

**Borough of Matawan
Public Session
November 18, 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 November 18, 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 7:12 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

Absent: Councilman Nicolas Reeve

Also present was Pasquale Menna, Esq., Borough Attorney. Louis Ferrara, Borough Administrator was not present.

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

Mayor Altomonte asked everyone to stand for a Moment of Silence, asking that everyone keep in their thoughts the victims of the mass shootings that have occurred within the last couple of weeks.

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. Councilwoman Gunn made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed.

Approval of Firefighter

Mayor Altomonte requested a motion to approve Borough of Matawan Volunteer Firefighter Applicant, Vincent Negron. Councilman Cannon made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed.

Appointment to Fill Vacancy

Mayor Altomonte requested a motion to appoint Jay LoBosco to the Economic Development Business & Redevelopment Commission, to fill an unexpired term, said term to expire December 31, 2021. Councilwoman Gunn made the motion, seconded by Councilman Cannon. Council agreed. Motion passed.

Approval of Minutes

Mayor Altomonte requested a motion to approve the minutes of the November 6, 2019. Council Meeting. Councilwoman Gunn made a motion, seconded by Councilwoman Salvatore. Council agreed with Councilman Cannon abstaining. Motion passed.

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Old Business

Mayor Altomonte read by title Resolution 19-08-10: Authorizing ARH Associates to Provide Professional Services for the Main Street Rehabilitation Study Area Phase 2: Redevelopment Plan Generation. 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.

**RESOLUTION 19-08-10
AUTHORIZING ARH ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES FOR
THE MAIN STREET REHABILITATION STUDY AREA
PHASE 2: REDEVELOPMENT PLAN GENERATION**

WHEREAS, the Mayor and Council of the Borough of Matawan received the attached Proposal for Professional Services from the Borough Planner, ARH Associates, for professional services associated with the Main Street Rehabilitation Study Area Phase 2: Redevelopment Plan Generation.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes ARH Associates to perform Phase 2 as outlined in the attached proposal for professional services in an amount not to exceed Twenty Thousand, Nine Hundred and Three Dollars and No Cents (\$20,903.00).

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

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

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 9-01-20-170-200 Budget (ARH Proposal No. P2019.0150) of the Borough of Matawan to ARH Associates for professional services for Phase 2: Redevelopment Plan Generation in an amount not to exceed Twenty Thousand, Nine Hundred and Three Dollars and No Cents (\$20,903.00).

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

Chief Financial Officer

(Signature on File)

Nicole Horvath, CMFO

Dated: November 18, 2019

March 1, 2019

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

Subj: Professional Services Proposal
Area In Need of Rehabilitation: Main Street Study Area
Borough of Matawan, Monmouth County
(ARH Proposal No. P2019.0150)

Dear Mr. Ferrara:

As requested, **ARH ASSOCIATES** is pleased to submit this Professional Services Proposal to assist the Borough of Matawan ("Borough") in its efforts to revitalize its downtown via a Rehabilitation Area designation under the New Jersey *Local Redevelopment & Housing Law* (N.J.S.A. 40A:12A-1 et seq. ~ "Redevelopment Law"). As you know, our firm has considerable expertise in this process and is pleased to be able to support the Borough with this project.

In short, a Rehabilitation Area designation confers on the Borough certain powers in regulating land use and certain flexibility in its relationship with developers which are not permitted under the New Jersey *Municipal Land Use Law* (N.J.S.A. 40:55D-1 et seq. ~ "MLUL"). Such powers / flexibility permit the Borough to:

- Modify zoning and building regulations and otherwise replan designated *Areas In Need*;
- Negotiate with and enter into Redevelopment Agreements with qualified Redevelopers for the clearance of lands, installation of infrastructure and construction of Projects in designated *Areas In Need*;
- Acquire and sell or lease property in designated *Areas In Need* to qualified Redevelopers without public bidding and at such prices and other (economic and noneconomic) terms as are deemed reasonable;
- Make plans for the enforcement of laws, codes and regulations relating to the use and occupancy of buildings and/or for the voluntary or compulsory repair, rehabilitation, demolition or removal of buildings in designated *Areas In Need*;
- Grant 5-Year Tax Abatements for qualifying Projects; and
- Collect revenue from Redevelopers to defray the costs of the Rehabilitation process.

