

**Borough of Matawan
Public Session
July 16, 2019**

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 July 16, 2019, 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 *Asbury Park Press* on January 8, 2019, by sending notice to the *Independent*, 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 7:10 PM, requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

No: Councilman Nicolas Reeve

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

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

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

Mayor Altomonte announced Resolution 19-07-15 will be held and the addition of Resolutions 19-07-22 and 19-07-23.

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 Cannon made the motion, seconded by Councilwoman Buckel. Council agreed. Motion passed.

Police Department Promotion and Oath of Office

Mayor Altomonte read by title Resolution 19-07-13: Authorizing the Promotion of Class II Special Law Enforcement Officer to Police Officer – Matawan Police Department – Michael J. Denino. 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: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

Mayor Altomonte congratulated Officer Denino and read a brief biography. Mayor Altomonte issued the Oath of Office to Officer Denino. Chief Thomas J. Falco offered his thanks to the Governing Body and the Borough Administrator. He noted Officer Denino was hired to replace

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Officer Marsala who is scheduled to retire after 20 years of service to the Borough. The Police Department was dismissed at 7:17 PM.

Approval of Minutes

Mayor Altomonte requested a motion to approve the minutes of the June 18, 2019 Council Meeting. Councilman Cannon made a motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

Old Business

Mayor Altomonte read by title Ordinance 19-10: Ordinance Authorizing the Guaranty by the Borough of Matawan, New Jersey or Payment of Principal and Interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Matawan-Aberdeen Regional School District Project) of the Monmouth County Improvement Authority. Mayor Altomonte requested a motion to open the public hearing. Councilwoman Salvatore made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilwoman Buckel made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 19-10: Ordinance Authorizing the Guaranty by the Borough of Matawan, New Jersey or Payment of Principal and Interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Matawan-Aberdeen Regional School District Project) of the Monmouth County Improvement Authority, requesting a motion to adopt. Councilwoman Buckel made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilwoman Deana Gunn
Councilman Brian Livesey

Abstain: Councilman Brett Cannon

Motion passed.

ORDINANCE 19-10

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF MATAWAN, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2019 (MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. Pursuant to Section 80 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et. seq., the Borough of Matawan, New Jersey (the "Municipality") is hereby authorized to unconditionally and irrevocably guaranty the punctual payment of the principal of and the interest on the Capital Equipment Lease Revenue Bonds, Series 2019 (Matawan-Aberdeen Regional School District Project) (the "Bonds") of The Monmouth County Improvement Authority (the "Authority") Outstanding (as that term is defined in the following described resolution) under the resolution of the Authority entitled "Capital Equipment Lease Revenue Bond Resolution (Matawan-Aberdeen Regional School District Project)" (the "Bond Resolution") to be adopted in a form approved by counsel to the Municipality. The Authority plans to issue the Bonds to finance the acquisition and subsequent leasing of certain capital equipment to the Matawan-Aberdeen Regional School District (the "Board") pursuant to a lease and agreement to be entered into by the Authority and the Board (the "Lease"). Such guaranty shall be given in accordance with the guaranty agreement (the "Guaranty Agreement") between the Municipality and the Authority in substantially the form submitted to this Board, a copy of which is on file in the office of the Clerk of the Municipality, with such changes as may be approved by counsel to the Municipality. The Mayor is hereby authorized to execute the Guaranty Agreement on behalf of the Municipality in substantially such form as submitted hereto and with such changes as may be approved by the Mayor, and the Clerk of the Municipality is hereby authorized to attest such signature affixing the seal of the Municipality. All representatives, officials and employees of the Municipality are hereby authorized to enforce and to implement the Guaranty Agreement.

