borough of Matawan as the Agreement achieves economics and efficiencies beneficial to the constituency of the Borough of Matawan.*

IN WITNESS WHEREOF, the Borough has caused this Agreement to be executed in its corporate name by its duly Authorized Representative, and the Board has caused this Agreement to be executed in its name by its duly Authorized Representative, as of the date first above written, but on the date set forth below.

<Seal>

*BOROUGH OF MATAWAN
IN THE COUNTY OF MONMOUTH, NEW JERSEY
MONMOUTH, NEW JERSEY
as Borough*

By: _____

Date: _____

*Attest: _____
Borough Clerk*

<Seal>

*MATAWAN-ABERDEEN
REGIONAL SCHOOL DISTRICT
BOARD OF EDUCATION
IN THE COUNTY OF MONMOUTH, NEW JERSEY
as Board*

By: _____

Date: _____

*Attest: _____
Board Secretary*

Mayor Buccellato read by title Resolution 12-06-14: Repealing Resolution 10-05-15 and Adopting the Personnel Manual. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

- Yes: Councilwoman Gould
- Councilman Lopez
- Councilwoman Angelini
- Councilman Urbano
- Councilwoman Clifton
- Councilman Fitzsimmons

Motion passed.

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**RESOLUTION 12-06-14
REPEALING RESOLUTION 10-05-15 AND
ADOPTING THE PERSONNEL MANUAL**

WHEREAS, the Borough Administrator was directed to amend the Personnel Policy & Procedures Manual; and

WHEREAS, on the advice of Labor Counsel and the Borough's insurance program representative, it is necessary for the Borough Council to adopt the Personnel Policy and Procedures Manual, as amended, on an annual basis; and

WHEREAS, the Borough Council wishes to adopt said amendments.

NOW, THEREFORE, BE IT RESOLVED that Resolution 10-05-15 is hereby replaced by this resolution, and

BE IT FURTHER RESOLVED that the attached document is hereby adopted as the "Borough of Matawan Personnel Policy & Procedures Manual" to become effective June 7, 2012; and

BE IT FURTHER RESOLVED that the Borough Administrator shall have the authority to amend this policy as may be needed to reflect recommendations from the Labor Attorney, to clarify language, or to make other changes that do not constitute a material change to the policy provided that any such changes shall be reviewed by the Borough Council and adopted by resolution on an annual basis.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to all Borough employees.

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Borough of Matawan

201 Broad Street, Matawan New Jersey 07747

(732) 566-3898
Fax

(732) 290-7585



**Borough of Matawan's Employee
Policy and Procedure Manual**

**Adopted June 7, 2011
Resolution 12-06-14**

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EMPLOYMENT AT WILL POLICY

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known as "employment at will." Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

**ACKNOWLEDGMENT OF RECEIPT AND
UNDERSTANDING BY EMPLOYEE**

By my signature below, I certify that:

I have received a copy of this Manual

I have read and have become familiar with the terms of the Manual. I understand that the Manual is not a contract.

I understand that the Manual supersedes and replace all prior personnel policies and procedures, whether oral or written, that may previously have existed. Any such prior personnel policies and procedures are void and of no effect whatsoever.

Specifically, I have read the "EMPLOYMENT AT WILL POLICY" and understand that the Borough of Matawan has the absolute right to terminate me at any time, with or without cause and with or without notice.

(Print Name of Employee)

Employee's Signature

Date

*(Print Name of
Management Witness)*

*Signature of
Management Witness*

Date

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GENERAL PERSONNEL POLICY:*

It is the policy of the Borough of Matawan, County of Monmouth, State of New Jersey to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor and Borough Council upon the advice of the Borough Administrator. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Borough Council as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for the personnel policies and procedures. The Borough Council has appointed the Personnel Officer to assist the Borough Administrator to implement personnel practices. The Borough Administrator and Personnel Officer shall also have access to the Labor Attorney and such other legal counsel appointed by the Borough Council for guidance in personnel matters.

As a general principle, the Borough has a "no tolerance" policy towards workplace wrongdoing. Borough officials, employees and independent contractors are to report anything perceived to be improper. The Borough believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Borough Administrator, or the Personnel and Finance Committee concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Borough Council are intended to provide guidelines covering public service by Borough employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Borough personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough.

To the maximum extent permitted by law, the employment practices of the Borough shall operate under the legal doctrine known, as "employment at will." Within Federal and State law and any applicable bargaining unit agreement, the Borough shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Borough shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

**INTRODUCTION
STATEMENT OF POLICY**

The objectives of the Mayor and Council of the Borough of Matawan in the management of personnel matters are as follows:

- (1) To provide equal employment opportunity for all people and to obtain well-qualified persons for all positions without regard to race, color, creed, national origin, ancestry, age, marital status, sexual orientation, or sex. Employment shall be based on merit and fitness, free of personal and political considerations.*
- (2) To maintain the high reputation of the government as an employer and to contribute to constructive community relations.*
- (3) To maintain a public service of high competence and character.*
- (4) To provide employees with proper supervision, instruction, and working conditions so that they may render the best possible service.*
- (5) To foster in managers, supervisors and employees an attitude of responsive service to the public.*
- (6) To treat employees, individually and in groups, equitably and fairly; to help them achieve personal satisfaction and pride in their work; and to enhance their opportunities for career advancement through training and utilization of their abilities.*
- (7) To base promotion solely upon the qualifications of the individual candidates to meet the total requirements of the position.*
- (8) To give first consideration in filling vacancies to qualified borough employees.*

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- (9) *To utilize all personnel wisely and economically.*
- (10) *To expect and require employees to do the best work of which they are capable; to be loyal and conscientious; to present and conduct themselves in a proper manner; and to treat all with whom they come in contact with consideration and courtesy.*
- (11) *To provide employees competitive salaries and benefits.*
- (12) *To carry out public policy as expressed laws, regulations, or otherwise and to conduct the affairs of government with courtesy, honesty and integrity.*
- (13) *All municipal employees and volunteer members of municipal bodies, elected and appointed officials and full and part time employees, inclusive of professional contract employees and agents of the Borough of Matawan at all times, while representatives of the Borough comport themselves with each other, the public and all other individuals with whom they come into contact with utilizing professionalism and civility at all times in the workplace.*
- (14) *No taping, video, or audio recording of any type shall be permitted to be utilized on Borough property by Borough employees in their interaction with each other without the express written permission of the Borough Administrator. Nothing in this section precludes any recording as part of a Police or other Law Enforcement Investigation or function as permitted by law.*

SECTION ONE – EMPLOYEE RIGHTS & OBLIGATIONS

Anti-Discrimination Policy:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Borough discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Administrator, or the Personnel Officer.

Americans with Disabilities Act Policy:

In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Borough does not discriminate based on disability. The Borough will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

The Borough Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations that do not create a hardship. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. The Act does not require the Borough to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, (2) not create a real safety hazard to themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Borough Administrator or Borough Council as appropriate.

Civil Rights Act Policy

It is the policy of the Borough of Matawan to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act.

Section 1: *No official, employee, appointee or volunteer of the Borough of Matawan by whatever title known, or any entity that is in any way a part of the Borough of Matawan shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any*

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person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Borough of Matawan's business or using the facilities or property of the Borough of Matawan.

Section 2: *The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Matawan to provide services that otherwise could be performed by the Borough of Matawan.*

Section 3: *Discrimination, harassment and civil rights shall be defined for the purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.*

Section 4: *The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.*

Section 5: *No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.*

Section 6: *The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Matawan as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.*

Section 7: *The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.*

Section 8: *At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of Matawan. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough of Matawan's web site.*

Contagious or Life Threatening Illnesses Policy:

The Borough of Matawan, County of Monmouth, State of New Jersey encourages employees with contagious diseases or life-threatening illnesses such as cancer, heart disease, Hepatitis C and HIV/AIDS to continue their normal pursuits, including work, to the extent allowed by their condition. As in the case of other disabilities, the Borough of Matawan, County of Monmouth, State of New Jersey shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs as long as they are able to meet acceptable performance standards.

Medical information shall be treated confidentially. The Borough of Matawan, County of Monmouth, State of New Jersey will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Personnel Officer.

Safety Policy:

The Borough will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Borough facilities, equipment or motor vehicles must also be immediately reported.

The Borough has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Transitional Duty Policy:

The Borough will endeavor to bring employees with temporary disabilities back on the job as soon as possible and

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may assign transitional duty (formerly known as "Light Duty") to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not continue indefinitely. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Borough Administrator as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The Borough Administrator will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Borough Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request and will notify the employee of the decision. The Borough reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Borough Administrator who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Borough Administrator. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Borough Administrator informed of the medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, the Borough of Matawan, County of Monmouth, State of New Jersey reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Drugs and Alcohol Policy:

The Borough recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Borough Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government.

Employees using prescription drugs that may affect job performance or safety must notify Borough Administrator who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the Borough's Employee Assistance Program.)

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also

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strictly prohibited.

Drug and Alcohol Testing

All job applicants for positions with the Borough of Matawan will undergo testing for the presence of alcohol or illegal drugs as a condition of employment. Any applicant with a confirmed positive test result will be denied employment. The Borough will not discriminate against applicants for employment because of past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment test may initiate another inquiry with the Borough after a period of no less than six months, but must present themselves drug-free.

In keeping with the U.S. Department of Transportation requirements, the Borough has by resolution adopted testing practices for employees holding Commercial Drivers Licenses ("CDL") to identify persons who use illegal drugs either on or off the job. It shall be a condition of employment for all employees not subject to testing under the U.S. Department of Transportation requirements (i.e., employees whose position does not require them to possess a Commercial Drivers License) to submit to alcohol and/or drug testing under the following circumstances:

- *When there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs.*
- *When an employee is involved in an on-the-job accident where personal injury or damage to Borough property occurs.*
- *As part of a follow-up program for treatment for drug and/or alcohol abuse.*

Rehabilitation

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Borough of Matawan.

