

**Borough of Matawan
Workshop Session
April 17, 2018**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on April 17, 2018 with Mayor Joseph Altomonte presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by publishing notification in The Independent on January 10, 2018, by sending notice to the Asbury Park Press, and by posting. A copy of said notice is and has been made available to the public and is on file in the Office of the Borough Clerk. A copy of said notice has also been sent to such members of the public as have requested such information in accordance with the Statute. Mayor Altomonte called the meeting to order at 7:03 PM requesting a roll call.

On roll call the following members responded present:

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Also, present were Louis C. Ferrara, Borough Administrator, Pasquale Menna, Esq., Borough Attorney, and Robert R. Keady, Jr. of T&M Associates, Borough Engineer.

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

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

Discussion Item(s)

Mayor Altomonte announced Discussion Item c. Redevelopment Commission will be tabled.

Election Polling Location ADA Compliance

Councilman Cannon reported the Matawan Aberdeen Board of Education has declined the use of Ravine Drive Elementary School as Voting District 5 based on safety concerns. Therefore, District 5 voting will move from ME Haley Fire House, 4 Cross Road, to the Matawan Municipal Community Center (MMCC), 201 Broad Street, effective with the June 5, 2018 Primary Election and continue for ALL future elections. Mayor Altomonte questioned the time frame. Ms. Wynne informed the Clerk's Office will send out postcards to all District 5 registered voters, there will be a website posting, multiple "robocalls" as well as published in both of the official newspapers, the *Asbury Park Press* and *The Independent*. In addition, signs will be posted at both the MMCC and ME Haley Firehouse, and District 2 as a reminder that they, too, vote at MMCC. Councilman Cannon added the Matawan Democratic Committee may also post someone at the old polling districts to redirect voters to their new polling location. He added to address possible traffic concerns at the MMCC, he asked Police Commissioner Salvatore to speak with the Police Department to assist with traffic. Ms. Wynne added there will be additional temporary handicapped parking at MMCC during voting.

Borough of Matawan Sick Leave Policy

Mr. Ferrara announced recent changes in State law raised the maximum amount to accumulated sick leave to \$15,000. Currently the Borough has differing dollar amounts on various departments. The Personnel Committee will discuss and arrive at a figure to be consistent within all departments.

Main Street Citizens Alliance Proposed Lake Lefferts Shack Painting Project

Mayor Altomonte asked if the Matawan High School Art Teacher or a member of the Main Street Citizens Alliance was present. Neither was in attendance. Mayor Altomonte stated after

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discussion Council requested additional drawings be presented for consideration. Councilman Cannon offered the submissions be open to any age group for more options.

Mayor Altomonte asked for a motion to close the Discussion Items. Councilman Reeve made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed.

Privilege of the Floor – Agenda Items Only

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

There were no comments.

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

Approval of Minutes

Mayor Altomonte requested a motion to approve the minutes of the March 20, 2018 Council Meeting. Councilman Reeve made a motion, seconded by Councilman Gunn. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the April 3, 2018 Council Meeting. Councilman Reeve made a motion, seconded by Councilman Buckel. Council agreed. Motion passed.

Old Business

Mayor Altomonte read by title Ordinance 18-04: Ordinance Amending and Supplementing the Code of the Borough of Matawan – Chapter XIX – Flood Damage Protection – The Flood Damage Prevention Ordinance (60.3) C – Section 1.0. Mayor Altomonte requested a motion to open the public hearing. Councilman Reeve made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 18-04: Ordinance Amending and Supplementing the Code of the Borough of Matawan – Chapter XIX – Flood Damage Protection – The Flood Damage Prevention Ordinance (60.3) C – Section 1.0, requesting a motion to adopt. Councilman Reeve made the motion, seconded by Councilwoman Salvatore. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
 Councilwoman Josi Salvatore
 Councilwoman Stephanie Buckel
 Councilman Brett Cannon
 Councilwoman Deana Gunn
 Councilman David Vergaretti

Motion passed.

***ORDINANCE 18-04
ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF
MATAWAN
CHAPTER XIX – FLOOD DAMAGE PROTECTION
THE FLOOD DAMAGE PREVENTION ORDINANCE
(60.3) C
Section 1.0***

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19-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

19-1.1 Statutory Authorization

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Council of the Borough of Matawan, of Monmouth County, New Jersey does ordain as follows:

19-1.2 Findings of Fact

a. The flood hazard areas of the Borough of Matawan are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

b. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

19-1.3 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Protect human life and health;*
- b. Minimize expenditure of public money for costly flood control projects;*
- c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- d. Minimize prolonged business interruptions;*
- e. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;*
- f. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;*
- g. Ensure that potential buyers are notified that property is in an area of special flood hazard; and*
- h. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.*

19-1.4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*
- b. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- c. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;*
- d. Controlling filling, grading, dredging, and other development which may increase flood damage; and,*
- e. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.*

19-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

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AO Zone – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

Appeal means a request for a review of the Construction Official's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding means a designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base flood means a flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect ($BFE = SWEL + \text{wave effect}$) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Development means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building shall mean a non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Erosion shall mean the process of gradual wearing away of land masses.

Existing Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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Flood Insurance Study (FIS) shall mean the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Flood Plain Management Regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard shall mean a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure shall mean any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision shall mean a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction shall mean structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision shall mean a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle shall mean a vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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Start of Construction (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure shall mean a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance shall mean a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation shall mean the failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

19-3 GENERAL PROVISIONS

19-3.1 Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of Borough of Matawan, Monmouth County, New Jersey.

19-3.2 Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard for the Borough of Matawan, Community No. 340311 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated June 20, 2018.
- b. "Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions)" as shown on Index and panel(s), 34025C0036G, 34025C0038F, whose effective date is June 20, 2018.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 201 Broad Street, Matawan, New Jersey 07747.

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19-3.3 Penalties for Noncompliance

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than two thousand (\$2,000.00) dollars or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Matawan from taking such other lawful action as is necessary to prevent or remedy any violation.

19-3.4 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

19-3.5 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- a. Considered as minimum requirements;*
- b. Liberally construed in favor of the Governing Body; and,*
- c. Deemed neither to limit nor repeal any other powers granted under State statutes.*

19-3.6 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of Borough of Matawan, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

19-4 ADMINISTRATION

19-4.1 Establishment of Development Permit

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Subsection 19-3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;*
- b. Elevation in relation to mean sea level to which any structure has been floodproofed.*
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 19-5.2-2; and,*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*
(Ord. No. 09-17 § 4.1)

19-4.2 Designation of the Local Administrator

The Construction Official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

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19-4.3 Duties and Responsibilities of the Administrator

Duties of the Construction Official shall include, but not be limited to:

a. Permit Review

1. *Review all development permits to determine that the permit requirements of this ordinance have been satisfied.*
2. *Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.*

b. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Subsection 19-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Construction Official shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Subsections 19-5.2a, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 19-5.2b, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

c. Information to be Obtained and Maintained

1. *Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.*
2. *For all new or substantially improved floodproofed structures:*
 - (a) *Verify and record the actual elevation (in relation to mean sea level); and*
 - (b) *Maintain the floodproofing certifications required in Subsection 19-4.1c.*
3. *Maintain for public inspection all records pertaining to the provisions of this ordinance.*

d. Alteration of Watercourses

1. *Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.*
2. *Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.*

e. Substantial Damage Review

1. *After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.*
2. *Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control Section.*
3. *Ensure substantial improvements meet the requirements of Subsections 19-5.2a, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 19-5.2b, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 19-5.2c, SPECIFIC STANDARDS, MANUFACTURED HOMES.*

f. Interpretation of Firm Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 19-4.4. (Ord. No. 09-17 §§ 4.5-4.3-5)

19-4.4 VARIANCE PROCEDURE

a. Appeal Board

1. *The Unified Planning/Zoning Board of Appeals as established by the Borough of Matawan shall hear and decide appeals and requests for variances from the requirements of this ordinance.*

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2. *The Unified Planning/Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official in the enforcement or administration of this ordinance.*

3. *Those aggrieved by the decision of the Unified Planning/Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided in NJSA 40:55D-1 et seq.*

4. *In passing upon such applications, the Unified Planning/Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:*

- (a) the danger that materials may be swept onto other lands to the injury of others;*
- (b) the danger to life and property due to flooding or erosion damage;*
- (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
- (d) the importance of the services provided by the proposed facility to the community;*
- (e) the necessity to the facility of a waterfront location, where applicable;*
- (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;*
- (g) the compatibility of the proposed use with existing and anticipated development;*
- (h) the relationship of the proposed use to the comprehensive plan and flood plain management program of that area;*
- (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;*
- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,*
- (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.*

5. *Upon consideration of the factors of Subsection 19-4.4.4a4 and the purposes of this ordinance, the Unified Planning/Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.*

6. *The Construction Official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.*

b. Conditions for Variances

1. *Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Subsection 19-4.4a4 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.*

2. *Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.*

3. *Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.*

4. *Variances shall only be issued upon:*

- (a) A showing of good and sufficient cause;*
- (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,*

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(c) *A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Subsection 19-4.4(1), or conflict with existing local laws or ordinances.*

5. *Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. No. 09-17 §§ 4.4-4.4-2)*

19-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

19-5.1 General Standards

In all areas of special flood hazards compliance with the applicable requirements of the Uniform Construction Code (NJAC 5:23) and the following standards, whichever is more restrictive, is required:

a. Anchoring.