Section 2. The following additional matters are hereby determined, declared, recited and state:

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(1) *The maximum principal amount of the Bonds of the Authority hereby and hereunder to be guaranteed as to payment of principal and interest shall not exceed the sum of the amount necessary to acquire the Board's equipment as set forth in Schedule A which will be subject to the Lease and to pay the Board's share of the costs of issuance, but in no event shall such principal amount exceed \$1,917,000, of which the Municipality will guarantee 32.354% or not to exceed \$620,238.*

(2) *The Bonds shall mature within eleven years of the date of issue.*

(3) *The Bonds shall remain Outstanding to their respective stated maturity dates and the guaranty authorized herein shall remain effective until all Bonds shall have been paid in full in accordance with their terms notwithstanding the occurrence of any other event.*

(4) *The guaranty authorized herein may be made and this ordinance may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, N.J.S.A. 40A:2-1, et. seq., but the principal amount of any Outstanding Bonds shall be included after their issuance in the gross debt of the Municipality for the purpose of determining the indebtedness of the Municipality under or pursuant to the Local Bond law. The principal amount of the Bonds included in the gross debt of the Municipality shall be deducted from the gross debt of the Municipality under and all for all the purposes of the Local Bond Law (a) from and after the time of issuance of the Bonds until the end of the fiscal year beginning next after the acquisition of the equipment to be financed from the proceeds of the Bonds and (b) in any Annual Debt Statement filed pursuant to the Local Bond law as of the end of such fiscal year or any subsequent fiscal year if the revenues or other receipts or moneys of the Authority in such year are sufficient to pay its expenses of operation and maintenance in such year and all amounts payable in such year on account of the principal of and the interest on all such Bonds, all bonds of the Municipality issued as provided under N.J.S.A. 40:37A-79 and all bonds of the Authority issued under the County Improvement Authorities Law.*

Section 3. Upon payment of the principal of and the interest due on the Bonds by the Authority or by the defeasance of the Bonds pursuant to the Bond Resolution, the guaranty authorized herein will cease to exist and the gross debt of the Municipality shall be reduced to the extent that such Bonds cease to be Outstanding under the Bond Resolution.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption in accordance with the County Improvement Authorities Law and the Local Bond Law.

*Schedule A - equipment list
Matawan-Aberdeen Regional School District*

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
54-Passenger Bus	10	5	\$1,008,000
24-Passenger Bus	10	5	325,000
6-Passenger Vehicle	3	5	34,000
Cargo Van	5	5	34,000
Pickup Truck	5	5	44,000
10G SFP+ LC SR 300m MMF Transceiver	5	5	3,259
10G SFP+ LC SR 10km SMF Transceiver	5	5	22,059
Aruba 10G SFP+ to SFP+1m DAC Cable	5	5	3,836
Aruba 10G SFP+ to SFP+3m DAC Cable	5	5	1,953
Aruba 3800/3810M 3M Stacking Cable	5	5	1,957
Aruba 3810M 16SFP+2-slot Switch	5	5	12,187
Aruba 3810M/2930M 4SFP+ MACsec Module	5	5	5,178
Aruba 3810M 4-port Stacking Module	5	5	3,249
Aruba X371 12VDC 250W Power Supply	5	5	2,550
Aruba X372 54VDC 680W Power Supply	5	5	3,488
Aruba X372 54VDC 1050W Power Supply	5	5	4,301
Aruba 2930F 24G POE+4SFP+ SWTCPERP Switch	5	5	3,809
Aruba 2930F 48G POE+4SFP+ Switch	5	5	85,005
Aruba 2930M 48G POE+1-slot Switch	5	5	18,942

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<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Aruba 3810M 24SFP+250W Switch	5	5	8,310
Aruba 2930F 48G POE+ 4SFP+ 740W Switch	5	5	88,628
AP-270-MNT-V1 AP-270 Series Outdoor Pole/Wall	5	5	1,919
AP-270-MNT-H1 270 Series MT KITMNT Installation Kit	5	5	1,894
Aruba AP-275 802.11n/ac Dual 3x3:3 Radio Integrated Access Point	5	5	3,854
AP-277 OTDR Dual 3x3:3 802.11 ACWRLS AP Access Point	5	5	4,064
CNTRLR PER AP ENT LIC BNDL Software	5	5	2,359
Airwave 1 Device LICS ELTU CLDS Software	5	5	1,797
1 YR FC Aruba 24x7 License CN SVCS Bundle Software	5	5	1,943
1 YR FC Aruba 24x7 Airwave 1 DEVSVCS Software	5	5	1,771
Aruba 1YR FC NBD Exch AP 275 Outdoor SVC Software	5	5	1,935
1 YR FC Aruba NBD Exch AP 277 SVCS Software	5	5	1,953
CAT6e cable run with end to end conduit up to 200 ft.	5	5	5,259
Total			\$1,742,459