The Borough recognizes the health implications of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the Borough's primary objective is to assist in the employee's rehabilitation. The Borough designed this policy to encourage employees to voluntarily seek help for any substance abuse problems.

An employee may voluntarily admit to the Borough that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the individual will immediately enroll himself or herself in a rehabilitation program. The Borough will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem unless that employee refuses to enroll in and complete a rehabilitation program. Employees who voluntarily enter rehabilitation on more than one occasion, however, shall be subject to disciplinary action up to and including immediate termination.

In the case of an employee that has a drug or alcohol problem, the Borough of Matawan will provide the employee with information on where he or she may seek counseling. The costs of counseling may be covered by the employee's medical insurance. If not, the cost of such outside services is the employee's responsibility.

As a condition of employment, employees must abide by the terms of this policy and must notify the Borough in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

The Borough recognizes that the use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is intoxicated or under the influence of alcohol or drugs during working hours shall be immediately suspended and subject to termination. The supervisor or Department Head will immediately report any suspensions to the Borough Administrator.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

Workplace Violence Policy:

The Borough will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

Prohibited conduct includes:

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- *Causing physical injury to another person;*
- *Making threatening remarks;*
- *Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;*
- *Intentionally damaging employer property or property of another employee;*
- *Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief; and*
- *Committing acts motivated by, or related to, sexual harassment or domestic violence.*

Any potentially dangerous situations must be immediately reported. The Borough will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

Anti-Sexual Harassment Policy:

As a part of the Anti-Harassment Policy, the Borough of Matawan, County of Monmouth, State of New Jersey also strictly prohibits sexual harassment including, but is not limited to:

- *Making unwelcome sexual advances or requests for sexual favors a condition of employment;*
- *Making submission to or rejection of such conduct the basis for employment decisions affecting the employee;*
- *Creating an intimidating, hostile or offensive working environment by such conduct;*
- *Making unwelcome, offensive remarks or engaging in physical contact with a subordinate or fellow employee that would not have been made but for the employee's sex, or which is sexually oriented to the extent that it would not occur but for the fact of the employee's gender; or*
- *Harassment based solely on gender, which creates a hostile and offensive work environment.*

Sexual harassment may take different forms. One specific form is a demand for sexual favors. Other forms of harassment include, but are not limited to:

- *Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions or threats;*
- *Suggestive objects or pictures, graphic commentaries, E-Mails, suggestive or insulting sounds, leering, whistling, obscene gestures;*
- *Unwanted physical contact, including touching, pinching, brushing the body, pushing; or*

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- *Non-sexual conduct such as intimidation and hostility based solely upon gender.*

Employees who feel they have been subject to sexual harassment must report the harassment to their supervisor, or if they prefer to the Department Head, Borough Administrator, or the Personnel Officer. See Employee Complaint Policy.

“Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- *Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;*
- *Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or*
- *Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.*

In accordance with the statute, the employee must bring the violation to the attention of the Borough Administrator. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy:

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Borough Administrator, or the Personnel Officer. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

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Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Borough Administrator. The supervisor or Department Head will communicate the decision to the employee within two working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five days working days of the step one decision. After consulting the Labor Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Personnel Officer or the Borough Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Personnel Officer upon reasonable request.

Confidential Nature and Review by Employee Policy:

Personnel Officer will ensure that adequate personnel records are maintained for each employee of the Borough of Matawan. These records shall include: dates of appointments and promotions; job titles; salaries; commendations; performance evaluations; disciplinary actions; amount of leave accrued and used; a record of the employee's training and other related matters; and attendance records.

The records are confidential and are available only to the employee, the Borough Administrator, his/her Department Head or Manager, other members of management, the Borough's legal counsel and the Borough Council on a need-to-know basis. The Borough will also make the records available as required by law. Employees are entitled to review the contents of their personnel folder but may not review the contents of other employees' personnel files.

Employees who want to review their personnel folder should submit a written request for an appointment to the Personnel Officer. Employees should provide the Borough with at least one week advance notice of his or her need for an appointment to review his or her personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the Personnel Officer. Employees will not be permitted to take personnel folders outside of the Personnel Officer's office or to remove documents from this folder.

Changing Vital Information:

It is the responsibility of each employee to notify the Personnel Officer promptly, in writing, of any changes of vital information including but not limited to:

- Name*
- Address*
- Telephone Number*
- Marital Status*
- Dependent Children*
- Change in status for health care programs*
- Change in status for dental coverage*
- Change of beneficiary on pension or life insurance policies*
- Change in tax status for tax withholding purposes*

Changes may be accomplished by sending written notice to the Personnel Officer. When necessary, the employee

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will be provided with the proper forms to change beneficiary, income tax deductions, etc.

A new employee's pre-employment application, pre-employment physical (if required), letters of reference and any other support documents will be included in the personnel file.

The Borough maintains employee attendance records indefinitely. The Borough maintains all other personnel records for at least three years after an employee terminates. Subsequently, these records may be destroyed. The employee has the right to duplicate these records before the file is purged.

Conflict of Interest Policy:

Employees including Borough officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough. Violations of this policy will result in appropriate discipline including termination.

The Borough recognizes the right of employees to engage in outside activities that are private nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Personnel Officer a state mandated disclosure form. The Personnel Officer will notify employees and Borough officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including a Borough official is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Borough may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator or the Municipal Attorney to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Borough duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. Meals and other entertainment valued in excess of \$30 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity Policy:

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Borough time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Borough Administrator, Personnel Officer or the Municipal Attorney.

Employee Evaluation Policy:

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be forwarded to the Personnel Officer for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

Employee Discipline Policy:*

An employee may be subject to discipline for any of the following reasons:

- *Falsification of public records, including attendance and other personnel records.*

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- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Borough, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Borough property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Borough property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Borough premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Borough premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on Borough premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Borough rules or policies.
- Conduct unbecoming a public employee.
- Violation of Borough policies, procedures and regulations.
- Violation of Federal, State or Borough laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the Borough believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Borough Administrator review; written reprimand; suspension; fines, and, dismissal. At the discretion of the Borough, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Neither this manual nor any other Borough guidelines, policies or practices create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or Borough.

Work Force Reduction Policy:

The Borough of Matawan may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be determined

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by the Council.

Employee Termination Policy:

The Borough of Matawan is an at will employer. As such, the Borough reserves the right to discipline and/or terminate employees at any time. The below are simply examples of employee conduct that could result in disciplinary action and/or termination. An employee may be terminated depending upon the circumstances for any of the following:

- Incompetence, inefficiency or failure to perform duties;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Violation of Borough policies, procedures and regulations;
- Falsification of public records including personnel records;
- Violation of Federal, State or Borough regulations concerning drug and alcohol use and possession;
- Chronic or excessive absenteeism or lateness;
- Misuse of public property, including motor vehicles; and
- Other sufficient cause.

All discharges will be in accordance with Federal and State laws as well as applicable collective bargaining agreements. The Borough Administrator shall have the authority to determine other forms of appropriate discipline.

Resignation Policy:

The Borough operates as an at will employer. As such, an employee may resign at any time; however, the Borough appreciates at least two weeks' notice for employees who wish to voluntarily resign. An employee who intends to resign should notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Personnel Officer will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

SECTION TWO – WORKPLACE POLICIES

Updates to this document:

Pursuant to resolution, the Borough Administrator is authorized to amend this policy from time to time. The Borough Council will formally adopt any such changes on an annual basis.

When any such updates are issued, it shall be the responsibility of the employee to replace any old policy manual pages with the replacement pages provided and to make note of these changes on the last page of the Table of Contents.

Work Schedule:

(1) Accurate and complete time and attendance records shall be maintained by each department unit. A time report for each week shall be prepared by the department head and forwarded to the Borough Administrator no later than 10:00 a.m. the first work day following the end of the pay period.

(2) The regular hours of work for full-time borough employees shall be as follows:

Borough Office and Other Clerical	7:30 a.m. – 5:00 p.m. Monday thru Thursday 45 minutes for lunch 35 hours per week
Public Works Department	7:00 a.m. – 3:00 p.m. Monday thru Friday One half hour for lunch 40 hours per week
Police Department	In accordance with schedule determined by Chief of Police

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All other Departments by Borough Administrator assignment.

- (3) Any changes in the established hours of work must be authorized in advance by the Borough Council.*
- (4) Lunch period shall be specified by the department head and shall be strictly observed.*

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Borough Administrator. The Personnel Officer will make copies available upon request.

Attendance Policy:

The Borough of Matawan is an at will employer. As such, the Borough reserves the right to discipline and/or terminate employees at any time. The below are simply examples of employee conduct that could result in disciplinary action and/or termination. The following serves only as an outline. All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 7:30 AM to 5:00 PM, Monday through Thursday. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the borough may meet its commitments to its residents. Employee absences place an additional burden on the remaining workforce and seriously affect the borough's ability to service its residents. Management recognizes that circumstances beyond the employee's control may cause him or her to be absent from work for all or part of a day. The Borough, however, will not tolerate unexcused absence or tardiness.

All employees are expected to come to work regularly and on time, and to notify their supervisors when they are unable to do so. Attendance and punctuality will be considered, among other factors, in the employee's performance review.

To ensure that the borough enforces its attendance and tardiness policy with uniform consistency, and that the borough provides its employees with progressive discipline and an opportunity for improvement, the borough implements the following attendance and tardiness policy.