1. *All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.*

2. *All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.*

b. Construction Materials and Methods.

1. *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*

2. *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

c. Utilities.

1. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;*

2. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;*

3. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and*

4. *For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

d. Subdivision Proposals.

1. *All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;*

2. *All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;*

3. *All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,*

4. *Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).*

e. Enclosure Openings. All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic

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flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. 09-17 §§ 5.1-5.1-5)

19-5.2 Specific Standards

In all areas of special flood hazards where base flood elevation data have been provided as set forth in Subsection 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in Subsection 4.3b, USE OF OTHER BASE FLOOD DATA, the following standards are required:

a. Residential Construction.

1. New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;

2. Require within any AO or AH zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

b. Nonresidential Construction.

1. In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment either:

(a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and

(b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

(c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;

(d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

(e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in subsection 19-4.3c2b.

c. Manufactured Homes.

1. Manufactured homes shall be anchored in accordance with subsection 19-5.1a2.

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

(a) Be consistent with the need to minimize flood damage,

(b) Be constructed to minimize flood damage,

(c) Have adequate drainage provided to reduce exposure to flood damage,

(d) Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and

(e) The manufactured home chassis is supported by reinforced piers or other

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foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

19-6 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

19-7 ENACTMENT

19-7.1 Adoption

This Ordinance shall be effective immediately upon final passage, approval and publication as required by law and shall remain in force until modified amended or rescinded by Borough of Matawan, Monmouth, New Jersey.

Clerk's Report

The Clerk reported the Financial Disclosure Statements (FDS) have been sent electronically to all local government officials required by State statute to complete an annual FDS. Should anyone have any questions or concerns, or require assistance to please contact her office.

Mayor's Report

No report.

Administrator's Report

Mr. Ferrara informed his report has been electronically transmitted, noting a few updates will be reviewed in Executive Session.

Attorney's Report

No report.

Engineer's Report

Mr. Keady reported the following:

- Lake Matawan Dam – The Emergency Action Plan has been completed and submitted to the NJDEP. Currently working on the dam inspection report. The field inspection report portion has been completed.
- Gravelly Brook Park Improvement Phase I – The punch-list is expected to be completed this month. The contractor had some weather delays through the months of March and early April.
- 2017 Road Program Improvement Program Contract 1 – The contractor will be restarting their work next week.
- 2017 Road Program Improvement Program Contract 2 – Received NJDOT approval to go out to bid scheduled for May 9, 2018.
- Main Street Streetscape Improvements Project – JCP&L will have the service installed by Friday, April 20, 2018. Coordinating with the County regarding the paving of portions of Main Street.

Councilman Cannon asked Mr. Keady when he anticipates the lock to be taken off the entrance to Gravelly Brook Park. Mr. Keady explained they are trying to give time to the grass to germinate and recommended a while longer until some spring conditions for ideal growth, possibly mid-to-end-of May. Mayor Altomonte requested the status of Gravelly Brook Park Improvements Phase 2. Mr. Keady informed the design has been initiated and expects the work to start and be completed by probably mid-summer into fall.

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Construction, Finance

Councilman Reeve provided Construction Report for March 2018:

Description	Current Month	Year-to-Date
Permit Income/Certificate	\$ 11,515.00	\$ 35,412.00
Business CCOs/Misc Fees	\$225.00	\$ 750.00
State Permit Surcharge Fees	\$794.00	\$ 1,723.00
Penalties	0	\$ 0
TOTAL	\$12,534.00	\$ 37,885.00
Paid to Matawan General Fund	\$10,811.00	\$ 36,162.00
Paid to State Quarterly Payment	0	\$ 0
Value of Construction Work	\$440,483.00	\$ 1,473,997
Permits Issued	49	112

Police, ADA, Recreation

Councilwoman Salvatore reported:

- Chief Gallo officially announced his retirement effective June 1, 2018 with his last day of service to be May 31, 2018.
- The command staff is writing general orders regarding random drug testing.
- The Police Patrol Division has responded to over 411 calls for the period of April 1 – April 15 with over 2,700 calls to date.
- Members of the Traffic Safety Unit coordinated several road closures during the recent storm which brought several inches of rain to the Borough causing flood conditions on Ravine Drive, Aberdeen Road, and Matawan Avenue. They also monitor the various construction projects within the Borough.
- The K9 unit of Patrolman Joseph Mason and his partner, Blade, are currently attending K9 scent school, hosted by the NJ State Police, with training through the end of June.
- Between April 1–15, detectives have investigated nine theft reports, three reports of criminal mischief, and five reports of fraud and burglary to a residence. Background investigations were conducted for 15 solicitor licenses, 16 fire arm applications, 4 taxi driver applications and 2 massage parlor applications.
- Sgt. Patrick Walker, the active shooter instructor for the Department, will continue to present in-service training, in conjunction with the Aberdeen Township Police Department, to the faculty and staff until all are trained.

DPW, Property Maintenance, Recyling & Sanitation

Councilwoman Buckel thanked the DPW for the wonderful job in assisting with the Environmental Commission Cleanup. She noted they were especially acknowledged from the Clean Communities personnel for the great job they did.

Councilwoman Buckel reiterated any resident with DPW or water issues should contact John Applegate, DPW Superintendent, and for garbage or recycling issues, contact Grace Rainforth, Recycling Coordinator. Both do a wonderful job and will assist with any issue as soon as they are informed. All contact information can be found on the Borough website.

Planning/Zoning, Fire, Historic Sites

Councilman Cannon reported with his access to an app. and online service to monitor Fire Department calls, their response time is impressive. Also, he, Mayor Altomonte, and Councilman Vergaretti attended a meeting with the Fire Department to explore different insurance coverage options, and eventually present to the Mayor and Council.

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Economic Business Development, Environmental, Main Street Development

Councilwoman Gunn reported on the success of the first annual Spring Clean Up on April 14, 2018, informing over 50 individuals attended, including the Boy and Girl Scouts. She thanked the Environmental Commission, including Dan Wieczorck and the event coordinator, Meredith Comi. A report from Clean Communities about the amount of trash collected is pending. The Environmental Commission distributed 100 tree seedlings to the volunteers. She is working with the Recreation Director and the Borough to participate in 'Paint the Town Pink', which runs the month of May, to encourage women to take care of their preventative health. Pink ribbons will be seen around town, along with a banner display at Terhune Park. Also, Councilwoman Buckel reported on her attendance to the Energy Audit Update meeting with the Borough Administrator and Sunlight General Capital, and the plans are coming along nicely. The windows will be installed at MMCC around May 23, 2018, and Borough Hall should be completed with energy panels by late July with the Police and Water Department buildings expected to be done by the end of August.

Animal Advisory Board, Shade Tree, Personnel

Councilman Vergaretti invited everyone to the Arbor Day Celebration to be held on Friday, April 27, 2018, at 6:00PM, on Broad Street in front of the MMCC. There will be a tree planting of an 'Autumn Glory' in the red maple family. Also, the Shade Tree Commission was helpful in selecting trees to plant for the new Recycling Center.

Consent Agenda

Mayor Altomonte read by title Resolutions 18-04-16 through and including 18-04-27, requesting a motion to approve en masse. Councilman Reeve made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 18-04-16
REDEMPTION OF TAX SALE CERTIFICATE
LAWRENCE GERBER
CERTIFICATE #15-00102**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #15-00102 was sold to the Lawrence Gerber, 38 Kingfisher Ct., Marlboro, NJ 07746; and

WHEREAS, the Certificate has been paid and fully redeemed for the property owner, Block 115, Lot 36, otherwise known as 1 Lakeside Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$641.68 to the above for the redemption of Tax Sale Certificate #15-00102.

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

**RESOLUTION 18-04-17
REDEMPTION OF TAX SALE CERTIFICATE
TFS CUST FOR FIG CAP INV. NJ13, LLC DEPOSIT ACCT
CERTIFICATE #17-00071**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #17-00071 was sold to TFS Cust for FIG Cap Inv. NJ13, LLC Deposit Acct, PO Box 54472, New Orleans, LA 70154; and

WHEREAS, the Certificate has been paid and fully redeemed for the property owner, Block 105, Lot 15.01, otherwise known as 797 Route 34.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$662.91, and a Premium of \$1,100.00 to the above for the redemption of Tax Sale Certificate #17-00071.

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 18-04-18
REDEMPTION OF TAX SALE CERTIFICATE
BOROUGH OF MATAWAN
CERTIFICATE #17-00078**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #17-00078 was sold to Borough of Matawan, 201 Broad Street, Matawan, NJ 07747; and

WHEREAS, the Certificate has been paid and fully redeemed for the property owner, Block 115, Lot 36, otherwise known as 1 Lakeside Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,182.44 to the above for the redemption of Tax Sale Certificate #17-00078.

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

**RESOLUTION 18-04-19
REDEMPTION OF TAX SALE CERTIFICATE
740 PARK AVENUE TR
CERTIFICATE #17-00092**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #17-00092 was sold to 740 Park Avenue TR, 45 Spark Place, #163, Morristown, NJ 07960; and

WHEREAS, the Certificate has been paid and fully redeemed for the property owner, Block 123.02, Lot 4, otherwise known as 9 Somerset Place.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$235.06, and a Premium of \$500.00 to the above for the redemption of Tax Sale Certificate #17-00092.