Mayor Altomonte read by title Ordinance 19-11: Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Matawan, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto. Mayor Altomonte requested a motion to open the public hearing. Councilwoman Buckel made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilwoman Salvatore made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 19-11: Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Matawan, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto, requesting a motion to adopt. Councilwoman Buckel made the motion, seconded by Councilwoman Salvatore. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

**ORDINANCE 19-11
ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY
THE BOROUGH OF MATAWAN, NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT
RELATING THERETO**

BE IT ORDAINED by the Borough Council of the Borough of Matawan, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

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Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Matawan (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,368,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum; and

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

*Schedule A - equipment list
Borough of Matawan*

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Field Groomer	15	10	\$ 14,000
Leaf Loader	15	10	50,000
Front End Loader	15	10	170,000
Snow Removal Equipment	15	10	25,000
Service Truck	5	5	55,000
Leak Correlator	15	10	24,000
Water Meter Purchase	15	10	100,000
Mini Excavator	15	10	32,000
Service Truck	5	5	43,000
Vactor Trailer	15	10	126,000
Sewer Inspection Camera	15	10	14,000
Aerator Platform Extension	15	10	50,000
Workspace Furniture	5	5	10,000
Fire Engine	10	10	490,000
Water Main Exerciser	15	10	40,000
TOTAL			\$1,243,000

Clerk's Report

The Clerk reported on the issuance of new business license for AG Consultants, LLC, Louis E. Granata, PC, and Stank Environmental, LLC. As August 6, the first Tuesday in August is National Night Out, the next Council meeting is scheduled for 7:00 PM Wednesday, August 7. Lastly, the Clerk will be on vacation the week of July 22, returning to the office July 29, referring all to the Deputy Clerk, Robin Klinger in her absence.

Mayor's Report

No report.

Administrator's Report

Mr. Ferrara stated his report has been electronically transmitted.

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Attorney's Report

Mr. Menna noted that he sent an email with regard to consistency in terms of policy for the hours of the parks.

Engineer's Report

No report.

Finance, Historic Sites

No report.

Police, ADA, Recreation

Councilwoman Salvatore reported that the Patrol Division responded to over 900 calls for service for this reporting period and over 5,900 calls, year to date. Patrol Division and Traffic Safety Unit investigated 24 motor vehicle crashes during this period. 149 summonses for various motor vehicle violations during this reporting period were issued. 34 persons were arrested for various offenses during this reporting period. 14 Criminal Charges, 13 Motor Vehicle Offenses/DWI (6 DWI-related), 7 Outstanding MV/Criminal Warrants. Background investigations were conducted for multiple firearms applicants, solicitors, taxi and raffle licenses. Detectives conducted criminal investigations into multiple offenses during this reporting period, including fraud, theft, criminal mischief, sexual assault/sexual contact and Megan's Law violations. Det. Andersen who is a member of the Monmouth County Marine Emergency Response Team (MERT) assisted with the deployment of the fireworks barge and maintained security on the lake during the fireworks display. Det. Murphy assisted members of the Patrol Division with processing a vehicle upon the execution of a search warrant. The Speed Enforcement trailer and Message Board have been deployed to various locations within the Borough targeting those areas where complaints are received regarding speeding violations. The road closures and detours were set-up and maintained by the T/S Unit for both the Washington Engine 150th Anniversary Parade and the Borough's fireworks display.

DPW, Property Maintenance, Recycling & Sanitation

Councilwoman Buckel reminded all the recycling center opened on June 26, 2019 with information regarding the center to be found on the Borough website. The DPW and the Recreation Department are working together to revitalize the lake house at Lake Lefferts.