1. Definitions

a. Unexcused Absence

Employee fails to report for work for the duration of the employee's shift without an excuse approved by the employee's department head or the department head's designated representative.

b. Excused Absence

Employee fails to report for work for the duration of the employee's shift with an excuse approved by the employee's department head or the department head's designated representative.

c. Unexcused Incident of Tardiness

Employee reports for work after the authorized reporting time without an excuse approved by the employee's department head or the department head's designated representative.

d. Excused Incident of Tardiness

Employee reports for work after the authorized reporting time with an excuse approved by the employee's department head or the department head's designated representative.

2. Department heads or the department head's designated representatives will keep attendance and tardiness records for each employee. The department head or the department head's designated representative will note the following details on each employee's attendance and tardiness records: report time, if tardy; dates absent; reason for absence or tardiness; whether the absence or tardiness constitutes an excused or unexcused absence or incident of tardiness; whether the employee provided notice; time of notification, if any, whether the employee left work prior to the end of the scheduled work day; and reason for leaving early.

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3. *Any employee who cannot report to work on time shall call his or her department head or the department head's designated representative not later than one hour prior to the scheduled starting time of the work shift from which he or she is tardy.*
4. *If an employee reports for duty after the employee's scheduled starting time, the department head or the department head's designated representative shall indicate the employee's tardiness in the employee's attendance and tardiness records.*
5. *Any employee requesting absence due to illness for one or more days shall call his/her department head or the department head's designated representative on a daily basis to report the nature of the illness. The borough may waive this daily requirement upon the certification of a physician in cases of convalescence or hospitalization. In the event the department head or his or her representative is temporarily unavailable, employees must leave a message with the Borough Administrator's Office. The message shall include a telephone number where the employee may be reached so that the department head or the department head's designated representative may verify the reason for the absence.*
6. *If an employee will be absent, the employee shall telephone his or her department head or the department head's designated representative or the Borough Administrator's Office if the department head or the department head's designated representative is temporarily unavailable, as early as possible, but not later than one hour prior to the scheduled starting time of the work shift from which he or she is absent.*
7. *If an employee fails to notify his or her department head or the department head's designated representative, or the Borough Administrator's Office, the Borough may deny the use of sick leave for the absence and may take disciplinary action.*
8. *An employee who is absent for five or more consecutive work days who does not notify the department head or the department head's designated representative, or the Borough Administrator's Office on any of the first five days, will be subject to disciplinary action up to and including discharge.*
9. *Whenever any employee accumulates absences on five consecutive work days, or when absences total five work days in thirty calendar days, the employee shall provide a physician's certification of health to his or her department head or the department head's designated representative upon return from illness.*
10. *Whenever any employee accumulates one unexcused absence or two unexcused incidents of tardiness, the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will provide the employee with advance written notice of the time, date and place of the meeting. If applicable, the advance written notice will also inform the employee that the employee has the right to union representation at the meeting. The department head or the department head's designated representative will place a copy of the written notice in the employee's personnel file. After the meeting, the department head or the department head's designated representative will place written documentation of an oral reprimand in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will give the employee the opportunity to place a written rebuttal to the written documentation of the oral reprimand in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written documentation of the oral reprimand.*
11. *Whenever any employee accumulates two unexcused absences or four unexcused incidents of tardiness, the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will provide the employee with advance written notice and will also inform the employee that the employee has the right to union representation at the meeting. The department head or the department head's designated representative will place a copy of the written notice in the employee's personnel file. After the meeting, the department head or the department head's designated representative will place a written reprimand in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will give the employee the opportunity to place a written rebuttal to the written reprimand in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written reprimand.*
12. *Whenever any employee accumulates three unexcused absences or six unexcused incidents of tardiness, the Borough Administrator or the Borough Administrator's representative, and the department head or the department head's designated representative will conduct a formal meeting with the employee. The department head or the department head's designated representative will*

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provide the employee with advance written notice of the time, date and place of the meeting. If applicable, the advance written notice will also inform the employee that the employee has the right to union representation at the meeting. The department head or the department head's designated representative will retain a copy of the written notice in the employee's personnel file. The Borough Administrator or the Borough Administrator's designated representative shall determine appropriate disciplinary action, which may include suspension without pay up to and including termination. After the formal meeting, the department head or the department head's designated representative will place written documentation of the disciplinary action taken in the employee's personnel file and will provide a copy to the employee. The department head or the department head's designated representative will provide the employee with the opportunity to place a written rebuttal to the written documentation of disciplinary action in his or her personnel file. The employee who chooses to attach a written rebuttal shall respond within seven calendar days after receiving the employee's copy of the written documentation of the disciplinary action taken.

13. *In the event the employee accrues any additional unexcused absences or unexcused incidents of tardiness, the Borough Administrator or the Borough Administrator's designated representative may take additional disciplinary action against the employee, up to and including discharge.*

If an employee has questions about this attendance and tardiness policy the employee should contact the Borough Administrator.

Early Closing and Delayed Opening Policy:

In the event of unsafe conditions or other emergencies, the Borough Administrator in consultation with the Mayor may direct certain Department Heads to close operations earlier than the normal working hours. Upon the decision to close or delay operations, the Borough Administrator or his designee shall place an announcement to that effect on the Borough's Emergency Operations Line. It shall be the responsibility of each employee to individually check the Emergency Operations Line to determine the operations status of their department.

At the discretion of the Borough Administrator, a Liberal Leave policy may be utilized in lieu of closing municipal operations. In the event the Liberal Leave policy is in effect, the municipal operations will continue to operate but employees may individually choose not to report to work and will be charged a full vacation day instead. Compensatory time may also be charged at the option of the employee. Sick time will only be charged for a legitimate illness.

If, however, work is called off for the day, no time will be charged for the day. The Borough Administrator may designate specific departments and the employees assigned thereto "Essential Staff" who may be required to assist in an emergency. Any and all essential staff so designated will report to work as scheduled.

Breaks:

Administrative personnel are entitled to a 45 minute lunch that is to be arranged by the supervisor so that offices continue to function. The supervisor may authorize such other breaks as they may deem appropriate.

Employees lunch hours shall be scheduled between 11:30 a.m. and 2:30 p.m. unless otherwise authorized by the Borough Administrator and shall be no longer than 45 minutes.

Department heads shall oversee the staggering of employee lunch times to ensure that offices are adequately staffed at all times.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Borough Administrator, the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

The Borough Administrator, in his discretion, may authorize in writing a more liberal interpretation of this policy from time to time.

No Smoking Policy:

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The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Borough buildings. Employees are permitted to smoke only outside Borough buildings and such locations as not to allow the re-entry of smoke into building entrances. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Municipal Property:

Employees are responsible for taking care of any equipment assigned to them. Employees of the Borough of Matawan shall not remove, or in any way assist in the removal of supplies, materials, goods, or equipment belonging to the borough from its offices, unless such removal has been authorized by the Borough Administrator. Employees may not use equipment, supplies, postage, or other borough materials for personal use.

Unauthorized use or removal of municipal equipment and supplies shall be cause for disciplinary action up to and including discharge from employment.

Use of Municipal Vehicles:

Borough owned vehicles shall be used only on official business and all passengers must be on Borough business. (An employee who is also employed by another governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough and the other jurisdiction.)

There is no employee or rider will be permitted to smoke in any Borough owned vehicles.

Vehicles may be taken home only with the advance approval of the Borough Administrator except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Borough vehicle, it is to be used only for official Borough business any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action.

This policy shall apply to all borough employees, volunteers, officials and other representatives of the municipality.

Procedure

- A. *Assigned drivers are responsible for ensuring that the vehicles are kept clean, in good operating condition, and are serviced in accordance with a preventative maintenance schedule.*
- B. *Assigned drivers must have a valid New Jersey Driver's License and a Commercial Driver's License which authorizes them to operate equipment that requires same.*
- C. *Any employee leaving the boundaries of the municipality with a borough owned vehicle shall report the fact that they will be out of the Borough to the police dispatch desk. They shall also report their return to the police dispatch desk.*
- D. *Municipal vehicles may only be driven by the persons they are assigned to.*

Driver's License Policy:

Any employee whose work requires that the operation of Borough vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Borough vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Borough vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to possible termination.

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Any information obtained by the Borough in accordance with this section shall be used by the Borough only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.).

Telephone Usage Policy:

Borough telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough. The use of hand-held cell phones while driving Borough vehicles or while driving on Borough business is prohibited. The use of personal cell phones while on duty is limited to emergency situations.

E-Mail, Voice Mail and Internet Usage Policy:

This policy shall govern access and use of Borough's equipment, telecommunications and services for employees of the Borough. The intent of this policy is to provide employees with the tools to perform their job tasks without infringing on the rights of others, whether they be public or employee users of personal computers and the Internet and Electronic Mail (Email) communications systems. This includes minimizing the risk of computer virus infections, avoiding bandwidth congestion, adhering to software license agreements and controlling private use of government equipment. The Borough makes every effort to provide the best available technology to those performing services for the Borough. In this regard, the Borough has installed, at substantial expense, equipment such as computers, modems, routers, electronic mail, and voice mail. This policy is to advise those who use our business equipment on the subject of access to and disclosure of computer-stored information, voice mail messages and electronic mail messages created, sent or received by the Borough's employees with the use of the Borough's equipment. This policy also sets forth policies on the proper use of the computer, voice mail and electronic mail systems provided by the Borough.

All Borough employees, including appointed and elected officials, quasi-employees members of the various Boards that function under the Borough and all duly recognized and authorized volunteers (all the preceding hereafter referred as employee, employees, individual or user) who use the Borough's equipment, services and information technology are subject to this policy.