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

**RESOLUTION 18-04-20
AUTHORIZING REFUND OF TAX OVERPAYMENT
212 VILLANOVA PLACE – BLOCK 120, LOT 13**

WHEREAS, the following property has been overpaid for the year 2018 as a result of the reason outlined below; and

WHEREAS, the property owner's mortgage company has requested a refund be returned to the previous owner, in order to clear the account; and

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

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

<u>Block/Lot</u>	<u>Vendor</u>	<u>Amount of Refund</u>	<u>Notation</u>
120/13	Mirza Sahovic	\$2,700.29	Account paid twice as a result of sale of property

**RESOLUTION 18-04-21
AUTHORIZING REFUND OF TAX OVERPAYMENT
425 SLOAN COURT – BLOCK 120, LOT 5.01**

WHEREAS, the following property has been overpaid for the year 2018 as a result of the reason outlined below; and

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

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

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

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<u>Block/Lot</u>	<u>Vendor</u>	<u>Amount of Refund</u>	<u>Notation</u>
120/5.01	Nancy McClenahan	\$5,536.97	Owner prepaid and is now selling property

**RESOLUTION 18-04-22
APPROVAL OF SOLICITORS PERMIT
DANIEL J. KIEFER**

WHEREAS, Daniel J. Kiefer, (Independent Life Insurance Agent) has passed the required Police Department background checks; and

WHEREAS, Daniel J. Kiefer, has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.

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

Business/Applicant: Daniel J. Kiefer
273 Route 34
Colts Neck, NJ 07722

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

**RESOLUTION 18-04-23
APPROVAL OF SOLICITORS PERMIT
ROYAL ENTERPRISE SOLUTIONS**

WHEREAS, Royal Enterprise Solutions, (Estimates on roofing, siding, or windows) has passed the required Police Department background checks; and

WHEREAS, Royal Enterprise Solutions, has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.

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

Business: Royal Enterprise Solutions
15 Corporate Place South, Suite 150
Piscataway, NJ 008854

Applicant: Rodolfo Gonzalez
1405 Aspen Court
Piscataway, NJ 08854

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

**RESOLUTION 18-04-24
DENIAL OF TOWING & STORAGE CONTRACTORS LICENSE
B&B TOWING**

WHEREAS, B&B Towing, has applied for a Towing & Storage Contractor License; and

WHEREAS, the Matawan Police Department recommended the license not be issued to B&B Towing, as stated in Chapter 4 – Licensing and Business Regulations, Section 4-12.6(1) – The towing and storage contractor shall be owned or operated by a person, firm, partnership, association or corporation engaged in the business of operating a towing and storage service within the Borough of Matawan and/or the surrounding area in a five (5) mile radius of the Borough of Matawan, and Applicant is 7.72 miles outside of the radius of the Borough of Matawan; and

WHEREAS, it is important for contractors of towing services to be located in the area designated in the Ordinance for efficiency of operation and availability of service to both the Police Department and the general public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby deny the following Towing & Storage Contractor License:

Applicant: Harold Ware
B&B Towing
77 Route 520
Englishtown, NJ 07726

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

**RESOLUTION 18-04-25
APPROVAL OF BOROUGH OF MATAWAN
VOLUNTEER FIRE DEPARTMENT
2018 “COIN TOSS”**

***WHEREAS**, the Borough of Matawan Volunteer Fire Department has requested they be allowed to conduct a “coin toss” as follows for the 2018 year:*

<i>Saturday, May 19, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Sunday, May 20, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Saturday, July 21, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Sunday, July 22, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Saturday, September 8, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Sunday, September 9, 2018</i>	<i>9:00 AM to 1:00 PM</i>
<i>Saturday, October 13, 2018</i>	<i>8:00 AM to 1:00 PM</i>
<i>Sunday, October 14, 2018</i>	<i>8:00 AM to 1:00 PM</i>

*Locations: Route 34 and Broad & Main Streets on Saturdays
 Freneau Fire House - Route 79 and Mill Road & Wilson Avenue on Sundays; and*

***WHEREAS**, the Borough of Matawan Volunteer Fire Department uses revenue generated from the “coin toss” to provide the Fire Department with many items that enable the department to enhance their service the community.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan hereby approves the request of the Borough of Matawan Volunteer Fire Department for their “coin toss.”*

***BE IT FURTHER RESOLVED**, the Council of the Borough of Matawan directs the Borough Clerk to forward a copy of this resolution to County of Monmouth Counsel, Hall of Records, Room 236, One East Main Street, Freehold, New Jersey 07728 for the approval of the Board of Chosen Freeholders.*

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

**RESOLUTION 18-04-26
QUALIFIED FOR CREDIT UNDER THE
LOSAP PROGRAM FOR THE YEAR 2017
FIRE DEPARTMENT**

***WHEREAS** Ordinance #03-18 of the Borough of Matawan implemented the Length of Service Award Program (LOSAP) for the Matawan Fire Department and was passed by voters by a referendum on November 4, 2003; and*

***WHEREAS** pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and*

***WHEREAS** the Governing Body has received and reviewed such certified list from the Matawan Fire Department.*

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

- Per the certified list received, the following Matawan Fire Department members are hereby approved to receive the 2017 LOSAP award:*

<i>Robert Adragna</i>	<i>Ed Lee</i>
<i>James P. Archibald</i>	<i>Martin Lipera</i>
<i>Michael Azzarello</i>	<i>Andrew P. Marsala</i>
<i>Raymond W. Bassford</i>	<i>Neil J. Matthaey</i>
<i>Freddy Benjamin</i>	<i>Tammy A. Michitsch</i>
<i>Timothy L. Berliner</i>	<i>Jessica M. Michitsch</i>
<i>Peter Berliner</i>	<i>Richard Michitsch</i>
<i>Brian Bernath</i>	<i>Gerard V. Pandolfo, Jr.</i>

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<i>Timothy Clifton, Sr.</i>	<i>Eugene Paul Richards</i>
<i>Daniele Dicarlo</i>	<i>Peter Rivera</i>
<i>James J. Duffy</i>	<i>Neal Roser</i>
<i>James P. Duffy</i>	<i>Scott Royle</i>
<i>Patrick T. Fitzmaurice</i>	<i>James G. Snyder</i>
<i>Gary M. Foti</i>	<i>Shawn Sohan</i>
<i>Peter S. George, Sr.</i>	<i>Stephen Tatarka</i>
<i>Leslie Gillman</i>	<i>Brian Thompson</i>
<i>Ted Glick</i>	<i>Zoltan J. Varsanyi</i>
<i>Douglas Hrehowesik</i>	<i>Anthony Washington</i>
<i>Ronald W. Johnson</i>	<i>Daniel F. Wisniewski</i>
<i>Nandoo Khandolkar</i>	<i>Robert L. Ziegler</i>
<i>Christopher Lambros</i>	<i>Harry I. Zober</i>

The amount each qualified member will receive for the 2017 LOSAP award is \$1,150.00:

<i>Robert Adragna</i>	<i>Ted Glick</i>
<i>James P. Archibald</i>	<i>Christopher Lambros</i>
<i>Michael Azzarello</i>	<i>Ed Lee</i>
<i>Raymond W. Bassford</i>	<i>Jessica M. Michitsch</i>
<i>Freddy Benjamin</i>	<i>Richard Michitsch</i>
<i>Timothy L. Berliner</i>	<i>Scott Royle</i>
<i>Peter Berliner</i>	<i>Stephen Tatarka</i>
<i>James J. Duffy</i>	<i>Daniel F. Wisniewski</i>
<i>Peter S. George, Sr.</i>	<i>Harry I. Zober</i>

The amount each qualified member will receive for the 2017 LOSAP award is \$750.00:

<i>Brian Bernath</i>	<i>Tammy A. Michitsch</i>
<i>James P. Duffy</i>	<i>Gerard V. Pandolfo, Jr.</i>
<i>Leslie Gillman</i>	<i>Eugene Paul Richards</i>
<i>Douglas Hrehowesik</i>	<i>Peter Rivera</i>
<i>Ronald W. Johnson</i>	<i>Neal Roser</i>
<i>Neil J. Matthaey</i>	<i>Zoltan J. Varsanyi</i>

The amount each qualified Member will receive for the 2017 LOSAP award is \$500.00

<i>Timothy Clifton, Sr.</i>	<i>Andrew P. Marsala</i>
<i>Daniele Dicarlo</i>	<i>James G. Snyder</i>
<i>Patrick T. Fitzmaurice</i>	<i>Shawn Sohan</i>
<i>Gary M. Foti</i>	<i>Brian Thompson</i>
<i>Nandoo Khandolkar</i>	<i>Anthony Washington</i>
<i>Martin Lipera</i>	<i>Robert L. Ziegler</i>

- The certified list of members is posted at the office of the Municipal Clerk of the Borough of Matawan and at the Matawan Fire Department for a period of 30 days to allow sufficient time for membership review.*
- Appeals shall be mailed to the Municipal Clerk of the Borough of Matawan, 201 Broad Street, Matawan, NJ 07747, and must be received within 30 days of the posting date of the approved certified list.*

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Fire as well as Borough Auditor and Lincoln Financial Advisors Corp.