Rehabilitation Area designation also provides municipalities with the ability to access to certain grant funds and other pro-development State programs not otherwise available.

Significantly, Rehabilitation Area designation DOES NOT provide a municipality with the power of eminent domain, which is only permitted under a Redevelopment Area designation.¹

¹ Although municipalities retain the power of eminent domain to acquire lands for public uses such as rights-of-way, parkland and other qualifying purposes under the New Jersey *Local Lands & Buildings Law* (N.J.S.A. 40:60-1 et seq.), *Public Parks & Playgrounds Law* (N.J.S.A. 40:61-1 et seq.) or other related legislation.

ARH Associates

Corporate Headquarters – 215 Bellevue Avenue – PO Box 579 – Hammonton, NJ 08037 – 609.561.0482 – fax 609.567.8909
Bloomfield Office – 2 Broad Street – Suite 602 – Bloomfield, NJ 07003 – 973.337.8562 – fax 973.337.8876
www.arh-us.com

The following Scope of Services has been designed to guide the Borough through the designation and Redevelopment Plan process, and includes our approach as well as details related to required tasks. We have used this approach in communities throughout New Jersey with tremendous success.

Our Fee Proposal for this assignment is included at the end of this Proposal.

This Scope and Fee proposal is based on our understanding of the legal requirements for Rehabilitation Area designation and Redevelopment Plan adoption as of this date. However, we note that several court cases continue to wind their way through the legal system and the Legislature is considering a number of bills designed to further modify the *Redevelopment Law*. Since it is not possible to anticipate the impact that future decisions or changes in the Law, if any, might have on the proposed Scope, we reserve the right to revisit any of the tasks proposed and the fees associated therewith should the legal climate change.

We thank the Borough and its officials for placing your trust with our firm. As always, please feel free to contact me should you have any questions or require additional information.

Respectfully Submitted,

ARH ASSOCIATES

by



Stuart B. Wiser, PP/AICP

Vice President of Planning & Environmental Services

SBW
Encl.

Cc w/ encl. S. Warner, A. Warburton

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SCOPE OF SERVICES

PHASE I: Preliminary Investigation & Rehabilitation Area Designation

Summary

Pursuant to section 14 of the Redevelopment Law,

*A delineated area may be determined to be In Need of Rehabilitation if the governing body of the municipality determines by resolution that a program of Rehabilitation, as defined in [N.J.S.A. C.40A:12A-3], may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area **any of the following** conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition; (2) more than half of the housing stock in the delineated area is at least 50 years old; (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area; (4) there is a persistent arrearage of property tax payments on properties in the area; (5) environmental contamination is discouraging improvements and investment in properties in the area; or (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance... Prior to adoption of the resolution, the governing body shall submit it to the municipal Planning Board for its review. Within 45 days of its receipt of the proposed resolution, the municipal planning board shall submit its recommendations regarding the proposed resolution, including any modifications which it may recommend, to the governing body for its consideration. Thereafter, or after the expiration of the 45 days if the municipal planning board does not submit recommendations, the governing body may adopt the resolution, with or without modification. The resolution shall not become effective without the approval of the commissioner [of the Department of Community Affairs] pursuant to [N.J.S.A. C.40A:12A-6] if otherwise required pursuant to that section. [emphasis added]*

While not included in the language of section 14, practice is that an analysis and report ~ known as a Preliminary Investigation ~ is prepared and submitted to the Planning Board in support of the required resolution.