The Borough's property, including computers, internet access, email, voice mail, other such electronic technology should only be used for conducting municipal business. Personal use of Borough computers or any other such electronic equipment or technology is strictly prohibited. The Borough may at its sole discretion and decision and at any time without notice, monitor said usage on an intermittent or continuous basis of any equipment or services provided by the Borough the use of said equipment. Borough employees should not expect any privacy with respect to any and all information they place or store in or on any Borough computer(s), computer equipment or any other electronic equipment. This includes internet sites visited by the employee.

Computers, computer networks, computer files, software programs, email, all communications or correspondence created on, received by, stored on or transmitted through those systems are the sole and exclusive property of the Borough. Likewise, all records data, files, software and all other electronic communications contained in these systems are the property of the Borough. Therefore, employees should have no expectation of privacy regarding any such files and/or communications. Passwords are only intended to prevent unauthorized access to email, computer files or voice mail. All employees must supply all of their current (and any future) passwords and login names to their supervisors or any other authorized Borough designee and immediately advise them at the time they are changed.

All software installed on Borough computers and networks must be authorized software. All software installations, even free software from the Internet, are to be approved by the Borough or its designated and authorized official before it is installed.

Authorized software is software purchased by and licensed to the Borough or approved for use by the Borough or its designated and authorized official. Employees shall not install any software onto any Borough computer or file server without approval. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software or the utilization of unauthorized media.

Employees shall not use, copy or provide copies of unlicensed software or Borough licensed software to any other employee, person or entity. Unlicensed software or personal software may be deleted by the Borough without notice to the employee.

The use of email may not be used to solicit for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations. Furthermore, email is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications or remarks, racial slurs, gender-specific comments or any other comments that offensively address someone's age, sexual orientation, religious or political beliefs, national origin or disability. In addition, email shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials that is not related to Borough business or activities without prior authorization.

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Although the Borough may provide certain codes to restrict access to computers, voice mail and email to protect these systems against external parties or entities obtaining unauthorized access, employees should understand that these systems are intended for Borough business use only and all computer information, voice mail and email messages are considered Employer records. The Borough also needs to be able to respond to proper requests resulting from OPRA requests or on legal proceedings that call for electronically-stored evidence. Therefore, the Borough must, and will maintain the right and the ability to enter into any of these systems and to inspect and review any and all data recorded in those systems.

Because the Borough reserves the right to obtain access to all voice mail and email messages left on or transmitted over these systems, employees should not assume that such messages are private and confidential or that the Borough or its designated representatives will not have a need to access and review this information. Individuals using the Borough's business equipment should also have no expectation that any information stored on their computer, whether the information is contained on the computer hard drive, back-up drive, disk, CD, etc., computer disks or in any other manner, will be private.

The Borough has the right to, but does not regularly monitor voice mail or email messages. The Borough will, however, inspect the contents of computers, voice mail or email in the course of an investigation triggered by indications of unacceptable behavior or as necessary to locate needed information that is not more readily available by some other less intrusive means. The contents of computers, voice mail and email, properly obtained for some legitimate business purpose, may be disclosed by the Borough if necessary within or outside of the Employer. Given the Employer's right to retrieve and read any email messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. The Employer or its designee will review any request for access to the contents of an individual's computer, voice mail, or email prior to access being made without the individual's consent.

Access to the internet is strictly for Borough's business. Any costs incurred while accessing sites on the internet or ordering supplies and/or materials through the internet are the responsibility of the employee unless approved in advance by the Borough or its duly authorized representative in writing. Employees may not use personal internet accounts during work hours or off-work hours or use Borough equipment to reach personal sites. Internet access will be removed and indefinitely terminated for any employee due to violation of this policy.

Access to the internet via Borough resources can only be used for Borough purposes and cannot adversely affect the operation of the internet or misrepresent the interests of the Borough. Accessing, viewing, downloading or any other method for retrieving non-Borough related information is prohibited. This includes, but is not limited to, entertainment sites or pornographic/adult sites or any other site unrelated to the employee's/official's responsibilities with the Borough. Resources of any kind, for which there is a fee, must not be accessed or downloaded without prior approval of the Borough. Use of aliases or anonymous messages to any individual, company or entity is strictly prohibited. Also, the misrepresentation of an employee's job title, job description or position with the employer is prohibited. Employees may not release untrue, distorted or confidential information regarding employer business. Employees are also prohibited from the following list of activities which is not all-inclusive: violating copyright laws; using or changing other's password; trespassing in other's folders, work or files, accessing resources not related to the user's department or work without permission; damaging computers, computer systems, computer networks or computer peripherals such as printers; harassing, insulting or verbally attacking others.

Employee's rights while accessing the internet and email through the use of employer property does not include the right to privacy. When sites are accessed, internet protocol addresses are recorded. Comments are not anonymous and any electronically stored communications sent or received may be retrieved.

Employees may not transmit copyrighted materials belonging to others over the internet. One (1) copy of the copyrighted material may be downloaded for your own personal use in research with the written permission of the copyright holder.

Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express written permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

Confidential Information:

Employees and officials shall not send, transmit or otherwise disseminate nonpublic personal data, police materials or other confidential information of the employer to an unauthorized person or in an unauthorized manner. Unauthorized dissemination of this information may result in substantial civil liability and/or criminal penalties, as well as disciplinary action up to and including termination from employment.

Privacy Caution:

Employees should be aware that any computer, whether networked or stand-alone, may be accessible to other users.

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The employer cannot guarantee the absolute privacy of email communications, whether internal or external.

Employees should never assume that email can be read by no one except the employee, others may be able to read or access email.

General Guidelines:

The following guidelines are established, but not exclusive, for sending internet and LAN email.

- a) *Do not communicate confidential and sensitive issues via email. Email is not secure.*
- b) *Racism, sexism and other inappropriate behavior will not be tolerated. If you receive such messages, forward them to your supervisor. Employees are prohibited from sending, retrieving, displaying or printing offensive messages.*
- c) *Be cognizant of system etiquette. Mail takes up space. It is best not to save every message you receive.*
- d) *Be careful when sending replies; make sure that mail is addressed to the individual or group you want to receive it.*
- e) *Employees should not permit individuals, including family members, employees or consultants to use employer computers, networks or internal email without written authorization from the employer or its designated representative.*

Employer Website:

The Employer's website was created to provide information about the employer to the public and to provide direct links to other related sites. The site is not to be used for personal or partisan political purposes. All items posted on the website must reflect the principals enumerated in this policy.

Security:

The security of the Employer's computer network depends upon the cooperation of each individual who uses the system. Each user is responsible for the information in individual user folders and any information placed on the network for which they are the owners.

The use of networked computers encourages the exchange of information but also requires respect for others and intellectual property law. The Employer will apply standardized security policies on individual networked computers. Networked computers store information of roughly four types; publicly accessible data, commercially licensed and general use resources, system administration resources, and data located in individual user files. Such data may be located on computer tapes, hard disks and diskette drives. These guidelines apply to the use of all types of data, system files, user files and electronic mail. Data belonging to others or held in other folders may not be browsed, copied, or otherwise modified. This data includes user passwords as well as directories and files held on computers, disks, and tapes.

At such time as an employee terminates their employment with the Employer, all computer software, hardware and other equipment must be returned to Administration.

A. Backup

Administration maintains a policy for backing-up information stored on borough networked computers, however ultimate responsibility for back-up of files in departmental folders, local disks and computers lies with the individual user. Users are required to save and make additional copies of important information. A rotation of daily tapes is kept for a period of one month. Data files are routinely archived which have not been accessed or modified for a period of 2 years.

Electronic or email messages related to agency business are GOVERNMENT RECORDS and are subject to the same laws and requirements as other agency records, including general records management and program specific requirements, Freedom of Information Law, and discovery proceedings in legal action may apply to email communications.

Programs may not be used to identify security loopholes, decrypt secure data, and hack into the network.

B. Remote Access

The Employer, at its discretion, may provide limited approval and capability for authorized users to connect to the system remotely. The user must in writing demonstrate why such access is an essential job function, and the department head must also confirm the justification. The Borough Administrator or his designee may authorize remote access requests. Software and log-in codes for remote use may not be shared with any other computer user. Special safeguards such as high level encryption, authentication and virtual private network security keys will be provided to ensure the utmost security and protection in gaining access to the network using virtual private network

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technology.

Violations:

Failure of employees to adhere to this policy may result in restriction, revocation of access or other disciplinary action. The employer reserves the right to make final determinations as to what is considered appropriate in all cases of internet and email use.

Employees who are found in violation of this policy may be subject to the following:

- a. *Revocation of internet and email access*
- b. *Restriction of access to internet and email, and;*
- c. *Any other discipline, up to and including termination.*

INTERNAL SERVICE REQUESTS

Users must submit their service requests to Administration in writing. Each department should keep additional copies of the Service Request Forms available; however, additional copies may be obtained from Administration. The written system allows the Employer to quantify, track persistent problems, and to prioritize requests.

The Administration Office is available to assist you in resolving technical problems however it is not possible to respond to the needs of the entire staff at once. In many cases, service demands may easily outpace available resources. Every effort should be made to troubleshoot simple problems first, and contact Administration for unresolved problems that prevent an employee from completing essential tasks. The following steps will be undertaken to address service requests:

- *Develop user groups and identify expertise in groups, specific to department.*
- *Additional training/train-the-trainer*
- *Developing training materials and manuals for applications.*

QUESTIONS REGARDING THIS POLICY

Any questions regarding this policy should be referred to Administration.

Bulletin Board Policy:

The bulletin boards located in the Borough administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Administrator may post, remove, or alter any notice.