**RESOLUTION 18-04-27
RELEASE OF ESCROW FUNDS
STEPHEN & ANNETTE ASCOLI
31 DANIEL DRIVE - BLOCK 65.04, LOT 1**

WHEREAS, Stephen & Annette Ascoli have requested the release of the balance on their escrow account for the property located at 31 Daniel Drive - Block 65.04, Lot 1 – Matawan, New Jersey; and

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WHEREAS, the Planning/Zoning Board Attorney, the Planning/Zoning Board Engineer, the Borough Engineer and Borough of Matawan Construction Office have certified any and all outstanding issues and billing have been satisfied, and have recommended the release of all remaining escrow.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of all remaining escrow in the account to Stephen & Annette Ascoli for 31 Daniel Drive – Block 65.04, Lot 1 – 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, Construction, Finance, Fire Prevention as well as the Borough Engineer, Planning/Zoning Attorney, Planning/Zoning Engineer and Stephen & Annette Ascoli.

New Business

Mayor Altomonte read by title Ordinance 18-05: Bond Ordinance Amending and Supplementing Bond Ordinance No. 05-11 Finally Adopted on May 17, 2005, as Amended by Bond Ordinance No. 07-22 Finally Adopted on August 21, 2007, and as Amended and Supplemented by Bond Ordinance No. 17-07 Finally Adopted on April 18, 2017 in Order to Revise the Amounts and Projects Referred to Therein and to Increase the Amount Provided for Items of Expense Pursuant to NJSA 40A:2-20. Mayor Altomonte requested a motion to introduce. Councilman Reeve made the motion, seconded by Councilwoman Gunn. Council agreed. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

ORDINANCE 18-05

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 05-11 FINALLY ADOPTED ON MAY 17, 2005, AS AMENDED BY BOND ORDINANCE NO. 07-22 FINALLY ADOPTED ON AUGUST 21, 2007, AND AS AMENDED AND SUPPLEMENTED BY BOND ORDINANCE NO. 17-07 FINALLY ADOPTED ON APRIL 18, 2017 IN ORDER TO REVISE THE AMOUNTS AND PROJECTS REFERRED TO THEREIN AND TO INCREASE THE AMOUNT PROVIDED FOR ITEMS OF EXPENSE PURSUANT TO N.J.S.A. 40A:2-20

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by of the Borough of Matawan, a municipal corporation of the State of New Jersey (the “Borough”) as general improvements. For the improvements or purposes described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$235,000 (such sum being in addition to the \$1,280,000 appropriated in Section 3 of Bond Ordinance No. 05-11 finally adopted on May 17, 2005, as amended by Bond Ordinance No. 07-22 finally adopted on August 21, 2007, as amended and supplemented by Bond Ordinance No. 17-07 finally adopted on April 18, 2017 (the “Prior Ordinance”), including a grant in the amount \$100,000 expected to be received by the Borough from the County of Monmouth, and the sum of \$6,500 as the additional down payment required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by the application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$128,500 pursuant to the Local Bond Law (such sum being in addition to the \$900,000 authorized in the Prior Ordinance). In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Section 2 of the Prior Ordinance is hereby amended to read as follows:

Section 2. Section 3 of the Prior Bond Ordinance is hereby amended to read as follows:

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

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(a) Various capital improvements to Lakefront Recreation Area - Phase II and sidewalks and lighting on Ravine Avenue, and recreation improvements at various locations in the Borough, including all work and materials necessary therefor and incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$534,200 (including a \$85,000 grant from the County of Monmouth)	\$427,810	15 years

(b) Various capital improvements at Gravelly Brook Park (Phase 1 and Phase 2) in the Borough, including all work and materials necessary therefor and incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$980,800 (including two grants from the County of Monmouth in the aggregate amount of \$350,000)	\$600,690	15 years

<u>TOTAL APPROPRIATION</u>	<u>TOTAL BOND AUTHORIZATION</u>	<u>AVERAGE PERIOD OF USEFULNESS</u>
\$1,515,000	\$1,028,500	15 years'''

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

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

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

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

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

(c) An aggregate amount not exceeding \$45,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance (such sum being in addition to the \$335,000 collectively authorized pursuant to N.J.S.A. 40A:2-20 pursuant to Bond Ordinance No. 05-11 finally adopted on May 17, 2005, as amended by Bond Ordinance No. 07-22 finally adopted on August 21, 2007, as amended and supplemented by Bond Ordinance No. 17-07 finally adopted on April 18, 2017).

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$128,500 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

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

Mayor Altomonte read by title Ordinance 18-06: Bond Ordinance Providing for Transit Village Improvements by the Borough of Matawan, Appropriating \$250,000 Therefor and Authorizing the Issuance of \$238,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof. Mayor Altomonte requested a motion to introduce. Councilman Reeve made the motion, seconded by Councilwoman Salvatore. Council agreed. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

**ORDINANCE 18-06
BOND ORDINANCE PROVIDING FOR TRANSIT VILLAGE
IMPROVEMENTS BY THE BOROUGH OF MATAWAN, APPROPRIATING
\$250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$238,000
BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF**

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Matawan, a municipal corporation of the State of New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$250,000, including the sum of \$12,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$238,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement or purpose hereby authorized for which bonds or notes are to be issued is for capital improvements for the Borough Transit Village, including all work and materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 of this bond ordinance.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation stated in Section 1 of this bond ordinance.

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

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

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

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

(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 10 years.

(c) An aggregate amount not exceeding \$70,000.00 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$238,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

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

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

Mayor Altomonte read by title Ordinance 18-07: Amending and Supplementing the Code of the Borough of Matawan Chapter V – Animal Control – Section 5-2.3 – Fees. Mayor Altomonte requested a motion to introduce. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Council agreed. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

**ORDINANCE 18-07
ORDINANCE AMENDING AND SUPPLEMENTING
THE CODE OF THE BOROUGH OF MATAWAN
CHAPTER V – ANIMAL CONTROL – SECTION 5-2.3 – FEES**

BE IT ORDAINED by the Council of the Borough of Matawan as follows:

Chapter V, Section 5-2.3 – Fees is hereby amended and supplemented as follows:

5-2.3 Fees.

a. A person applying for a license for a non- potentially dangerous dog shall pay to the Borough the sum of twelve dollars and no cents (\$12.00) or the licensing of each such dog and the additional sum fixed by NJSA 4:19-15.3 for the registration tag of each dog. An additional fee of five (\$5.00) dollars per dog shall be assessed against dog owners who license their dogs as of March 1 of the licensing year. There shall be a charge of one (\$1.00) dollar for the replacement of a registration tag during any current licensing year.

b. A person applying for a potentially dangerous dog license shall pay to the Borough the sum of seven hundred (\$700.00) dollars for the licensing of each dog, pursuant to NJSA 4:19-31, as well as the additional sums fixed under NJSA 4:19-15.3. The fees collected under this provision shall be deposited in a special account as required by NJSA 4:19-35, to be used by the Borough of Matawan to administer and enforce the provisions of NJSA 4:19-17 through 37, which govern the regulation of potentially dangerous or vicious dogs.

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c. Dogs used as guides for blind persons and commonly known as seeing-eye dogs, dogs used to assist handicapped persons or which are commonly known as service dogs, or dogs used to assist deaf persons and commonly known as hearing-ear dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee, as per the provisions of NJSA 4:19-15.31.

d. A person applying for a cat license shall pay to the Borough the sum of ten dollars and no cents (\$10.00) for the licensing of each such cat, and any additional sums as fixed by State law. An additional fee of five (\$5.00) dollars per cat shall be assessed against cat owners who license their cats as of March 1 of the licensing year. There shall also be a charge of one (\$1.00) dollar for the replacement of a registration tag during any current licensing year.

e. There shall also be an additional fee of three (\$3.00) dollars for any dog or cat of reproductive age which has not had its reproductive capacity neutered. (Ord. No. 08-25)

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and the same are hereby repealed.

BE IT FURTHER ORDAINED, if any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, this ordinance shall take effect upon final passage and publication as provided by law.

Mayor Altomonte read by title Resolution 18-04-28: Award of Contract for Transit Village Improvements – Seacoast Construction, Inc.. Mayor Altomonte requested a motion. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

**RESOLUTION 18-04-28
AWARD OF CONTRACT FOR TRANSIT VILLAGE IMPROVEMENTS
SEACOAST CONSTRUCTION, INC.**

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the Transit Village Improvements; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Transit Village Improvements; and

WHEREAS, the Borough of Matawan received six (6) bids for the aforesaid contract; and

WHEREAS, Seacoast Construction, Inc. has submitted the low bid in the total amount of Four Hundred Forty-Two Thousand, Two Hundred Sixty-Six Dollars and Seventy-Three Cents (\$449,266.73); and

WHEREAS, Robert Keady of T&M Associates has reviewed, approved and recommended the bid of Seacoast Construction, Inc. for the aforesaid contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the contract for the Transit Village Improvements be and is hereby awarded to Seacoast Construction, Inc., 15 Addington Court, East Brunswick, New Jersey 08816, for the amount as indicated above and in accordance with all Contract specifications, contracts and documents, commencing twenty (20) days after publication, subject to adoption of funding Bond Ordinance and certification by the Chief Financial Officer that funds are available, review and approval of Contract documents by the Borough Attorney and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, approval of the New Jersey Department of Transportation and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract, commencing twenty (20) days after publication.

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

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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 C-04-55-917-302 Budget of the Borough of Matawan for the contract awarded to Seacoast Construction, Inc. for the Transit Village Improvements, in an amount not to exceed Four Hundred Forty-Two Thousand, Two Hundred Sixty-Six Dollars and Seventy-Three Cents (\$442,266.73).