Fire, Personnel

Councilman Cannon reported that Mr. Hourihan has resigned from his position as Railroad Parking Enforcement Officer, and thanked him for his service. Councilman Cannon made a motion to introduce Resolution 19-07-23: Authorizing the Borough Administrator to Advertise for Hiring of a Part-Time Hourly Railroad Parking Enforcement Officer, asking to make the motion for the resolution. Mayor Altomonte requested a second. The motion was seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

***RESOLUTION 19-07-23
AUTHORIZING THE BOROUGH ADMINISTRATOR
TO ADVERTISE FOR HIRING OF A
PART-TIME HOURLY
RAILROAD PARKING ENFORCEMENT OFFICER***

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WHEREAS, there is a need for a Part-Time Hourly Railroad Parking Enforcement Officer within the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough Administrator of the Borough of Matawan, is hereby authorized to advertise (in print or electronic media), interview, and make recommendations for the position of Part-Time Hourly Railroad Parking Enforcement Officer to the Mayor and Council, for authorization by Mayor and Council and subject to a Certification as to Available Funding from the Chief Financial Officer.

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

Economic Business Development, Environmental, Main Street Development,

Councilwoman Gunn reported the Environmental Commission is working on trying to achieve ‘Sustainable New Jersey’ certification for the Borough. She announced she, along with the Borough Administrator, NJ Transit, Aberdeen Township, attended a meeting with Monmouth County Parks on July 12, 2019 to work on the connection to the Henry Hudson Trail. After the Park System has some research completed, they hope to meet again to discuss various alternatives to connecting the Trail to the train station. The Economic Business Development Commission hosted ‘Make Music Day’ on June 21, 2019. Five downtown businesses participated and various musicians came out to play in front of the businesses, making for a nice event.

Animal Welfare, Construction, Shade Tree

Councilman Livesey provided Construction Report for June:

Description	Fees Collected/Paid	YTD
Permit Income/Certificate	\$ 14,761	\$ 69,412
Business CCO'S/Misc. Fees	\$ 150	\$ 2,495
State Permit Surcharge Fees	\$ 720	\$ 2,659
Penalties	\$ 0	\$ 0
Total	\$ 15,631	\$ 74,566
Paid to Matawan General Fund	\$ 14,140	\$ 71,907
Paid to State *Quarterly Payment	\$ 1,491	\$ 2,659
Value of Construction Work	\$ 699,341	\$ 1,940,231
Matawan Trust Account	\$ 0	\$ 0
Refunds	\$ 0	\$ 0
Permits Issued	Current Month	YTD
	36	229

The Shade Tree Commission met July 11, 2019, and discussion included where to place the ‘Tree City USA’ signs and the saplings left from the Arbor Day festivities this year (where to plant them around town). They also discussed a permanent memorial for Councilman Vergaretti.

Consent Agenda

Mayor Altomonte read by title Resolutions 19-07-14, requesting a motion to approve en masse. Councilwoman Buckel made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

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**RESOLUTION 19-07-14
AUTHORIZING AN EXTENSION OF GRACE PERIOD
FOR THE THIRD QUARTER 2019 TAXES**

WHEREAS, the State of New Jersey has not released all information needed for striking a rate timely, and

WHEREAS, this information is needed to produce the Final 2019/Preliminary 2020 tax bills, and

WHEREAS, as a result, the County of Monmouth could not release the tax rate, and

WHEREAS, the Tax Collector must allow 25 calendar days for payment from the date of mailing pursuant to NJSA 54:4-66.3,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that the Tax Collector be authorized to extend the grace period for the third quarter 2019 up to and including the 25th day after the actual bills are mailed; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that any payments received after the grace period for the third quarter 2019 will be charged interest from the original due date of August 1, 2019 as set by the guidelines set by NJSA 54:4-67 and Resolution 19-01-12 passed by the Matawan Borough Council on January 1, 2019.

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

Interpretive Statement: Extension of the grace period may be needed to allow the mandated 25 days prior to payment due date if the tax rate is not received timely. If payment for the third quarter 2019 is not received by 25 days after the delivery of the tax bills to the post office, interest will be charged back to the August 1 due date.