SECTION THREE – TIME OFF FROM WORK

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Outside Employment Policy:

Full-time employees of the Borough of Matawan may engage in outside employment if:

- (1) *They maintain the Borough of Matawan as their primary employer;*
- (2) *Such employment does not conflict with their duties or their position as a Borough employee.*

Paid Holiday Policy:

Each Borough employee, except employees covered by a collective bargaining agreement, shall receive the following holidays:

<i>One-half day New Year's Eve</i>	<i>Columbus Day</i>
<i>New Year's Day</i>	<i>Election Day</i>
<i>President's Day</i>	<i>Veterans Day</i>
<i>Good Friday</i>	<i>Thanksgiving Day</i>
<i>Memorial Day</i>	<i>The day after Thanksgiving Day</i>
<i>Fourth of July</i>	<i>One-half day Christmas Eve</i>
<i>Labor Day</i>	<i>Christmas Day</i>

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The above mentioned holidays shall be included in the employee's regular pay period.

Vacation Leave Policy:

Each employee, with the exception of employees represented by unions, who has had the length of continuous employment specified in the table following shall be entitled to the working time shown as vacation with pay at his or her regular rate of pay.

Employees hired prior to 1/1/98

<u>Length of Employment</u>	<u>Vacation Time</u>
1-5 years	10 days (2 weeks)
6-10 years	15 days (3 weeks)
11-15 years	20 days (4 weeks)
16-20 years	25 days (5 weeks)
21 years or over	30 days (6 weeks)

Employees hired on or after 1/1/98

<u>Length of Employment</u>	<u>Vacation Time</u>
1-5 years	10 days (2 weeks)
6-10 years	15 days (3 weeks)
11 years or over	20 days (4 weeks)

New hires shall not be eligible for vacation until the completion of one full calendar year of service with the Borough. Eligibility for vacation shall be computed as of the first day of the month in which the individual employee was hired. Vacation time shall not be cumulative from year to year. However, the Borough recognizes the need might arise for an individual to carry over a given amount of vacation time from one year to the next. The Borough shall grant any individual employee an opportunity to appear before the Borough Council with a special request for the carryover of a maximum of one (1) year's vacation under specific individual circumstances. The Borough Council reserves the right to either approve or deny the request based solely upon the Borough Administrator's discretion. However, no employee shall lose vacation time by virtue of being required to work during his or her scheduled vacation. All requests for vacation or leaves of absence shall be acted and decided upon within fifteen (15) days.

Vacation schedules for employees that are represented by unions, such as PBA Local 179 and IBEW 400, shall be in keeping with vacation provisions incorporated in their respective contracts.

Personal Leave Policy:

Full time employees working five days per week are entitled to five personal days per year, after 12 consecutive months of employment. Personal days cannot be accumulated from year to year. Upon termination of employment, an employee will forfeit his or her accrued but unused personal days. The Borough will not compensate employees for accrued but unused personal days.

The smallest increment that may be used is ½ of a personal day.

Personal days shall not be used the day before or the day after a holiday. Use of a personal day the day before or the day after a holiday shall result in the loss of holiday pay.

All employees should inform their department head as far in advance as possible when they intend to take their personal days. With the exception of extraordinary and unanticipated circumstances, notice of intention to exercise the use of personal days shall be given in writing to the employee's supervisor at least five (5) work days in advance of its use.

Personal leave for employees that are represented by unions, such as PBA Local 179 and IBEW 400 shall in keeping with personal leave provisions incorporated in their respective contracts.

Sick Leave Policy:

A full-time borough employee is entitled to sick leave if he or she is incapacitated through sickness or injury to a degree that makes it impossible for the employee to perform the duties of his or her position, or if a physician quarantines an employee because of exposure to a contagious disease.

All full-time employees not covered by union contracts shall be entitled to fifteen (15) days of sick leave at their regular rate per year. Employees shall also be entitled to accumulate unused sick leave at their rate of pay at time

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sick leave was earned.

If an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her supervisor not later than one (1) hour prior to the employee's usual reporting time.

Failure of an employee to notify his or her supervisor may be cause for denial of the use of sick days for that absence and constitute cause for disciplinary action.

The department head or Borough Administrator may require that any absence in excess of three consecutive work days be certified by a written statement of the attending physician. In addition, the Borough Administrator may require that any employee absent in excess of three consecutive work days be examined by the Borough physician.

In cases of extended illness, disability, or a pattern of absences, the employee shall furnish such reports or medical certificates of his condition as may be required by his department head. Additionally, the Borough Administrator may require that the employee be examined by the Borough physician prior to returning to work, to determine the employee's fitness to perform the requirements of his or her position.

A new employee shall not be granted sick leave during the initial three (3) months of employment unless such request is accompanied by a physician's certification.

At retirement in good standing after fifteen (15) years or more of total service, full-time employees not covered by a collective bargaining agreement with a recognized bargaining unit will be compensated for unused accumulated sick leave not to exceed \$9,000.00.

For purposes of this section, retirement shall be defined by the PERS manual, categories 89.1 and 89.2. This benefit does not apply to any employee taking the deferred retirement option.

If the Borough promotes an employee to a title covered by this manual rather than a union contract, the employee's accumulated sick time which is in excess of the maximum allowance listed in the manual shall not have the accumulation reduced except by use of sick time.

Sick and terminal leave benefits for employees that are represented by unions, such as PBA Local 179 and IBEW 400, shall be in keeping with sick and terminal leave provisions incorporated in their respective contracts.

Bereavement Leave Policy:

Each employee shall be granted three (3) days leave with pay upon the death of a member of his or her immediate family. A fourth (4th) day may be granted by the Borough Administrator if needed. Bereavement shall continue either upon the date of death or the day of funeral. Immediate family shall be defined to include spouse, children, stepchildren, brother, sister, parents, father-in-law or mother-in-law.

Employees shall be granted two days off with pay to attend the funeral of any other relative as approved by the Borough Administrator.

Employees represented by recognized union contracts shall be entitled to bereavement leave in keeping with the terms and conditions established in the contract.

Jury Duty Policy:

An employee may be granted jury duty leave with pay and should inquire about the duration of the jury trial in advance of accepting such service. Please contact your supervisor within two business days after receipt of notification to appear.

The employee's supervisor's approval is required in all work related situations. Sufficient time with pay may be approved.

- a. The employees will receive their regular wages. When they have completed their jury day, they are expected to return to work. When an employee fails to return to work after the completion of jury duty, the time not spent at work will be considered personal.*
- b. Although the employees will receive their entire pay, the time slip must be submitted to the Personnel Officer. The nominal fees an individual receives for jury duty are recognized as being paid to cover travel expenses and are not reimbursable to the borough.*

Witness Duty Leave of Absence

The borough is aware that employees may be subpoenaed to appear as witnesses in trials before the court. For personal matters, employees will use available personal days.

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Leave of Absence Policy:

For leave not covered by the NJFLA, FMLA or other applicable leave entitlement as required by law, employees may be granted a personal leave of absence for up to six months at the sole discretion of the Borough Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Borough Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Borough.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Borough Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Borough. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Family and Medical Leave Act Policy:

Based upon length of service and several other factors as required by law, employees may be eligible for family and medical leave with no loss of position or pay rate under the FMLA and/or the NJFLA. However, employees on such leave will not continue to accrue vacation days, sick days, personal days or longevity. Employees taking family or medical leave under this section continue to be eligible for paid health insurance coverage under the Borough policy.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Borough reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Personnel Officer.

Procedure

- A. *The employee shall submit to the Borough Administrator a written form entitled Application for Family Medical Leave. The Application for Family Medical Leave form provides the borough with, among other things, notice that leave will be taken, the amount of leave to be taken and the reason for the leave. In addition, if the leave involves an illness, the employee shall be required to submit to the Borough Administrator a written form entitled Certification of Health Care Provider. The Certification of Health Care Provider form must be completed by a health care provider and shall include, among other things:*
1. *The date on which the serious health condition commenced.*
 2. *The probable duration of the condition.*
 3. *The appropriate medical facts within the knowledge of the health care provider regarding the condition.*
 4. *Where applicable, a statement that the employee is needed to care for a covered relation and the amount of time needed to care for said person.*

Intermittent or reduced leave medical certifications shall state:

1. *The dates on which treatment is expected to be given and the duration of such treatment.*
2. *A statement of the medical necessity for the intermittent or reduced leave schedule and the expected duration.*
3. *Where applicable, a statement that an intermittent or reduced leave schedule is necessary to care for a covered relation or will assist in the recovery and the expected duration and schedule of the leave.*

The Borough may require subsequent recertification on a reasonable basis. Failure to provide any certification is grounds for denial of the leave. If the Borough has doubt as to the validity of the certification provided, the borough may require at its expense that the employee obtain a second opinion from a health care provider selected by the borough. If the second opinion differs from the first, a third mutually agreeable health care provider shall be selected, whose opinion shall be binding.

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The application for Family Medical Leave form and the Certification of Health Care Provider form can be obtained from the Personnel Officer.

- B. If the leave is foreseeable, the employee shall be required to provide at least 30 days' notice prior to the leave beginning. If the leave needs to begin in less than 30 days, the employee must provide such notice as is practicable.*
- C. The borough has the option of requiring that an employee use accrued vacation, sick and personal leave time for leaves under the FMLA.*
- D. Upon return from leave the borough will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the borough cannot guarantee that an employee will be returned to his or her original job. The borough will determine whether a position is an "equivalent position".*

Military Leave Policy:

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. (Thereafter, the leave shall be without pay but without loss of time.) or (Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary.) The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the (local unit type) group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

SECTION FOUR – COMPENSATION & BENEFITS

Scope:

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid twice per month, with overtime being held back for two weeks in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

The Borough will not accept responsibility for any employee's personal finances. Borough will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors.

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the provisions of the Act. The Personnel Officer shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for additional hours worked may be provided with the Borough Administrator's prior approval and at the sole discretion of the Borough Administrator.