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
Dated: April 17, 2018



March 14, 2018
Via email and First Class Mail

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

Re: Transit Village Improvements
Review of Bids and Recommendation of Award

Dear Mr. Ferrara:

On Wednesday, March 14, 2018, bids were received for the above referenced project. A detailed bid summary is attached. Six bids were received as summarized below:

Bidders	Total
Seacoast Construction	\$449,266.73
Jads Construction	\$503,903.73
Black Rock Enterprises	\$529,212.05
S. Batata Construction	\$559,889.12
Mixalia Enterprises	\$670,000.00
Berto Construction	\$846,038.62*
Engineer's Estimate	\$482,843.30
*corrected amount	

The apparent low bidder is Seacoast Construction, 15 Addington Court, East Brunswick, New Jersey 08816. Their documentation was reviewed and found acceptable from an engineering standpoint. They have successfully completed similar projects and we find them capable of completing the subject project.

We recommend that the project be awarded to Seacoast Construction for the amount base of \$449,266.73 if funds are available. The award shall be made subject to the approval of the Borough Attorney, NJ Department of Labor, Office of Wage and Hour Compliance and concurrence by the New Jersey Department of Transportation.

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

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

RRK:RG:dk
Enclosures

c: Mayor and Council
Karen Wynne, Clerk (via email with copies of 3 low bid packages & mail with 6 original bid packages)
Pasquale Menna, Attorney (via email with copies of 3 low bid packages)
Monica Antista, CFO via email
Robin Klinger, Deputy Clerk

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Mayor Altomonte read by title Resolution 18-04-29: Resolution Authorizing Asbestos Management Services – T&M Associates – Selective Asbestos Identification Survey – Project Monitoring Phase Services Related to Boiler Replacement at the Matawan Municipal Community Center Annex. Mayor Altomonte requested a motion. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

**RESOLUTION 18-04-29
RESOLUTION AUTHORIZING
ASBESTOS MANAGEMENT SERVICES
T&M ASSOCIATES
SELECTIVE ASBESTOS IDENTIFICATION SURVEY
PROJECT MONITORING PHASE SERVICES RELATED TO
BOILER REPLACEMENT AT THE
MATAWAN MUNICIPAL COMMUNITY CENTER ANNEX**

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of the Borough Administrator, hereby acknowledges and memorializes Items 3 and 4 of the attached proposal for professional asbestos management services to T&M Associates for selective asbestos identification survey, project design & project monitoring services related to boiler replacement at the Matawan Municipal Community Center Annex, 201 Broad Street, Matawan, New Jersey 07747 in an amount not to exceed Twenty Thousand Dollars and No Cents (\$20,000.00).

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

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 C-04-55-900-528 Budget of the Borough of Matawan to T&M Associates for selective asbestos identification survey, project design & project monitoring services related to boiler replacement at the Matawan Municipal Community Center Annex, 201 Broad Street, Matawan, New Jersey 07747 for the Borough of Matawan in an amount not to exceed Twenty Thousand Dollars and No Cents (\$20,000.00).

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: April 17, 2018*

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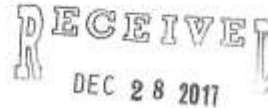
YOUR GOALS. OUR MISSION.

December 21, 2017



Via Email: Louis.Ferrara@MatawanBorough.com

Mr. Louis Ferrara
Borough Administrator, Chief Administrative Officer
Borough of Matawan
201 Broad Street
Matawan, New Jersey 07747



**Re: Proposal for Professional Services
Asbestos Management Services
Selective Asbestos Identification Survey, Project Design & Project Monitoring Services
Related to Boiler Replacement at Matawan Borough Hall Annex
201 Broad Street
Matawan, Monmouth, Borough, New Jersey
T&M Project No. MATNOH-16002**

Dear Mr. Ferrara:

T&M understands that the Borough of Matawan (the Borough) is requesting asbestos management services for the above referenced project. This proposal contains our understanding of the project, the specific scope of services and our compensation for these services.

PROJECT BACKGROUND

We understand that significant energy improvements are planned for the subject building, which would include the removal of the existing two (2) sectional boiler units at the Matawan Borough Hall Annex. This replacement project will impact potential asbestos-containing materials that may be associated with the two (2) boiler units, the boiler flues, the associated piping in the vicinity of the boiler units, several pumps and interior boiler refractory insulation.

Accordingly, the Borough needs to plan for the handling of the anticipated asbestos-containing materials (ACM's) that are associated with the boiler units exteriors/interiors and the associated mechanical equipment (i.e., tanks, piping, boiler flues, etc.) that will be impacted by the overall project.

We understand that a qualified asbestos management consultant is now being solicited to conduct a selective asbestos identification survey of the Boiler Room space in order to identify asbestos-containing materials; to provide engineering design and develop technical specification documents for the asbestos abatement project (to be provided to the General Contractor for use with his Asbestos Abatement Subcontractor); and to provide on-site monitoring, air sampling, and project management during the asbestos abatement project.

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Selective Asbestos Identification Survey, Project Design & Project Monitoring Services
Related to Boiler Replacement at Matawan Borough Hall Annex
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The referenced facility falls within the administrative scope of New Jersey's Asbestos Hazard Abatement Subcode, N.J.A.C. 5:23-8 (the Subcode). The Subcode is part of the New Jersey Uniform Construction Code and it imposes certain licensing, training, documentation, investigation and work practice requirements on asbestos related activities in regulated facilities.

One (1) of the requirements of the Subcode is that an authorized Asbestos Safety Control Monitor (ASCM) firm provides certain project design, investigation, air monitoring and documentation services to the building owner. T&M is an authorized ASCM firm, Number 0145.

The Subcode requires that an ASCM firm either prepare technical specifications for an abatement project or review and release specifications that have been prepared by others. The technical specifications are needed to provide the abatement contractor with the proper methods and procedures for conducting the work and to address the delineation of work areas, placement and construction of barriers and any other site specific issues.

The specifications also provide a basis for obtaining competitive cost proposals for the abatement work and for verifying that the contractor has completed the specified work in accordance with applicable regulations.

The Subcode also requires that an ASCM provide onsite investigation and air sampling utilizing certified Asbestos Safety Technicians (AST) employed by the ASCM. The AST is required to be onsite at all times that the contractor is engaged in abatement activities to inspect and document the work, obtain air samples in order to monitor the integrity of worksite barriers, and to establish clearance levels within the worksite at the completion of the work. The ASCM, through the AST, is also required to prepare a final report of the abatement activities documenting the investigation and air sampling results, and indicating regulatory compliance.

The Subcode allows asbestos abatement projects to be undertaken in occupied facilities. The procedural and monitoring requirements promulgated by the Subcode for asbestos abatement work in an occupied facility are more rigorous than those for asbestos abatement work in an unoccupied facility, and therefore must be accounted for in the project design and monitoring.

We understand that the facility will need to remain occupied pursuant to Subcode definition for the duration of the project work. Therefore, we understand that project arrangements for this scope of work will need to account for the Subcode's occupied facility requirements.

PROPOSED SCOPE OF SERVICES

In order to assist you in meeting the asbestos management goals for this project, we propose to provide the following specific scope of services:

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Selective Asbestos Identification Survey, Project Design & Project Monitoring Services
Related to Boiler Replacement at Matawan Borough Hall Annex
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Item 1: Selective Asbestos Identification Survey

1. Review any available documents and meet with appropriate individuals to gain as much information as possible about the construction, history, and use of the referenced Boiler Room spaces and the overall project. Please note that the selective asbestos identification survey activities will only include the area in the Annex Boiler Room and limited areas in the Annex as they relate to Unit Ventilator upgrades.
2. Complete a detailed visual investigation of the specific spaces, coupled with bulk material sampling of suspect ACMs, as necessary, to identify and characterize asbestos content. Building investigation activities will be conducted in accordance with protocols established for the classification of presumed ACMs as promulgated in the Occupational Safety and Health Administration (OSHA) Asbestos Standards (29 CFR 1910.1001 and 29 CFR 1926.1101). The OSHA standards refer to the protocols established for building investigation pursuant to the Asbestos-Containing Materials in Schools Rule (40 CFR 763, Subpart E).

We anticipate that fifteen (15) to twenty (20) bulk material samples will be collected for analyses.

3. Conduct a laboratory analysis for asbestos content of bulk material samples obtained during the investigation. Samples will be analyzed by a qualified laboratory acting as a sub-consultant to T&M. Samples will be analyzed by polarized light microscopy (PLM) coupled with dispersion staining in accordance with the current industry standard protocol (EPA document 600/R-93/116 "Method for the Determination of Asbestos in Bulk Building Materials").

This laboratory will be accredited for bulk asbestos analysis by the National Institute of Standards and Technology, National Voluntary Laboratory Accreditation Program (NIST/NVLAP). Non-friable organically bound (NOB) materials that are found to be non-asbestos-containing via PLM analysis will be subject to further analysis utilizing Transmission Electron Microscopy (TEM) as a matter of Code.

4. Prepare and submit a Selective Asbestos Identification Survey Letter Report presenting the results of our Selective Asbestos Identification Survey activities including Laboratory Certificates of Analyses. We will also provide a Cost Estimate for any required asbestos abatement activities, asbestos abatement project design and asbestos abatement project monitoring.