Peggy Warren, Tax Collector

New Business

Mayor Altomonte read by title Resolution 19-07-16: Amending Resolution 19-07-01: Appointment of Candidate to Fill the Unexpired Term of Council Vacancy. Mayor Altomonte requested a motion. Councilwoman Gunn 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

Abstain: Councilman Brian Livesey

Motion passed.

Mr. Menna informed of the County Election Office requested modification.

**RESOLUTION 19-07-16
AMENDING RESOLUTION 19-07-01
APPOINTMENT OF CANDIDATE TO FILL THE UNEXPIRED TERM OF COUNCIL VACANCY**

WHEREAS, a vacancy on the Borough Council of the Borough of Matawan has arisen as a result of the death of Councilman David Vergaretti; and

WHEREAS, pursuant to said vacancy, the Matawan Democratic Committee has recommended three names for appointment of one candidate by the Mayor and Council to fill the vacancy created by the death of a Democratic Councilperson.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that, Brian Livesey is hereby selected as a Council Member of the Governing Body of the Borough of Matawan effective July 2, 2019 to fill the unexpired term ending December 31, 2019 of the late Councilman David Vergaretti.

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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, Finance, Payroll as well as the Monmouth County Clerk and the Monmouth County Clerk of Elections.*

Mayor Altomonte read by title Resolution 19-07-17: Community Development Block Grant Resolution Authorizing the Mayor and Clerk to Execute a Project Agreement with Monmouth County for Performance and Delivery of Fiscal Year 2019 Community Development Projects. Mayor Altomonte requested a motion. Councilwoman Buckel made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

**RESOLUTION 19-07-17
COMMUNITY DEVELOPMENT BLOCK GRANT
RESOLUTION AUTHORIZING THE MAYOR AND CLERK
TO EXECUTE A PROJECT AGREEMENT WITH
MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF
FISCAL YEAR 2019 COMMUNITY DEVELOPMENT PROJECTS**

***WHEREAS**, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and*

***WHEREAS**, the County of Monmouth expects to receive an allocation for Fiscal Year 2019 from the United States Department of Housing and Urban Development; and*

***WHEREAS**, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2019 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Phase III Matawan Streetscape with a grant allocation of \$159,022.00;*

***WHEREAS**, the Borough of Matawan hereby met all the requirements for the release of funds to begin incurring costs for this project; and*

***WHEREAS**, the Borough of Matawan has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as appendix of the Project Agreement.*

***NOW, THEREFORE, BE IT ORDAINED**, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Borough of Matawan.*

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Stephanie Buckel	X		X			
Brett Cannon			X			
Deana Gunn		X	X			
Brian Livesey			X			
Nicolas Reeve						X
Josi Salvatore			X			

Mayor Altomonte read by title Resolution 19-07-18: Community Development Block Grant Resolution Authorizing the Mayor to Sign a Certification Prohibiting the Use of Excessive Force and a Certification Prohibiting the Use of Federal Funds for Lobbying. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

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Motion passed.

**RESOLUTION 19-07-18
COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION
AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING
THE USE OF EXCESSIVE FORCE AND
A CERTIFICATION PROHIBITING
THE USE OF FEDERAL FUNDS FOR LOBBYING**

***WHEREAS**, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and*

***WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2019; and*

***WHEREAS**, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and*

***WHEREAS**, it is required that the Borough of Matawan execute a Project Agreement with Monmouth County to undertake a project known as Phase III Matawan Streetscape; and*

***WHEREAS**, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Matawan sign additional certifications in order to receive these funds; and*

***WHEREAS**, the Borough of Matawan has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and*

***WHEREAS**, a copy of that policy is attached to and made part of this resolution.*

***NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Matawan has met the conditions of receiving a Fiscal Year 2019 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.*

***BE IT FURTHER RESOLVED**, that the Mayor of the Borough of Matawan is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2019 Project Agreement.*

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Stephanie Buckel		X	X			
Brett Cannon			X			
Deana Gunn	X		X			
Brian Livesey			X			
Nicolas Reeve						X
Josi Salvatore			X			

CERTIFICATION OF POLICY PROHIBITING USE OF EXCESSIVE FORCE

In accordance with section 519 of Public Law 101-140, the 1990 HUD Appropriations Act, the Borough of Matawan certifies that: it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations.