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All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head in consultation with the Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

Employees must make a request to their supervisor at least two days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

Health Insurance Policy:

Please note: Full details of employee's health, medical and hospitalization plans can be found in the official insurance plan documents. If there is any conflict or inconsistency between the information in the policy and procedures manual and the official documents, the official documents will govern. The borough reserves the right to modify, revoke, suspend, terminate or change any or all such plans, in whole or in part, at any time with or without notice.

Consolidated Omnibus Budget Reconciliation Act of 1986

On April 7, 1986, a federal law was enacted (Public Law #99-272, Title X) requiring that most employers sponsoring Group Health Plans offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) at group rates in certain instances where coverage under the employer's plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. (Both you and your spouse should take the time to read the section of this manual carefully.)

If you are an employee covered by the Borough's group health plan, you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or termination of your employment (for reasons other than gross misconduct on your part), or if you are a retiree, or because your employer has filed for reorganization under Chapter 11 of the Bankruptcy Code.

If you are the spouse of an employee (or a retiree for reason #5 below) covered by the Borough's plan, you have the right to choose continuation coverage for yourself if you lose group health coverage under the plan for any of the following reasons:

1. *The death of your spouse.*
2. *A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment.*
3. *Divorce or legal separation from your spouse.*
4. *Your spouse is entitled to (covered under) Medicare.*
5. *Your spouse's employer filed for Chapter 11 reorganization.*

In the case of a dependent child of an employee (or retiree for reason #6, below) covered by this plan, he/she has the right to continuation coverage if group health coverage under the Borough's plan is lost for any of the following reasons:

1. *The death of a parent.*
2. *Termination of a parent's employment (for other than gross misconduct) or reduction in hours of employment.*
3. *Parent's divorce or legal separation.*
4. *A parent becomes entitled to (covered under) Medicare.*
5. *The dependent ceases to be a dependent child under the plan.*
6. *The parent's employer files for Chapter 11 reorganization.*

Under the law, the employee or family member has the responsibility to inform the plan administrator, in this case,

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the Borough Administrator, of a divorce, legal separation, or the Social Security determination that a qualified beneficiary was disabled at the time of the employee's termination or reduction in hours, or a child losing dependent status under the plan, within sixty (60) days of the qualifying event or Social Security determination of disability. The Borough Administrator has the responsibility to notify the plan supervisor of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the Borough Administrator is notified that one of these events has happened, the Borough Administrator will in turn notify you that you have the right to choose continuation coverage. Under the law, you have at least sixty (60) days from the date you would lose coverage because of one of the events described above to inform the Borough Administrator that you want continuation coverage.

If you do not choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, the Borough is required to give you coverage which, as of the time coverage is being provided, is identical to the coverage provided under the plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months, unless the Social Security Administration determines that you were disabled at the time of termination or reduction of hours and you inform the Borough Administrator before the end of the eighteen (18) month period, in which case your coverage may be extended up to twenty nine (29) months. If during the eighteen (18) months another event takes place that also entitles you to coverage, coverage may be extended. The total amount of continued coverage is limited to thirty six (36) months.

The law, however, also provides that your continuation coverage may be cut short for any of the following reasons:

- 1. The Borough no longer provides group health coverage to any of its employees.*
- 2. The premium for your continuation coverage is not paid in a timely fashion.*
- 3. You become covered under another group health plan that does not include a pre-existing condition(s) clause that applies to you or to a covered dependent.*
- 4. You become entitled to (covered under) Medicare.*

You do not have to show that you are insurable to choose continuation coverage. Under the law, however, you may have to pay all or part of the premium for your continuation coverage; you will have a grace period of at least thirty (30) days in which to pay the regular premiums. The law also says that, at the end of the eighteen (18) month, twenty nine (29), or three (3) year continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under this plan, if applicable.

If you have any questions about the law, please contact the Borough Administrator.

Also, if you have changed marital status, or you or your spouse have changed addresses, please notify the Borough Administrator.

Recreational Benefit Policy:

See most recent policy available through the Borough Administrator's Office.

Deferred Compensation Policy:

See most recent policy available through the Borough Administrator's Office.

Retirement Policy:

(1) Social Security

All Borough employees, other than members of the Police Department, are covered by and match the Borough's contribution to Social Security (Federal Old-Age, Survivors, and Disability Insurance).

(2) State Administered Plans

As a condition of employment, all full-time policemen are enrolled in the Police and Firemen's Retirement System of New Jersey ("PFRS") and all other full-time and permanent part-time employees are enrolled in the Public Employee's Retirement System of New Jersey ("PERS"). All rules and regulations pertaining to retirement as it applies to these plans are explained in detail in the latest edition of the New Jersey Public Employee Benefit Manual. Employees may obtain a copy of the manual from the State of New Jersey Division of Pensions.

(3) Contributions

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Members of PFRS and PERS contribute to their respective systems at State regulated rates. The Borough contributes to the systems in amounts set by the State, to keep the systems actuarial sound.

(4) *Retirement*

Retirement benefits at prescribed percentages of average salary are provided under both systems.

An employee intending to retire should give the Borough Council at least three months written notice. Additionally, the employee should apply to PFRS or PERS for pension benefits and information at least six months prior to planned retirement to assure that all necessary paperwork from the State is processed in a timely manner.

(5) *Life Insurance*

Group Life Insurance is provided by the PFRS at no cost to the employee. Under PERS, group life insurance is provided on both a contributory and non-contributory basis. During the first 12 months of service, an employee is required to contribute 1% of his annual salary; thereafter, the employee may choose lesser coverage at a cost of 0.5% of salary.

(6) *Retired Employees Health Insurance Benefits*

The Borough elects to provide eligible retired employees with health insurance benefits. Employees qualify for retiree health coverage if they retire:

- (1) *With 25 years or more of service credit in the Police and Firemen's retirement system or the Public Employee Retirement System (PERS) and after 25 years of service with the Borough of Matawan; or*
- (2) *On a disability pension regardless of the number of years of service.*

Spouses and other dependents of employees may seek coverage under the retirees' health insurance plan, but must fully contribute to the cost of such plan.

Workers Compensation Policy:

The Borough of Matawan will provide Workers' Compensation as required by State Law for all employees.

PROCEDURE

- A. *Any time an accident or injury occurs while on the job, an employee shall report the incident to his/her supervisor immediately, no matter how small the injury. In addition, the supervisor must complete an accident report and give the report to the Department Head for submission to the Borough Administrator immediately after injury.*
- B. *Department Head will transmit the accident report to the Personnel Officer within twenty-four (24) hours.*
- C. *Continuation of benefits while on Workers' Compensation will be in accordance with N.J. Division of Pensions Employee Benefit Manual.*

Employee Assistance Policy:

RESERVED.

Educational Assistance and Training Policy:

The following policies and procedures pertain to employees other than those represented by unions or associations such as the PBA or IBEW. Employees represented by unions or associations shall be entitled to educational benefits, if any, as described in the applicable collective bargaining agreement.

(1) *Purpose*

To provide financial incentives for Borough employees to increase their ability to perform assigned responsibilities through successful completion of approved academic training programs.

(2) *Policy*

The Borough will reimburse employees up to the current dollar value of tuition at Brookdale Community College per credit rate for tuition costs incurred in the successful completion of approved course work.

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Employees wishing to attend private universities or colleges shall pay the difference between the tuition of the private college or university and the tuition of Brookdale Community College. This reimbursement shall not be applicable to course work taken at the direction of and at the expense of the Borough.

(3) Coverage

All full-time employees, other than those represented by unions or associations such as the PBA or IBEW, are eligible to participate in the Educational Incentive Program.

(4) Eligibility

- a. *Employee must be in good standing.*
- b. *Instruction must be conducted at a school approved by the governing body.*
- c. *The governing body must provide advance approval of the academic program.*
- d. *Employee must successfully complete the course in accordance with the school's academic standards.*
- e. *Covered courses are those which, in the judgment of the department head and Borough Administrator, will potentially increase the employee's ability to perform their current or projected responsibilities.*

(5) Procedure

- a. *Because all expenditures planned by the Borough must be appropriated in the calendar year budget, employees interested in taking a course shall provide the governing body with their written request no later than December 1st of the year preceding the anticipated registration for the course.*
- b. *The employee's written request shall state the following information:*
 - i. *Course title;*
 - ii. *Course description; and*
 - iii. *Name of educational institution*

If available, the employee shall attach the course description provided by the educational institution to his or her request. The employee shall file his or her written request along with information regarding the course with the Personnel Officer.

- c. *The governing body shall communicate its decision as to whether the course qualifies for reimbursement to the employee in writing. A copy of the governing body's communication will be filed with the Borough Treasurer to ensure that the Borough incorporates the provision for reimbursement in the budget.*
- d. *The employee should notify the governing body of his or her successful completion of an approved course by forwarding an official school document which evidences the employee's performance in the approved course and a receipt for tuition paid to the governing body.*
- e. *The governing body shall advise the Personnel Officer and the Borough Administrator by copy of a letter to the employee as to whether the employee shall be reimbursed and the rate at which the employee shall be reimbursed in accordance with the following schedule:*

Reimbursement Schedule

(Based on Brookdale Community College Prevailing Tuition)

<u>Grade Accomplished</u>	<u>% of Tuition Reimbursement</u>
80 – 100 %; A, or B, "Excellent" or "Good"	100%
Passing but below 80%; C, "Satisfactory"	50%
Below 70%; D, F, "Failure" or "Unsatisfactory"	0%

- f. *Employees who receive reimbursement under this policy must remain in the Borough's employ for at least five years after completing a course paid for by the Borough. If the employee voluntarily separates his or her employment within five years after completing a course paid for by the Borough, the employee must reimburse the Borough the tuition received under this policy.*

Employee Development and Attendance at Outside Meetings

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Outside activities are separated into two categories: Required; and Essential or Directly Beneficial to the Borough.