Item 2: Asbestos Abatement Project Design

1. Attend a design and review meeting with you or your representatives, as required, to define the extent, schedule, and phasing of the asbestos abatement project required.
2. Prepare technical specifications sections (00800-Supplementary General Conditions and 02085-Asbestos Abatement) and asbestos abatement drawing documents in a manner, provided to the General Contractor for use with his Asbestos Abatement Subcontractor, for the asbestos abatement activities to include:

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Selective Asbestos Identification Survey, Project Design & Project Monitoring Services
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- a. The scope, schedule, and phasing of the work.
 - b. The proper methods and procedures for conducting the work.
 - c. The delineation of work areas, placement and construction of barriers, and any other site specific issues.
3. We understand the work will be completed utilizing two (2) separate Phases while removing one (1) boiler unit and associated piping insulation and flue insulation in the vicinity of each boiler at the respected time of abatement.

Item 3: Asbestos Abatement Project Monitoring

1. Interface with all applicable regulatory agencies and development and/or review of the documentation necessary to obtain any applicable permits for the work.
2. Provide full-time onsite monitoring and air sampling during abatement work to monitor compliance with the specifications and applicable regulations. The monitoring and sampling will be performed by New Jersey Certified Asbestos Safety Technicians (AST's).
3. Conduct air sample analysis by Phase Contrast Microscopy (PCM) and Transmission Electron Microscopy (TEM) as necessary.

PCM analysis will be conducted in accordance with the National Institute for Occupational Safety and Health (NIOSH) Method 7400 in our laboratory or at the project site as necessary. Our analysts participate in the NIOSH Proficiency in Analytical Testing Program and are listed in the Asbestos Analyst Registry (AAR).

TEM analysis will be conducted by a qualified independent laboratory acting as a subconsultant to T&M. This laboratory will be accredited for air sample analysis by Transmission Electron Microscopy by the National Institute of Standards and Technology, National Voluntary Laboratory Accreditation Program.

4. Provide management and support throughout the execution of our services both on and offsite that include:
 - a. Interfacing with local, state and federal agencies.
 - b. Acting as the Owner's representative in dealing with the Contractor in matters of pay requests, contract disputes and scheduling as authorized by the Owner.
 - c. Attending meetings with the Owner or Owner's representative.
 - d. Overall project coordination.
5. Prepare a Final Report of Asbestos Abatement Project Monitoring Services to document project completion and regulatory compliance. This report will provide a complete history of the project and include all project documentation, field notes, test results, waste manifests, etc.

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BOROUGH RESPONSIBILITIES

The Borough shall be fully responsible for obtaining the necessary authorization to allow the consultant, its agents, subcontractors and representatives to have access to the subject site and structure thereon at reasonable times throughout the term of this agreement.

The Borough shall be responsible for making arrangements to allow its other consultants to be available to T&M for consultation regarding proper coordination of the project.

The Borough shall be responsible to make arrangements for T&M to receive the following on a timely basis:

- 1. As-built drawings to the extent available.
- 2. AutoCAD computer files, on suitable diskette media, available from the Client's other consultants as requested by T&M, to allow for transfer of floor plans and like information to T&M's AutoCAD system us use in developing plans for this project.

COMPENSATION

We will provide the scope of services described above at a fixed fee as detailed in the tables below. The actual cost line Items 3 and 4 shall be determined during construction based on the Contractors schedule.

Invoices for our services will be submitted monthly and will show the percentage of our fee based on the percentage of our work completed. Our invoices will also show a summary of the contract value, completion percentage, amount previously billed, and contract value remaining.

ITEM	FIXED FEE
PROJECT DESIGN PHASE	
Item 1: Selective Asbestos Identification Survey	\$ 3,600.00
Item 2: Asbestos Abatement Project Design	\$ 4,400.00
PROJECT MONITORING PHASE	
Item 3: Asbestos Abatement Project Monitoring (Phase 1)**	\$1,700.00/Per Diem
Independent Laboratory Fees and Final Reporting	\$2,000.00/Phase 1
Item 4: Asbestos Abatement Project Monitoring (Phase 2) **	\$1,700.00/Per Diem
Independent Laboratory Fees and Final Reporting	\$2,000.00/Phase 2

****Note:** Please note that if the two (2) boiler units could be decommissioned at the same time and the entirety of the Boiler Room could be abated over the same time period, we would expect that the work could be completed over a fifteen (15) business-day period. This would save the Borough expenses that it will incur over the anticipated twenty (20) business-day period that we estimate for both Phase 1 and Phase 2 work. Please also note that if the work is completed for each Phase sooner than the ten (10) business-day periods anticipated, the Borough may be subject to monies back.

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Selective Asbestos Identification Survey, Project Design & Project Monitoring Services
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Please refer to the Limitations section following below for limitations regarding the Proposed Project Monitoring Fees.

SCHEDULE

The table below shows our planned schedule for completion of proposed scope of services based on our resource availability as of the date of the proposal. Once we receive the signed proposal, we will confirm the project schedule with you:

Project Milestone	Business- Days from Authorization (or as noted otherwise)
Project Authorization Received	
Selective Asbestos Identification Survey	
On-site visit conducted	5
Results Received	10
Report Issued	12
Project Design	
Specifications Prepared and Issued	20
Project Monitoring	
On-site Monitoring – Phase 1 Boiler Room	Anticipated to be a Ten (10) Business-Day Work Shift Period – TBD (Occupied Building)
On-site Monitoring – Phase 2 Boiler Room	Anticipated to be a Ten (10) Business-Day Work Shift Period – TBD (Occupied Building)
Final Report Issued	Within 20 days of completion of each Phase of the overall project

LIMITATIONS

The scope of the Selective Asbestos Identification Survey will not address potential underground structures that may be associated with the site, except to the extent that direct evidence may be available of the presence of each such suspect material (i.e., the presence of exposed transite piping leading into the ground, or evidence gathered from review of construction drawings.)

As necessary to plan for the renovations, we understand that the Borough will expect the asbestos identification survey activities to include investigation for potentially concealed materials. Please be advised that our proposed activities will include investigation for concealed materials via review of construction data and selected intrusive field activities (opening of small holes in wall/ceilings, encroachment through suspended ceilings, etc.). Please be advised that (1) repair of minor damages caused is not included in the project scope, and (2) to a large extent, quantification of concealed ACM that may be identified will be made

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on the best assumptions from the field investigation performed without directly observing the materials in question.

The Asbestos Abatement Project Monitoring Phase 1 Fee Amount (Per Diem) presented above accounts for an expected ten (10) business-day work shift project schedule (including primarily 8-hour Asbestos Safety Technician (AST) work shifts, including some AST OT hours for bag-out, post abatement sampling and laboratory deliveries). The Asbestos Abatement Project Monitoring Phase 1 Fee Amount addresses all costs associated with the onsite AST time, all related progress air sampling and analysis, one (1) set of TEM clearance air samples (hence, five (5) TEM analyses in total), as well as related project management and reporting costs.

The Asbestos Abatement Project Monitoring Phase 2 Fee Amount (Per Diem) presented above accounts for an expected ten (10) business-day work shift project schedule (including primarily 8-hour AST work shifts, including some AST OT hours for bag-out, post abatement sampling and laboratory deliveries). The Asbestos Abatement Project Monitoring Phase 2 Fee Amount addresses all costs associated with the onsite AST time, all related progress air sampling and analysis, one (1) set of TEM clearance air samples (hence, five (5) TEM analyses in total), as well as related project management and reporting costs.

We thank you for the opportunity to submit this proposal. Please feel free to contact me directly with any questions or comments regarding the scope, sequence or fees as indicated at 732.676.1725, or kburns@tandmassociates.com.

Very truly yours,

T&M ASSOCIATES

Mark Worthington
Group Manager

Kevin Burns
Supervising Environmental Scientist

c: Mr. Robert Keady, T&M Associates; RKeady@tandmassociates.com
Mr. Kanwar Bajaj, T&M Associates.com; KBajaj@tandmassociates.com

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Mayor Altomonte read by title Resolution 18-04-30: Authorizing Execution of 2018 Employment Agreement Between the Borough of Matawan and Police Chief Jason Gallo. Mayor Altomonte requested a motion. Councilwoman Salvatore made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

**RESOLUTION 18-04-30
AUTHORIZING EXECUTION OF 2018 EMPLOYMENT AGREEMENT BETWEEN
THE BOROUGH OF MATAWAN AND POLICE CHIEF JASON GALLO**

WHEREAS, there is a need to have an Agreement between the Borough of Matawan and Police Chief Jason Gallo respecting the 2018 calendar year of employment; and

WHEREAS, after negotiation, the Borough of Matawan and Chief Gallo have reached a satisfactory Employment Agreement for the 2018 calendar year.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes the Borough of Matawan enter into the attached Employment Agreement with Jason Gallo for the 2018 calendar year.

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

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

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 8-01-25-240-100 Police Department Budget (Salary & Wages) of the Borough of Matawan.

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: April 17, 2018

**AGREEMENT
Between
JASON GALLO
And
THE BOROUGH OF MATAWAN**

This Agreement is made and entered into this 17th day of April, 2018, is inclusive the entire 2018 calendar year, January 1, 2018 through December 31, 2018, by and between the Borough of Matawan, a Municipal Corporation of the State of New Jersey, hereinafter referred to as “Employer”, and Jason Gallo, Chief of Police, Borough of Matawan Police Department, Monmouth County, New Jersey, hereinafter referred to as “Chief” or “employee”.