The Borough of Matawan also certifies that it is enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of nonviolent civil rights demonstrations within its jurisdiction.

In order to enforce the County's policy as stated above, the County of Monmouth will require, as a condition for receiving funds from the 1990 HUD Appropriations Act, that the subrecipient Borough of Matawan provide that it has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations, and that the certification shall be made part of all subrecipient agreements.

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The Undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person

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for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award document for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Mayor Altomonte read by title Resolution 19-07-19: Awarding 2019 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage Systems – KKD Enterprises, Inc. Mayor Altomonte requested a motion. Councilwoman Buckel made the motion, seconded by Councilwoman Salvatore. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

**RESOLUTION 19-07-19
AWARDING 2019 BIENNIAL MAINTENANCE CONTRACT FOR
EMERGENCY AND MAINTENANCE REPAIR SERVICES FOR
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS
KKD ENTERPRISES, INC.**

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the 2019 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage Systems; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage Systems; and

WHEREAS, the Borough of Matawan received two (2) bids for the aforesaid contract.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan upon recommendation of T&M Associates, Borough Engineer, hereby awards the 2019 Biennial Maintenance Contract for the Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage Systems to KKD Enterprises, Inc. in an amount not to exceed Four Hundred Forty One Thousand, Three Hundred Seventy Eight Dollars and Fifty Cents (\$441,378.50).

BE IT FURTHER RESOLVED said contract is performed in accordance with all bid specifications, contracts and documents, and subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract.

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.

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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, Finance, Public Works as well as the Borough Engineer and KKD Enterprises, Inc.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 9-09-55-500-200 Budget of the Borough of Matawan to KKD Enterprises, Inc. (Project No. MATN-04143) for the 2019 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage Systems in an amount not to exceed Two Hundred Twenty Thousand, Six Hundred Eighty Nine Dollars and Twenty Five Cents (\$220,689.25) per year, in a total amount not to exceed Four Hundred One Thousand, Three Hundred Seventy Eight Dollars and Fifty Cents (\$441,378.50).

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

Chief Financial Officer

(Signature on File)

Nicole Horvath, CMFO

Dated: July 16, 2019



YOUR GOALS. OUR MISSION.

MATN-04143

July 3, 2019

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

**Re: Recommendation of Award
2019 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for
Water, Sanitary Sewer and Drainage**

Dear Mr. Ferrara:

On Wednesday, July 3, 2019, bids were received for the above referenced project. There were two (2) contractors that bid on the project; the following is the result:

Bidder	Base Bid
Karl Deigert Enterprises, Inc.	\$441,378.50
B&W Construction Co. of NJ, Inc.	\$620,283.85

The apparent low bidder is Karl Deigert Enterprises, Inc, 3300 Shafto Road, Suite B, Tinton Falls, NJ 07753. The low bidder's documentation was reviewed and found acceptable from an engineering perspective

Additionally, we have experience that they have satisfactorily completed similar projects. Therefore, it is my recommendation that the project be awarded to Karl Deigert Ent., Inc. for the bid in the amount of \$441,378.50 subject to availability of funds and approval of the Borough Attorney. The award should also be made subject to the approval of the N.J. Department of Labor, and the Office of Wage and Hour Compliance.

I have attached a bid summary for your records. If you have any questions or require additional information, please call.