A Preliminary Investigation is an existing conditions analysis of a Study Area performed by a licensed Professional Planner designed to determine an Area's conformance with any of the Statutory Criteria required for Rehabilitation Area designation. Physical, historical and/or statistical information are reviewed to determine whether, and to what extent, an Area conforms to such criteria. The results of the Investigation are formalized in a Report of Findings, with maps, graphics and other documentation necessary to present a clear and coherent determination of conformance.

The Report of Findings will be presented to the municipal Planning Board for review, finding of consistency with the municipal Master Plan and formal recommendation to the Governing Body. While no individual public notice to property-owners is required for this hearing, some method of communication with the citizenry is recommended.

Upon receipt of the Planning Board's recommendation, the Governing Body may act on the resolution declaring the Study Area, or any part thereof, In Need of Rehabilitation.

SCOPE OF SERVICES

Tasks

As part of this Phase I, we anticipate the following schedule of events (unless otherwise noted, all tasks will be performed by our Professional Planning Staff):

- Governing Body adopts Resolution directing the Planning Board to conduct the Preliminary Investigation (*Resolution prepared by **ARH** for Borough Solicitor review*).
- Planning Board (by Resolution) accepts Governing Body directive and directs **ARH** to undertake the Preliminary Investigation (*Resolution prepared by **ARH** for Planning Board Solicitor review*).
- **ARH** prepares and delivers Report of Findings to the Planning Board. Planning Board schedules public hearing.
- Borough / Planning Board issues whatever communication is deemed appropriate to advertise Public Hearing.
- Planning Board holds Public Hearing. **ARH** presents Report of Findings. Planning Board acts on Report of Findings.²
- Planning Board acts to memorialize vote by Resolution. This may be done at the next scheduled Planning Board meeting or may be combined with the action at the Public Hearing. (*Resolution prepared by **ARH** for Planning Board Solicitor review*).
- Presentation of Report of Findings to Governing Body (if required). Governing Body acts on Resolution (*Resolution prepared by **ARH** for Borough Solicitor review*).
- Submission of Resolution to the New Jersey Department of Community Affairs for review and approval (if necessary).

Deliverables

21 full-color copies³ of the Report of Findings, including all necessary maps, graphics and other documentation, and one electronic (.pdf) reproducible. Draft Resolutions as indicated.

² It is our practice to recommend that the Governing Body convene a special meeting AT THE PLANNING BOARD HEARING for the Preliminary Investigation. While no action would be taken, such a meeting serves to eliminate duplication of presentations to the Planning Board and Governing Body, and insures that the Governing Body is fully informed as to all comments presented to the Planning Board (both supporting and objecting to any Rehabilitation Area designation) and all responses to such comments.

³ Assumes: Mayor (1), Governing Body (6), Borough Administrator (1), Borough Clerk (1); Borough Redevelopment Attorney (1), Planning Board (9), Planning Board Secretary (1), Planning Board Solicitor (1).

SCOPE OF SERVICES

PHASE II: Redevelopment Plan Generation⁴

Summary

The next step after Rehabilitation Area designation is the preparation and adoption of a Redevelopment Plan. A Redevelopment Plan may be thought of as a master plan for an area declared to be In Need of Rehabilitation; it establishes the goals and objectives of the municipality in designating an area to be *In Need*, and details the actions to be taken to accomplish these goals and objectives.

While the Redevelopment Plan for a Main Street Rehabilitation Area will be prepared by **ARH ASSOCIATES**, the contents of the Plan will be the Borough's. Our role will be to advise the Borough and produce the document. As such, our Professional Planning staff will guide local decision makers regarding issues such as, but not limited to (as applicable and appropriate):

- Public Policy Goals and Redevelopment Plan Objectives for the Plan;
- Types of Rehabilitation Actions proposed;
- Land Use Provisions, including Permitted Uses, Building Controls, Architectural Controls and Design Guidelines;
- Utility Controls and Infrastructure Provisions;
- Statutory requirements for a Redevelopment Plan; and
- Other issues as may be necessary and appropriate.