It is understood and agreed that this Agreement shall not be interpreted to reduce or limit this employee rights created and protected by the laws of New Jersey, including NJSA 40A:14-118 through and inclusive of 40A:14-176;

It is further understood that due to the variable schedule of employees of the Matawan Police Department all days should be converted to hours for purposes of computer vacation, sick and personal time (i.e. 1 day = 8 hours; example 240 hours is 30 days for employee on 8-hour shift and 20 days for employees on 12-hour shift);

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Now, therefore, it is mutually agreed between the parties hereto that the following terms shall constitute the entire Agreement between the subject party:

- 1. This Agreement shall govern all wages, hours and other conditions of employment hereinafter set forth. The employee is also subject to any and all Borough ordinances, policy and procedures, rules and regulations of the Borough of Matawan and any applicable state statutes.*
- 2. Base Salary \$139,459.61 per annum (excluding command staff differential and longevity).*
- 3. Holiday Schedule. The Borough agrees to guarantee the following paid holidays:*

<i>New Year's Day</i>	<i>Labor Day</i>
<i>Lincoln's Birthday</i>	<i>Columbus Day</i>
<i>Washington's Birthday</i>	<i>Veteran's Day</i>
<i>Good Friday</i>	<i>Thanksgiving Day</i>
<i>Memorial Day</i>	<i>Christmas Day</i>
<i>Independence Day</i>	<i>Martin Luther King Day</i>

- 4. Command Staff Differential – The Borough of Matawan agrees that you shall receive an additional \$1,000.00 added to your base salary (prior to longevity) for this calendar year as compensation for your 24-hour on-call status as a Command Officer.*
- 5. Longevity – The Chief shall be entitled to longevity payments in accordance with the following schedule:*
 - 10% longevity of the base salary.*
 - 12.5% of base salary commencing in the 24th year of service.*

- 6. The Chief shall be entitled to a clothing and maintenance allowance of \$1,000. It shall be the responsibility of the Chief to maintain all uniforms of the Department as prescribed by Department order. All new uniform requirements will be supplied by the Borough of Matawan. Any changes or additions to said uniform requirements shall be issued by the Borough without cost to the employee. The cleaning (dry or wet) and alterations of said uniforms prescribed by the Police Department shall be assumed by the Borough of Matawan.*
- 7. The Chief shall be entitled to 48 hours of personal time per year. Notice of intention to exercise the personal days shall be given to the Chief of Police in advance of their use; unused personal time may not be carried over into a subsequent year.*

Tuition Credit

The Borough shall provide a yearly tuition payment for each college credit hour within the specific field of Criminal Justice, Emergency Management, Public Administration or a similar field while a member of the Matawan Police Department. The reimbursement rate shall be at the Rutgers College Credit rate for that year. The yearly college tuition payments shall not exceed twelve (12) credit hours per year.

Funeral Leave

In the event of a death in his immediate family, a Borough employee shall be entitled to a leave of absence. During such leave, the employee shall be paid his regular salary for a maximum of three consecutive, regular scheduled workdays.

The employee's immediate family shall be defined as: Spouse, child, stepchild, mother, father, stepmother, mother-in-law, father-in-law, brother, stepbrother, sister, stepsister, brother-in-law, sister-in-law, grandmother, grandfather, spouse's grandmother, spouse's grandfather, son-in-law, daughter-in-law, and grandchildren, or as determined by the Employer.

Vacation

Vacation shall be in keeping with the following schedule:

<i>Years of Service: 15-21 years</i>	<i>Vacation: 224 hours</i>
<i>Years of Service: 22 years and over</i>	<i>Vacation: 280 hours</i>

Unused vacation may be carried over into the next calendar year with the approval of the Mayor and Council.

Separation from Service: Vacation Pay

If the Chief is laid off, resigns, or is otherwise separated from the service of the Borough but not as a result of misconduct, he shall receive vacation pay for all of his accrued vacation up to his separation from employment with the Borough. The amount of payment for all unused vacation shall be calculated based upon the employee's regular straight time hourly rate of pay in effect for the employee's regular job, on the last workday of the employee's employment.

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Insurance

Group Life and Accidental Death and Dismemberment Insurance. The Borough shall provide the Chief with a \$10,000.00 Life Insurance Policy and equal amount of Accidental Death and Dismemberment (AD&D) coverage.

Right to Select Carrier. The Borough reserves the right to provide the above life and accidental death and dismemberment coverage through a self-insured plan or under a group insurance policy or policies covered by an insurance company or insurance companies selected by the Borough. Notwithstanding any such changes, the level of benefits shall remain substantially similar to or greater than existing benefits.

Medical Insurance

The Borough shall maintain a group medical, major medical, and hospital insurance policy, and shall pay all premium costs during the course of employment for hospital insurance, including death benefits, for Jason Gallo and his dependents and spouse in keeping with the provision of insurance coverage currently in effect at the signing of this Agreement. For the term of this Agreement, the Borough agrees to continue to provide the above benefit upon retirement with 25 years or more years of service. Upon retirement, if the employee has Medicare entitlement, the employee is required to enroll in Medicare and the Borough coverage shall be deemed secondary. If in the unlikely event, the employee does not meet the qualifications for Medicare, the Borough shall assume the cost of Medicare to continue medical benefits upon retirement (as previous Police Department employees have received).

Right to Select Carrier. The benefits provided for herein shall be provided through a self-insured plan or under a group insurance policy or policies covered by an insurance company or insurance companies selected by the Borough. "Insurance Companies" include regular life insurance companies and non-profit organizations providing hospital, surgical or medical benefits. If these benefits are insured by an insurance company, all benefits are subject to the provision of the policies between the Borough and the insurance company. Notwithstanding any such changes, the level of benefits shall remain substantially similar to or greater than existing benefits.

Non-Duplication of Benefits

All parties agree to coordinate benefits in situations where a spouse has coverage. It is employee's expressed responsibility to provide employer with spouse insurance information, including but not limited to, spouse's current employer, a copy of spouse's insurance policies, declaration pages, premium amounts and proof of premium payment.

In the event spouse obtains insurance coverage or changes coverage, the employee shall notify employer and provide the aforesaid documentation within 30 days.

Optical Plan

The Borough shall assume the cost of providing employee with eye examinations, at an optometrist selected by the Borough, once every twenty-four (24) months. The Borough shall grant employee an allowance of seventy-five dollars (\$75.00) toward the cost of one (1) pair prescription glasses in each twenty-four (24) month period. The Borough shall not be required to pay for more than one (1) eye examination or pay for more than one (1) eyeglass allowance for employee in any twenty-four (24) month period.

Sick Leave/Injury

Sick Leave and Duty Injury Leave/Sick Leave Accumulation Rate. The employee shall be entitled to accumulate sick leave as follows at the rate of ten (10) hours of sick leave for each completed month of service, such sick leave to be accrued at a rate of five (5) hours per pay period. Except for job-related injuries, no employee will accrue sick time while on sick or injury leave.

Sick Leave Utilization Requirements. The employee with accrued sick leave credit shall be allowed to utilize such sick leave for the following purposes:

- 1. **Personal Illness or Disability** – Any employee who has contracted or incurred and is suffering from any non-service connected sickness or disability, which renders them unable to perform the duties of their position, shall be eligible to receive paid sick leave. This also includes periods during which the employee is under enforced quarantine in accordance with community health regulation, or restricted due to exposure to a contagious disease in accordance with a doctor's order. Employee shall also be eligible to utilize their accrued sick leave following the expiration of their duty injury leave benefits.*
- 2. **Family Illness Disability** – Employee shall be eligible to receive paid sick leave when there is a sickness or disability involving a member of their immediate family which requires the employee's personal care and attendance, provided that requiring the employee to report for work would cause a serious hardship on the member of the immediate family suffering from the illness or disability. The determination as to whether or not here exists a hardship shall be made by the Chief of Police after the employee has provided sufficient and satisfactory medical documentation of the illness or disability.*

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Maternity, Medical and Extended Duty Injury Leave

Employee shall be eligible to receive paid sick leave, to the extent they have accrued sick leave credit, approved medical leave, and approved extended duty injury leave. Maternity leave shall be treated the same as any other disability as provided by law.

Vacation and Personal Leave

When an employee becomes eligible for paid sick leave while on vacation or during an approved personal leave, sick leave may be used in place of vacation time or personal leave hours, provided satisfactory evidence and certification of the illness or disability is presented to the Chief of Police. The determination as to whether or not sick leave time may be used under this provision shall be made by the Chief of Police.

Sick Leave Pay

The rate of sick leave pay shall be the employee's regular straight-time hourly rate of pay in effect for the employee's regular job at the time sick leave is approved.

Duty Injury Leave

A duty incurred sickness or disability shall not be charged against the accumulated sick leave of an employee for one (1) year during which the employee is on approved duty injury leave and eligible for duty injury leave benefits in accordance with applicable law, beginning with the date of injury or date of beginning illness.

Sick Leave Notification

It is the responsibility of the employee requesting sick leave to notify the Chief of Police in writing.

Employee requesting paid sick leave shall notify or cause notification to be made to the Chief of Police in writing. Where someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for that notification being made. If an employee becomes sick or ill during their work shift, they must notify or cause notification to be made to the Chief of Police.