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

Very truly yours,

T&M ASSOCIATES


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

RRK:RRS:BQ:lkc
Enclosures

c: Joseph Altomonte, Mayor
Council Members, Individually, via email
Karen Wynne, Clerk (via email with copies of bid package)
Pasquale Menna, Attorney (via email with copies of bid package)
Nicole Horvath, CFO via email
Robin Klinger, Deputy Clerk

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BOROUGH OF MATAWAN
2019 BIENNIAL MAINTENANCE CONTRACT FOR EMERGENCY OF WATER, SEWER AND DRAINAGE
7-3-2019

KKD
3300 SHAFTO RD
TINTON FALLS, NJ 07753
PHONE: 732-671-0175
FAX: 732-671-4086

B&W
P.O. BOX 574
SOUTH RIVER, NJ 08882
PHONE: 732-967-1900
FAX: 732-967-6330

NO.	ITEM DESCRIPTION	UNIT	TOTAL QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	COST
1	MOBILIZATION AND DEMOBILIZATION	UNIT	50	\$738.00	\$36,900.00	\$800.00	\$40,000.00
2	FOUR WHEEL UTILITY TRACOTR W FRONT LOADING AND BACKHOE ATTMT	HR	210	\$55.35	\$11,623.50	\$1,000.00	\$210,000.00
3	EQUIPMENT OPERATOR REGULAR HOURS	HOURS	490	\$83.96	\$41,140.40	\$0.01	\$4.90
4	EQUIPMENT OPERATOR OVERTIME HOURS	HOURS	15	\$125.94	\$1,889.10	\$200.00	\$3,000.00
5	LABORERS REGULAR HOURS	HOURS	650	\$84.00	\$54,600.00	\$0.01	\$6.50
6	LABORERS OVERTIME HOURS	HOURS	25	\$126.00	\$3,150.00	\$200.00	\$5,000.00
7	FOREMAN REGULAR HOURS	HOURS	375	\$94.00	\$35,250.00	\$0.01	\$3.75
8	FOREMAN OVERTIME HOURS	HOURS	15	\$141.00	\$2,115.00	\$0.01	\$0.15
9a	DUMP TRUCK - SINGLE AXLE	HOURS	600	\$55.35	\$33,210.00	\$0.01	\$6.00
9b	DUMP TRUCK - TANDEM	HOURS	250	\$79.95	\$19,987.50	\$0.01	\$2.50
10a	DIAPHRAM/TRASH PUMP W HOSES - 2"	HOURS	200	\$1.00	\$200.00	\$0.01	\$2.00
10b	DIAPHRAM/TRASH PUMP W HOSES - 3"	HOURS	200	\$1.00	\$200.00	\$0.01	\$2.00
10c	DIAPHRAM/TRASH PUMP W HOSES - 4"	HOURS	10	\$20.00	\$200.00	\$0.01	\$50.00
11	PORTABLE COMPRESSOR	HOURS	250	\$22.75	\$5,687.50	\$100.00	\$25,000.00
12	HAND-HELD JACKHAMMER OR PAVEMENT BREAKER	HOURS	250	\$11.00	\$2,750.00	\$0.01	\$2.50
13	MANUALLY GUIDED COMPACTOR-PLATE OR JUMPONG JACK	HOURS	240	\$9.00	\$2,160.00	\$0.01	\$2.40
14a	ROLLER (8 TON)	HOURS	10	\$30.75	\$307.50	\$0.01	\$0.10
14b	ROLLER (10 TON)	HOURS	5	\$43.05	\$215.25	\$0.01	\$0.05
15	TRACKHOE	HOURS	5	\$178.35	\$891.75	\$1,000.00	\$5,000.00
16	MATERIAL (\$10,000 ALLOWANCE PLUS % MARKUP)	UNIT	1	\$27.00	\$12,700.00	\$2,000.00	\$12,000.00
17	RESET MANHOLE CASTINGS	UNIT	10	\$10.00	\$100.00	\$400.00	\$4,000.00
18a	PAVEMENT SAWCUTTING BASE COST - 2" DEPTH	LF	200	\$3.50	\$700.00	\$0.01	\$2.00
18b	PAVEMENT SAWCUTTING BASE COST - 2" DEPTH, ADDITIONAL 1" DEPTHS	LF	200	\$10.00	\$2,000.00	\$0.01	\$2.00
19a	TV INSPECTION INCLUDING LABOR EQUIPMENT	HOURS	50	\$25.00	\$1,250.00	\$470.00	\$23,500.00
19b	PUMPING OF SANITARY MANHOLES AND WETWELL BY TANKERS	HOURS	30	\$123.00	\$3,690.00	\$225.00	\$6,750.00
20	SETTING CASTINGS, RESETTNG CASTINGS AND RECONS. INLETS/MANHOLES	UNIT	6	\$492.00	\$2,952.00	\$500.00	\$3,000.00
21	EXCAVATION AND INSTALLATION OF COMPLETE WATER CURB BOX	UNIT	6	\$492.00	\$2,952.00	\$500.00	\$3,000.00
22	EXCAVATION AND INSTALLATION OF COMPLETE FIRE HYDRANT	UNIT	6	\$2,460.00	\$14,760.00	\$3,000.00	\$18,000.00
23	VACUUM TRUCK	HOURS	100	\$123.00	\$12,300.00	\$300.00	\$30,000.00
24	PUMP STATION WETWELL QUARTERLY CLEANING	UNIT	40	\$2,500.00	\$100,000.00	\$4,900.00	\$196,000.00
25	POLICE TRAFFIC DIRECTORS	HOURS	350	\$101.42	\$35,497.00	\$101.42	\$35,497.00
TOTAL CONSTRUCTION COST					\$441,378.50		\$620,283.85