Process

The process of adopting a Redevelopment Plan is similar to that employed for a Preliminary Investigation. The Plan is generated by a Professional Planning consultant, reviewed by the Planning Board in a public hearing, and referred (via Resolution) to the Governing Body with recommendation for adoption (such recommendation must include a statement as to consistency of the Redevelopment Plan with the municipal Master Plan). Upon receipt of such Planning Board recommendation, the Governing Body may act to adopt the Redevelopment Plan, either as submitted or with changes, by Ordinance. The adopted Redevelopment Plan may become an explicit amendment to the Borough's Zoning District Map and Zoning Ordinance or may be treated as an overlay to existing zoning.

Tasks

While the tasks involved in preparing a Redevelopment Plan will necessarily depend on the nature of the area the Plan is intended to address and the goals of policymakers for that section of the City, the following core elements are anticipated:

- A Project kickoff meeting with Borough officials to discuss the Rehabilitation Program and Proposed Actions under the Redevelopment Plan.

⁴ Section 3 of the *Redevelopment Law* defines a Redevelopment Plan as

a plan adopted by the governing body of a municipality for the redevelopment or *rehabilitation* of all or any part of a redevelopment area, or *an area in need of rehabilitation*, which plan shall be sufficiently complete to indicate its relationship to definite municipal objectives as to appropriate land uses, public transportation and utilities, recreational and municipal facilities, and other public improvements; and to indicate proposed land uses and building requirements in the redevelopment area or *area in need of rehabilitation, or both*". *[emphasis added]*

Accordingly, a "Redevelopment Plan" is the statutory mechanism for addressing conditions in a Rehabilitation Area as well as a Redevelopment Area.

SCOPE OF SERVICES

- Preparation and delivery of draft Redevelopment Plan.
- Workshop meeting with Borough officials to present draft Redevelopment Plan and discussion open issues.
- Delivery of final draft of Redevelopment Plan.
- Planning Board holds Public Hearing. **ARH** presents draft Redevelopment Plan. Planning Board acts to determine consistency of draft Redevelopment Plan with Master Plan and makes recommendation to Governing Body.⁵
- Planning Board acts to memorialize vote by Resolution. This may be done at the next scheduled Planning Board meeting or may be combined with the action at the Public Hearing. (*Resolution prepared by **ARH** for Planning Board Solicitor review*).
- 1st reading of Ordinance to adopt Redevelopment Plan. (*Ordinance prepared by **ARH** for Borough Solicitor review*).
- 2nd reading and public hearing of Ordinance to adopt Redevelopment Plan.

Deliverables

21 full-color copies⁶ of the draft Redevelopment Plan, including all necessary maps, graphics and other documentation, and one electronic (.pdf) reproducible. Draft Resolution and Ordinance as indicated.