(1) *Required*

Required outside activities include seminars or classes that an employee must attend to obtain or maintain their position in the Borough.

Employees should submit requests to attend instructional sessions to the Borough Administrator for approval. Requests should be submitted in writing as soon as the employee is aware of the need for the instruction. The request must state the reason the instruction is required and the cost of the instruction.

The Borough will pay mileage and costs for courses or seminars required to maintain a currently held position.

For courses or seminars required to obtain the credentials for a position currently held or applied for, mileage will not be paid and tuition reimbursement will be made upon satisfactory completion of the required course. No reimbursements will be made until the employee presents proof of satisfactory completion to the governing body.

Mandatory Police Department courses require approval of the Police Chief.

(2) *Essential or Directly Beneficial to the Borough*

Certain employees will attend selected State and/or County meetings relevant to the employee's position. Employees shall submit request in writing to the Borough Administrator, who will keep the governing body abreast of the continuing development of the borough employees. The governing body will provide approval on an individual basis. Since employee attendance at these meetings benefit the borough, the borough will pay fees and mileage. Any meetings, conferences or seminars outside the State shall require special permission from the governing body. Essential or directly beneficial Police Department courses require approval of the Police Chief.

Conference and Seminar Policy:

See most recent policy available through the Borough Administrator's Office

SECTION FIVE – MANAGERIAL & SUPERVISORY PROCEDURES:

Employment Procedure:

- **Recruitment:** *The Borough Administrator in conjunction with the Personnel Officer will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Matawan, County of Monmouth, State of New Jersey is an equal opportunity employer.*
- **Applications:** *All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process.*
- **Interviews:** *The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants.*
- **Physical Examinations:** *The Borough Administrator may require applicants, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The Borough Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the borough. All medical records of employees and prospective employees are confidential and are to be maintained by the HIPAA coordinator separate from the employee's official personnel file.*

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- **Job Offers:** *The Borough Administrator shall notify the Mayor and/or Borough Council of which applicant he recommends for hire. The final decision will be made by the Borough Council or other individual so designated. The Borough Administrator shall ensure that all references and other information have been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.*
- **Acceptances and Rejections:** *If the first offer is rejected, the Borough Administrator will decide to recommend another candidate for hire or to re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.*
- **Record Retention:** *All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Personnel Officer. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.*

Nepotism Procedure:

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- *One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;*
- *One relative would be responsible for auditing the work of the other; or*
- *Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.*

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

Open Public Meetings Act Procedure concerning Personnel Matters:

Discussions by the governing body or anybody of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or anybody of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Borough may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

Processing and Orientation of New Employees Procedure:

All new regular full-time and regular part-time employees will be scheduled to meet with the Borough Administrator, Personnel Officer and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Personnel Officer for inclusion in the employee's official personnel file. The orientation will include:

- *A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;*
- *The completion of all pertinent personnel, payroll, insurance and pension forms;*
- *A review of the Employee Handbook and acknowledgement of receipt;*
- *A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt;*
- *The Employee Complaint Policy letter and acknowledgement;*
- *A safety orientation and acknowledgement; and*
- *Arrangements for the new employee to complete required PEOSHA safety training.*

Initial Employment Period Procedure:

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See Applicable Sections of Ordinance No. 96-43 "Policies and Procedures Manual of the Borough of Matawan"

Employee Handbook Procedure:

The Personnel Officer with the assistance of the Labor Attorney may draft an Employee Handbook for the approval of the Borough Administrator. A separate version of the Handbook may be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook may be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Performance Evaluation Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record. This is a legal document that is discoverable in lawsuits.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- ***Setting the Stage:*** *The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.*
- ***Confirm Expectations:*** *The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee understands of job requirements. Refer to the job description as appropriate.*
- ***Rating:*** *Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.*
- ***Discussing Future Plans:*** *This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.*
- ***Closing the Discussion:*** *When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.*

Outstanding means exceptional performance in all areas of responsibility. Planned objectives were achieved well above the established standards and accomplishments were made in unexpected areas.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

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Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) are to be forwarded to the Personnel Officer for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

Disciplinary Action Procedure:

All employees are expected to meet the borough's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the borough's policies and procedures and other disciplinary problems. Please note; however, that the Borough of Matawan is an at will employer, meaning that employment may be terminated at any time at the discretion of the Borough.

Should a supervisor believe that an employee is not conforming to the borough's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record:

- ***Verbal Warning:*** *Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the (Personnel Administrator title) for the employee's official personnel file.*
- ***Borough Administrator Review:*** *Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.*
- ***Written Warning:*** *When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Personnel Officer for the employee's official personnel file.*
- ***Suspension:*** *Whenever an employee is recommended for suspension, the Borough Administrator will make the decision and may seek the advice of the Labor Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.*
- ***Dismissal:*** *Whenever an employee is recommended for dismissal, the Borough Administrator will make any such recommendation to the Borough Council who will make the decision only after seeking the advice of the Labor Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.*

Personnel File Procedure:

The official personnel files shall be maintained by the Personnel Officer or the Borough Administrator and employee medical information will be maintained in a separate file. At least annually, the Personnel Officer will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall include at least the following:

- *The original application signed by the employee;*
- *Notes from any pre-employment interview and reference check;*
- *The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;*
- *A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;*
- *A signed acknowledgement that the employee has received the Employee Handbook;*
- *A signed acknowledgement that the employee received the safety orientation;*

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- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Employee Complaint Investigation Procedure:

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** *Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.*
- **Identification/Screening:** *The supervisor, Department Head, or Personnel Officer must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator, in which case the complaint shall be made directly to the Borough Council Committee on Finance & Personnel. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.*
- **Investigation:** *The Borough Administrator will seek the advice of the Labor Attorney when planning the investigation. The investigation should be conducted by the Labor Attorney or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.*
- **Response Plan – No Corrective Action Required:** *The Borough Administrator will discuss the conclusions with the Labor Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.*
- **Response Plan – Corrective Action Required:** *If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate with the advice of the Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.*

Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Personnel Officer. No employee may issue a reference letter without the permission of the Personnel Officer. Under no circumstances should any information be released over the phone.

In response to a request for information, the Personnel Officer will only verify an employee's name, dates of

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employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.

Continuing Education Procedure:

The Borough, in conjunction with the Labor Attorney, will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

Mayor Buccellato read by title Resolution 12-06-15: Borough of Matawan Court Status. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-15
BOROUGH OF MATAWAN COURT STAFF STATUS**

WHEREAS, *The Borough of Matawan Municipal Court will be discontinued as of 12:01 AM June 1, 2012 it is necessary to document the status of the Court Staff as follows:*

- *Judge John Colannino is an appointed employee and his position with Matawan Borough is terminated as of June 1, 2012 at 12:00 AM.*
- *Patricia Sickels, Court Administrator has been an employee for 25 years and will be reassigned to a position in the Matawan Police Department.*
- *Madeline Scalzo, Deputy Court Administrator has been assigned to Keyport Borough since August 2011 through a Shared Service Agreement; Madeline's position with the Borough of Matawan is terminated as of June 1, 2012 at 12:00 AM.*

NOW, THEREFORE, BE IT RESOLVED *that the Mayor and Council of the Borough of Matawan do hereby recognize these employees for the years of service and outstanding performance of their duties; we wish Madeline Scalzo well in pursuing her career in Municipal Court Administration, and we recognize Judge Colannino for the exceptional task he undertook and thank him for his assistance and patience during the transition of the Court.*

BE IT FURTHER RESOLVED *that a true certified copy of this Resolution shall be forwarded to the following Borough Departments: Administration, Clerk, Chief Financial Officer, Payroll, Police as well as the Borough of Keyport, Borough of Hazlet, Judge John Colannino, Patricia Sickels and Madeline Scalzo.*

Mayor Buccellato read by title Resolution 12-06-16: Authorizing the Appointment of Police Secretary – Patricia Sickels. Mayor Buccellato requested a motion. Councilwoman Gould made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez

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Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-16
AUTHORIZING THE APPOINTMENT OF POLICE SECRETARY
PATRICIA SICKELS**

WHEREAS, there is a vacancy in the position of Police Secretary in the Borough of Matawan Police Department; and

WHEREAS, there is a need for a Secretary in to Assist the Police Administration and Detective Bureau with various forms, reports, and records; and

WHEREAS, this employee can be assigned to the Records Department when needed and perform other work and assignments as directed by the Borough Administrator as needed; and

WHEREAS, the Borough of Matawan Municipal Court has closed effective June 1, 2012 12:01 AM; and

WHEREAS, Patricia Sickels, Court Administrator and an employee of the Borough of Matawan for the past 25 years, is qualified to fill this position in the Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Patricia Sickels be and is hereby reassigned to the Police Department to serve as Secretary as described herein effective June 1, 2012.

BE IT FURTHER RESOLVED that there will be no change in salary through December 31, 2012 at which time the position will be reevaluated.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Chief Financial Officer, Payroll, Police, and Patricia Sickels.

Mayor Buccellato read by title Resolution 12-06-17: Accepting the Tax Collector’s Annual Unaudited Report. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-17
ACCEPTING THE TAX COLLECTOR’S
ANNUAL UNAUDITED REPORT**

WHEREAS, NJSA 54:4-91 requires that the Tax Collector shall submit an annual statement of receipts to the governing body.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that the following Collector’s Annual Report of Receipts for the Year Ending December 31, 2011, be hereby acknowledged and accepted as submitted.