In the event no sick leave notification is made within thirty (30) minutes after the start of the workday, or after an employee becomes sick or ill and leaves work, the Chief of Police shall consider and handle the employee's absence without pay, unless the employee can later substantiate with documentation that it was impossible to make or cause such notification. The decision is to be made by the Chief of Police. Sick leave notification as outlined above must be made for each workday that paid sick leave is being requested, unless this requirement is expressly waived by the Chief of Police.

Sick Leave Certification and Approval

If the Borough has reasonable grounds to believe sick leave is being abused, it may at its discretion require any employee requesting paid sick leave to furnish substantiating evidence of a statement from their attending physician certifying that absence from work was required due to one of the reasons set forth above. In any case, such certification must be presented whenever sick leave is requested for three (3) or more consecutive workdays.

Sick Leave Release

This employee who is sick or disabled for three (3) or more consecutive work days may be required at the Borough's discretion; and any employee who is sick or disabled for six (6) or more consecutive workdays shall be required to secure and submit a physician's release certifying that they are fit to return to work. This release must be submitted to the Chief of Police before the employee will be permitted to return to work. The Borough may also require, at its discretion, that an employee take a medical physical in conjunction with the above sick leave procedure.

If the two (2) doctors disagree, the parties agree to consult with the Monmouth County Medical Society Selective to select a third qualified physician. Such physician cost will be submitted to the Employer's insurance carrier. Any cost not covered under the employee's policy shall be paid by the Borough. Such doctor's determination shall be binding upon the parties.

Extended Leave

After using 240 hours of sick leave, if the employee remains injured, ill or disabled from any cause not connected with his service as an employee so as to become physically unfit for work, shall be entitled to a leave of absence with pay, provided that said leave of absence is authorized by resolution of the Borough Council and in accordance with the following schedule:

If the employee has served for more than ten (10) years, shall be entitled to a leave of absence with full pay for twenty-six (26) weeks, plus an additional thirteen (13) weeks at half (1/2) pay.

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Separation from Services

Employee shall be paid for one-half (1/2) of their total accrued sick leave upon their retirement, including disability retirement, upon their resignation following ten (10) or more consecutive years of service in the Borough; or to their beneficiaries in case of death to a maximum of \$12,000. The amount of payment shall be calculated based upon the employee's prevailing hourly rate of pay in effect for the employee's regular job on the last work day of the employee's employment.

Continuation of Benefits Not Covered by this Agreement

All employment conditions not covered by this Agreement shall continue to be governed, controlled and interpreted by reference to either Borough Ordinance or Rule and regulation of the Police Department and any past or present benefits which other Command Officers enjoy but that have not been specifically included in this Agreement shall be continued.

Effective Date of Agreement

This Agreement shall be effective January 1, 2018 through and including December 31, 2018 or until a successor Agreement is negotiated as a result of promotion.

The Borough and the employee shall mutually enter into negotiations for a successor Agreement prior to the expiration of the within Agreement.

The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution.

The employee expressly and without duress voluntarily waives any right to counsel.

**SIGNATURE PAGE FOLLOWS
SIGNATURE PAGE**

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their duly authorized representatives this 17th day of April, 2018.

BOROUGH OF MATAWAN

Joseph Altomonte, Mayor

Date: April 17, 2018

ATTEST:

Karen Wynne, RMC
Municipal Clerk

Date: April 17, 2018

EMPLOYEE

Jason Gallo
Chief of Police

Date: _____

Mayor Altomonte read by title Resolution 18-04-31: Emergency Temporary Appropriation. Mayor Altomonte requested a motion. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

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RESOLUTION 18-04-31
EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2018 temporary budget for the aforesaid purposes; and

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2018 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$7,662,704.85.

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

- 1. An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.
- 2. That said emergency temporary appropriations will be provided for in the 2018 budget under the appropriate titles.
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

2018 Temporary Budget-for April 17, 2018 Meeting

	Salary & Wages	Other Expenses
MAYOR & COUNCIL		1,000.00
MUNI CLERK	8,500.00	1,000.00
GENERAL ADMIN	6,800.00	3,000.00
AUDIT		
FINANCE ADMIN	6,200.00	1,000.00
TAX ASSES ADMIN	2,700.00	
TAX COLLECTOR	5,000.00	
LEGAL SERVICES		20,000.00
ENGINEERING		20,000.00
BLDG & GROUNDS	5,000.00	10,000.00
PLAN/ZONING BD	1,500.00	2,000.00
SHADE TREE COMM		1,500.00
ENVIRON HEALTH		
SOLID WASTE COLL	400.00	
INSURANCE-GROUP HEALTH		
INSURANCE-LIABILITY		74,900.00
INSURANCE-WORKERS COMP		74,000.00
FIRE		15,000.00
FIRE-AID TO DEPARTMENT		
FIRE PREVENTION	6,700.00	
POLICE	220,000.00	
STREETS & ROADS	65,000.00	
STREET LIGHTING		
BD OF HEALTH	380.00	
RECREATION	700.00	
HISTORICAL SITES		
VOL 1ST AID SQUAD		
OEM		
PROP MAINT	700.00	
RR PARKING	20,000.00	
DOWNTOWN REDEV		
UTILITIES		
VEHICLE MAINT		10,000.00
CONSTR OFFICIAL	12,000.00	
ACCUM SICK LEAVE		

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OASI/SOCIAL SECURITY		14,000.00	
PERS			
PFRS			
CONTINGENT			
MUNICIPAL COURT			
PUBLIC DEFENDER			
FREE PUBLIC LIBRARY		86,000.00	
EMERGENCY 911			
GREEN TRUST LOAN			
INTEREST ON BONDS		30,000.00	
INTEREST ON NOTES			
PAYMENT OF BANS			
MCIA LEASE INTEREST			
SUBTOTAL	361,580.00	363,400.00	
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		724,980.00	5,449,648.90
WATER SEWER UTILITY			
OPERATING	36,000.00		
BULK WATER PURCHASE/ACQUISITION OF WATER			
BAYSHORE REGIONAL SEWERAGE AUTHORITY			
PAYMENT ON BOND PRINCIPAL			
PERS			
BANS			
INTEREST ON BONDS		24,000.00	
INTEREST ON NOTES			
WATER-SEWER REHAB LOAN			
WASTEWATER LOAN			
SOCIAL SECURITY		3,200.00	
SUBTOTAL	36,000.00	27,200.00	
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS		63,200.00	2,213,055.95

***BE IT FURTHER RESOLVED**, that the amount required by Statue for the payment of 2018 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.*

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

Mayor Altomonte read by title Resolution 18-04-32: Payment of Bills. Mayor Altomonte requested a motion. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

- Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

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**RESOLUTION 18-04-32
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>	<i>\$411,110.63</i>
<i>Water & Sewer</i>	<i>\$61,181.51</i>
<i>Grant</i>	<i>\$303.33</i>
<i>Borough Trust</i>	<i>\$86,773.31</i>
<i>Railroad Parking Trust</i>	<i>\$140.00</i>
Total	\$559,508.78

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

Privilege of the Floor

Mayor Altomonte opened the Privilege of the Floor.

There were no comments.

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

Recess to Executive Session

Mayor Altomonte requested a motion to recess to Executive Session. Mr. Menna announced the purpose of the Council retiring into Executive Session is to discuss issues of litigation, as well as contract negotiations, noting that the Council would be returning into session to take formal action. Councilman Reeve made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman David Vergaretti

Motion passed.

Meeting recessed at 7:30 PM.

Executive Session

Mayor Altomonte requested a motion to open the executive session. Councilwoman Salvatore made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

Present: Councilwoman Stephanie Buckel
Councilman Brett Cannon (8:10 PM Departure)
Councilwoman Deana Gunn
Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilman David Vergaretti

Also present were Louis Ferrara, Borough Administrator, Pasquale Menna, Esq., Borough Attorney, Stan Schlechta and Jeffrey A. Cucinotta of T&M Associates as well as Louis Rainone of Rainone, Coughlin and Minchello, Redevelopment Attorney.

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**RESOLUTION 18-04-33
EXECUTIVE SESSION RESOLUTION**

***BE IT RESOLVED** that the following portion of this meeting dealing with following general described shall not be open to the public:*

- *Contracts*
- *Litigation*
- *Personnel*
- *Purchase, Lease or Acquisition of Real Property*

***BE IT FURTHER RESOLVED** that it is anticipated that the matters to be considered in private may be disclosed to the public upon the final decision of the Council as to contracts, leases; the completion of the litigation or anticipated litigation, the decision of the Council as to personnel matters if the employee requests that the matter be made public or upon completion of said matters.*

Mayor Altomonte requested a motion to adjourn the executive session. Councilwoman Salvatore made the motion, seconded by Councilwoman Buckel. Council agreed.

The meeting adjourned at 9:01 PM.

Reconvene the Public Session

Mayor Altomonte requested a motion to reconvene the Public Session. Councilman Reeve made the motion, seconded by Councilwoman Buckel. Council agreed. The meeting reconvened at 9:02 PM. Mayor Altomonte requested a roll call. On roll call the following members responded present:

Present: Councilwoman Stephanie Buckel
Councilman Brett Cannon (8:10 PM Departure)
Councilwoman Deana Gunn
Councilman Nicolas Reeve
Councilwoman Josi Salvatore
Councilman David Vergaretti

Also present were Louis Ferrara, Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

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

There were no comments.

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

The meeting adjourned at 9:03 PM.

(Signature on file)

Karen Wynne, RMC
Municipal Clerk