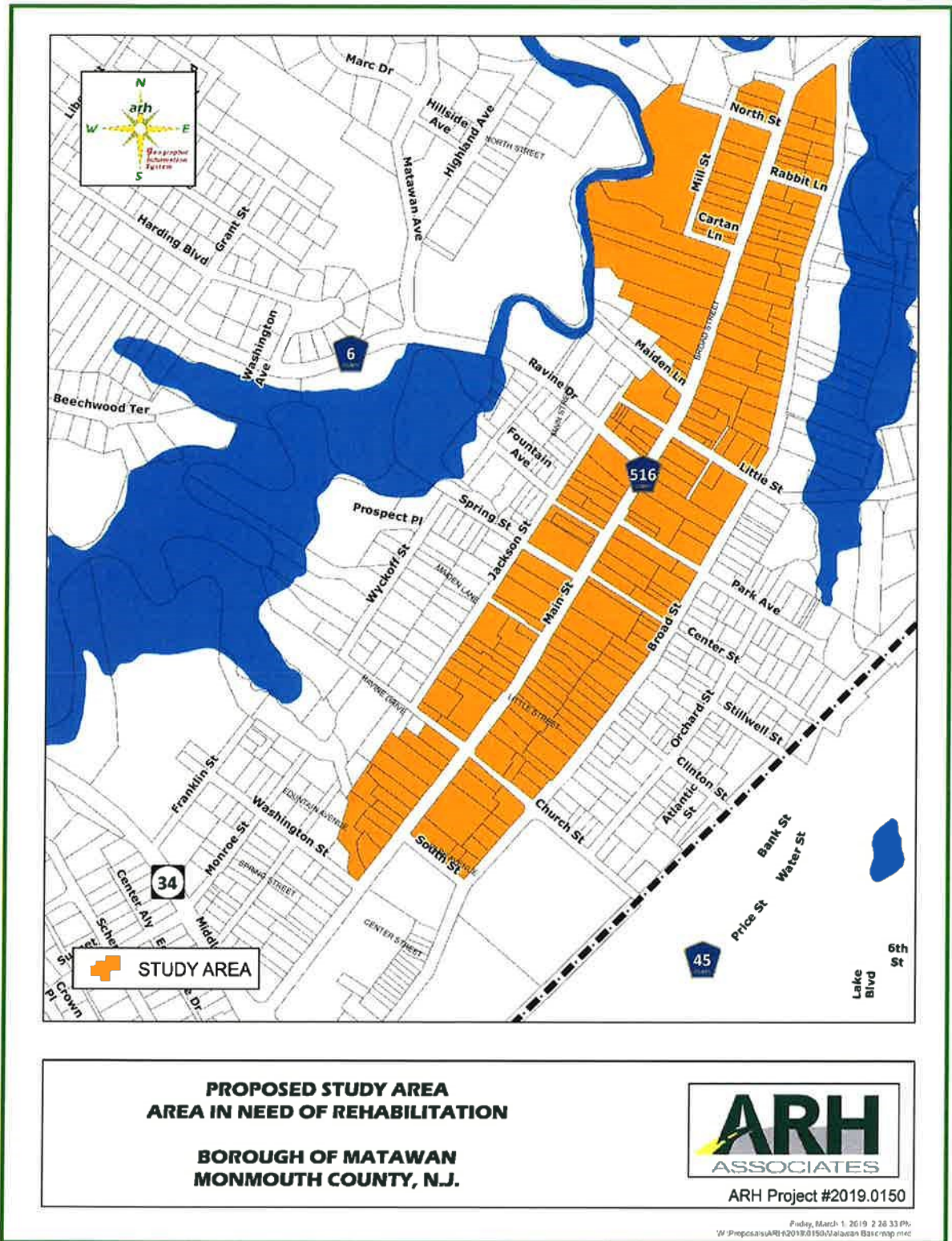
⁵ It is our practice to recommend that the Governing Body convene a special meeting AT THE PLANNING BOARD HEARING for the Preliminary Investigation. While no action would be taken, such a meeting serves to eliminate duplication of presentations to the Planning Board and Governing Body, and insures that the Governing Body is fully informed as to all comments presented to the Planning Board (both supporting and objecting to any Rehabilitation Area designation) and all responses to such comments.

⁶ Assumes: Mayor (1), Governing Body (6), Borough Administrator (1), Borough Clerk (1); Borough Redevelopment Attorney (1), Planning Board (9), Planning Board Secretary (1), Planning Board Solicitor (1).

FEE PROPOSAL

Phase Breakout

<i>PHASE I: Preliminary Investigation & Rehabilitation Area Designation:</i>	<i>\$18,272</i>
<i><u>PHASE II: Redevelopment Plan Generation:</u></i>	<i><u>\$20,903</u></i>
<i>Total Project Fees:</i>	<i>\$39,175</i>



Mayor Altomonte read by title Ordinance 19-20: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan Chapter VII – Traffic, Section 7-41.1(i) Parking at the Railroad Station, Rules, Regulations and Penalties. Mayor Altomonte requested a motion to open the public hearing. Councilwoman Buckel 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. Councilwoman Buckel made the motion, seconded by Councilwoman Salvatore. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 19-20: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan Chapter VII – Traffic, Section 7-41.1(i) Parking at the Railroad Station, Rules,