TAX COLLECTOR'S REPORT	
FOR THE YEAR ENDING DECEMBER 31, 2011	

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2009 Taxes	\$ 5,012.20
2010 Taxes	\$ 3,322.54
2011 Taxes	\$ 24,832,122.87
2012 Taxes	\$ 160,815.55
Interest	\$ 43,698.35
Spec Chgs-per reso lawn care	\$ 1,600.00
6% Penalty	\$ 1,560.28
Tax Search	\$ 320.00
Advertising Cost	\$ 6,136.71
Liquor License	\$ 18,540.36
Marriage License	\$ 144.00
Gen Bus Licenses	\$ 8,795.00
Peddlers License	\$ 20.00
Taxi Cab License	\$ 1,350.00
Taxi Driver License	\$ 600.00
Tree Permits	\$ 750.00
Raffle	\$ 620.00
Massage Parlor Permit	\$ 400.00
Massage Therapist	\$ 600.00
Towing License	\$ 200.00
Towing Applications	\$ 200.00
Building Inspector	\$ 47,467.00
Electrical Inspector	\$ 45,000.00
Plumbing Inspector	\$ 44,684.00
CO	\$ 1,823.00
Fire	\$ 17,086.00
Misc Inspector	\$ 5,170.00
Zoning Fee-Resident	\$ 1,995.00
Zoning Fee-Non Resident	\$ 2,700.00
Zoning Fence Walls	\$ 1,215.00
Zoning Shed & Structure	\$ 260.00
Zoning-Pools-Above	\$ 280.00
Zoning Pool "Inground"	\$ 150.00
Accident Reports	\$ 862.87
Property Maintenance	\$ 84.00
Cert. Copies	\$ 2,560.00
Firearms	\$ 310.00
Food Handling	\$ 11,065.00
Variance List	\$ 415.00
Street Opening	\$ 3,200.00
Zoning Board	\$ 4,795.00
Swimming Pool Permit	\$ 100.00
Return Ck	\$ 140.00
Fire Inspection	\$ 4,817.20
Fire Permits	\$ 1,788.00
Fire Status	\$ 1,085.00
CO Inspections	\$ 20,150.00
Building Rental Reg	\$ 15,750.00
Election Pay	\$ 557.46
Reinspect Fee BOFH	\$ 500.00
Maps	\$ 10.00
Xerox Copies	\$ 106.88
Zoning Books	\$ 50.00
Cablevision Fees	\$ 81,591.00
Bd of Health Plan Rev	\$ 700.00
Vendor Refunds	\$ 11,616.01
Petty Cash Closeout	\$ 250.00

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<i>Library State Aid</i>	\$ 4,060.00
<i>Recycling Tonnage Grant</i>	\$ 22,454.59
<i>Alcohol Rehab</i>	\$ 916.89
<i>Clean Community</i>	\$ 13,350.81
<i>T Mobile/Cell Rent</i>	\$ 57,736.97
<i>NJ Body Armor Grant</i>	\$ 2,289.36
<i>Misc Unanticipated</i>	\$ 59,611.86
<i>Sale of Assets</i>	\$ 185,000.00
<i>Tele Franchise Fee</i>	\$ 30,427.98
<i>YMCA Rent</i>	\$ 50,800.00
<i>Room Rental Com Ctr</i>	\$ 3,591.00
<i>Polling Place Rental</i>	\$ 1,600.00
<i>Damage Claims</i>	\$ 2,762.60
<i>Battered Persons</i>	\$ 1,200.00
<i>Court Fees & Costs</i>	\$ 112,407.53
<i>Minnisink Quarterly Taxes</i>	\$ 85,934.00
<i>Reimburse Comp Ins</i>	\$ 29,940.15
<i>Tax Sale Premium</i>	\$ 300,650.00
<i>Cost of Sale</i>	\$ 4,015.89
<i>Outside Liens Redeemed</i>	\$ 411,241.25
TOTAL FOR THE YEAR 2011	\$ 26,797,132.16

BE IT FURTHER RESOLVED, that a certified true copy of this Resolution shall be forwarded to the Borough Tax Collector and Treasurer.

Mayor Buccellato read by title Resolution 12-06-18: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion with the exception of Purchase Order No. 11-01663 to be held, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-06-18
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>	\$1,654,581.45
<i>Water & Sewer</i>	\$106,228.65
<i>Borough Capital</i>	\$54,794.79
<i>Water Capital</i>	\$162,494.46
<i>Grant</i>	\$5,195.18
<i>Borough Trust</i>	\$25,573.77
<i>Developers Escrow Account</i>	\$16,513.97
<i>Law Enforcement Trust</i>	\$750.00
<i>Railroad Parking Trust</i>	\$11,837.50
<i>Recreation Trust</i>	\$3,371.60
Total	\$2,041,341.37

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***BE IT FURTHER RESOLVED** copy of this Resolution shall be forwarded to the Borough the Chief Financial Officer and the Borough Auditor.*

Councilwoman Gould announced the Borough is organizing “Matawan Restaurant Week” for sometime this fall. Councilwoman Gould expressed her honor a being a part of the Memorial Day Parade. Councilwoman Gould gave the Construction Department report for April 2012:

- Permit income and certificates - \$8,369.00, year to date \$32,717.00
- Business, CCO, Miscellaneous - \$600.00, year to date \$1,875.00
- State Training Fees - \$317.00, year to date \$1,239.00
- Value of Construction Work - \$187,240.00, year to date \$5,742,124.00
- Permits Issued – 38, year to date 160

Councilman Lopez requested Council approval of Midway Hose Co. Volunteer Firefighter Alexander J. Betencourt. Councilman Fitzsimmons made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Councilman Fitzsimmons requested the March 31 and April 30, 2012 Treasurer’s Reports be added to the record.

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of March 31, 2012

Current Account	TD Bank	\$ 471,573.14
Tax Collector Trust Fund	TD Bank	\$ 0.00
Water & Sewer Account	TD Bank	\$ 241,976.81
Borough Capital Account	TD Bank	\$1,482,410.02
Utility Capital Account	TD Bank	\$1,509,591.03
Borough Trust Account	TD Bank	\$ 537,385.31
Boro Trust Summary – TD Bank	Cash Balances	
As of: March 31, 2012		
Fire Safety	\$29,462.96	
Fire Prevention/Dedicated Penalty	\$2,681.23	
Escrow	\$106,177.31	
Tax Redemptions	\$45,225.09	
POAA	\$872.44	
Donation	\$32,742.49	
Premiums	\$285,600.00	
Off Duty Police	\$27,854.63	
Public Defender	\$6,769.16	
Total	\$537,385.31	
Dog Tax Trust Account	TD Bank	\$5,909.03
Unemployment Insurance Account	TD Bank	\$970.79
Recreation Special Account	TD Bank	\$38,228.72
Recreation Trust Summary –TD Bank	Cash Balances	
As of: March 31, 2012		
Turkey Trot	\$26,644.76	
Summer Recreation	-\$30.05	
Summer Recreation Trips	\$107.82	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$916.97	
Men’s Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	

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Total		\$38,228.72
Accutrack Developers Escrow Acct	TD Bank	\$369,464.31
Law Enforcement Account	TD Bank	\$8,035.96
Railroad Parking Lot Trust	TD Bank	\$391,593.38
Total		<u>\$5,057,138.50</u>

Respectfully,
(Signature on File)
Monica Antista

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of April 30, 2012

Current Account	TD Bank	\$1,269,597.08
Tax Collector Trust Fund	TD Bank	\$ 0.00
Water & Sewer Account	TD Bank	\$ 560,029.37
Borough Capital Account	TD Bank	\$1,482,185.02
Utility Capital Account	TD Bank	\$183,878.29
Borough Trust Account	TD Bank	\$ 547,686.79
Boro Trust Summary – TD Bank	Cash Balances	
As of: April 30, 2012		
Fire Safety	\$29,462.96	
Fire Prevention/Dedicated Penalty	\$2,681.23	
Escrow	\$108,348.71	
Tax Redemptions	\$69,203.77	
POAA	\$900.44	
Donation	\$32,742.49	
Premiums	\$277,400.00	
Off Duty Police	\$20,138.03	
Public Defender	\$6,809.16	
Total	\$547,686.79	
Dog Tax Trust Account	TD Bank	\$2,852.13
Unemployment Insurance Account	TD Bank	\$970.89
Recreation Special Account	TD Bank	\$36,030.72
Recreation Trust Summary –TD Bank	Cash Balances	
As of: April 30, 2012		
Turkey Trot	\$24,446.76	
Summer Recreation	-\$30.05	
Summer Recreation Trips	\$107.82	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$916.97	
Men's Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	
Total	\$36,030.72	
Accutrack Developers Escrow Acct	TD Bank	\$268,355.43
Law Enforcement Account	TD Bank	\$8,036.78
Railroad Parking Lot Trust	TD Bank	\$390,928.38
Total		<u>\$4,750,550.88</u>

Respectfully,
(Signature on File)
Monica Antista

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Councilman Fitzsimmons requested Property Maintenance Office investigate the property on the corner of Johnson Avenue and the train station, the former Hutchinson's which until recently has been properly maintained by the owner.

Councilwoman Clifton reported on the success of the Memorial Day Parade thanking everyone who participated.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Andrew Scibor, 7 Clinton Street, Matawan. Mr. Scibor expressed his dissatisfaction that the repairs to his driveway and sprinkler system by the contractor have taken over nine months. Mayor Buccellato agreed stating the Borough Engineer advised the punch list is now being addressed, will check status tomorrow and call Mr. Scibor.

Mayor Buccellato closed the Privilege of the Floor.

Mayor Buccellato requested a motion to move back into executive session. No formal action will be taken. Councilwoman Angelini made the motion, seconded Councilman Fitzsimmons. Council agreed. Motion passed.

Adjournment

Mayor Buccellato requested a motion to adjourn. Councilwoman Angelini made the motion, seconded by Councilman Fitzsimmons. Council agreed. Motion passed.

Meeting adjourned at 8:30 PM.

Jean B. Montfort, RMC
Municipal Clerk