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Mayor Altomonte read by title Resolution 19-07-20: Payment of Bills. Mayor Altomonte requested a motion. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey

Motion passed.

**RESOLUTION 19-07-20
PAYMENT OF BILLS**

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

Current	\$406,677.88
Water & Sewer	\$54,063.77
Grant	\$2,027.63
Borough Trust	\$11,452.60
Dog Tax Trust	\$24.00
Railroad Parking Trust	\$700.00
Recreation Trust	\$12,924.40
Total	\$487,870.28

***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.*

Mayor Altomonte read by title Resolution 19-07-22: Release of Escrow Funds – Kurtis Roinestad – 205 Jackson Street – Block 37, Lot 12. Mayor Altomonte requested a motion. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Josi Salvatore
Councilwoman Stephanie Buckel
Councilwoman Deana Gunn
Councilman Brian Livesey

Abstain: Councilman Brett Cannon

Motion passed.

**RESOLUTION 19-07-22
RELEASE OF ESCROW FUNDS
KURTIS ROINESTAD
205 JACKSON STREET - BLOCK 37, LOT 12**

***WHEREAS,** Kurtis Roinestad has requested the release of the balance on his escrow account for the property located at 205 Jackson Street - Block 37, Lot 12– Matawan, New Jersey; and*

***WHEREAS,** the Planning/Zoning Board Attorney and the Planning/Zoning Board Engineer 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 Kurtis Roinestad for 205 Jackson Street - Block 37, Lot 12– Matawan, New Jersey.*

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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, Finance as well as the Planning/Zoning Attorney, Planning/Zoning Engineer, and Kurtis Roinestad.*

Privilege of the Floor

Mayor Altomonte opened the Privilege of the Floor.

Loretta Windas, 138 Aberdeen Road, Matawan. Ms. Windas requested clarification of Resolution 19-07-18. Mr. Menna informed this is an application for the Community Development Grant which requires the Borough's policies on Excessive Force and Lobbying.

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

Recess to Executive Session

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

***RESOLUTION 19-07-21
EXECUTIVE SESSION RESOLUTION***

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

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

***WHEREAS**, the Governing Body wishes to discuss:*

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

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

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

Meeting recessed at 7:34 PM.

Reconvene and Adjourn the Public Session

Mayor Altomonte requested a motion to reconvene the Public Session. Councilman Cannon made the motion, seconded by Councilwoman Salvatore. Council agreed. The meeting reconvened at 8:36 PM. Mayor Altomonte requested a roll call. On roll call the following members responded present:

Present: Councilwoman Stephanie Buckel
Councilman Brett Cannon
Councilwoman Deana Gunn
Councilman Brian Livesey
Councilwoman Josi Salvatore

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.

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There were no comments.

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

The meeting adjourned at 8:37 PM.

(Signature on File)

Karen Wynne, RMC
Municipal Clerk