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Regulations and Penalties, 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 19-20
AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF MATAWAN
CHAPTER VII – TRAFFIC
SECTION 7-41.1(i) PARKING AT THE RAILROAD STATION
RULES, REGULATIONS AND PENALTIES**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Matawan that it herewith amends and supplements Chapter VII – Traffic Regulations, Section 7-41.1(i) – Parking at the Railroad Station Permit Parking Lot as follows:

7-41.1(i) Parking at the Railroad Station Permit Parking Lot #1

i. *Rules, Regulations and Penalties. The Governing Body of the Borough of Matawan may, by Resolution, adopt Rules and Regulations for the operation of the Municipal Parking Lots. A fine for a violation of this subsection shall be Fifty Four Dollars and No Cents (\$54.00) and the impounding of a vehicle as provided for in Section (f) of this Section as appropriate.*

BE IT FURTHER ORDAINED any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

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

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

BE IT FURTHER ORDAINED that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Clerk, Police, Public Works as well as New Jersey Transit, and the Court Administrator of the Joint Municipal Court of Hazlet and Matawan.

Clerk's Report

The Clerk reported the issuance of new business licenses for:

- Bohème (hair salon);
- Partners in Sound Productions NJ (DJ entertainment company);
- The Party Outlet (party supply store);
- The Rise Agency (a marketing firm);
- Sahara 34, LLC (restaurant has new owner); and
- Village Wellness Services, LLC (psychotherapy & clinical social work).

The Clerk congratulated the incumbents and Councilman-elect John Lazar, and thanked DPW, especially Jim Archibald and Dan Ziegler, as well as the Police and Fire Departments, for their kind assistance during the election year.

In conjunction with the Monmouth County Board of Health, the Borough held a successful free Rabies Clinic at Washington Engine Fire Company this past Saturday, and thanked Matawan's Bravest for hosting the event.

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The 2020 RFQ's are due 10:00 AM on Friday, November 22, 2019.

The Clerk informed she will be on vacation the week of November 25, returning to the office Monday, December 2, and referred to the Deputy Clerk, Robin Klinger, in her absence.

Lastly, the offices of the Borough of Matawan will be closed for the Thanksgiving holiday as of Thursday, November 28, and will re-open on Monday, December 2.

Mayor's Report

Mayor Altomonte congratulated all the newly elected and re-elected candidates from the recent election.

Administrator's Report

No report.

Attorney's Report

Mr. Menna stated he and the Clerk received recommendations from the Board of Fire Officers ("Board") regarding the composition of the administrative officers of the Matawan Fire Department. The Board informed of the need of the addition of a fourth chief due to the volume in number of calls received and to assist with the additional administrative duties. Mr. Menna said the existing ordinance will need to be amended, and introduced at the next meeting. He also commended Councilman Cannon for recommending the update of the Fire Department Bylaws as it has been some time since the last update. A meeting with the Secretary of the Fire Department, along with another officer from the Board of Fire Officers, Councilman Cannon, the Borough Clerk, and himself is to be scheduled to discuss and then present those Bylaw updates in January.

Engineer's Report

No report.

Police, ADA, Recreation

Councilwoman Salvatore related the amount of calls and arrests responded to by the Patrol Division, including motor vehicle incidents. The Detective Division conducted criminal investigations into multiple offenses during this reporting period including: robbery, burglary, assault, theft and fraud. The Speed Enforcement trailer was deployed to Fierro Avenue targeting speeding violations within the 25 MPH residential zone. The Traffic Safety Unit is currently planning the detour for this year's Turkey Trot scheduled for Saturday, November 30th. Ptl. Heppel and Det. Andersen presented a Halloween safety program to the students of Ravine Drive Elementary School in advance of Halloween. The Department participated in the Borough's Trunk or Treat event by decorating and entering a marked patrol car. The Department in conjunction with Matawan PBA Local #179 and the Atrium Healthcare are currently participating in a "Toys for Tots" campaign. Donations of toys can be made at the Atrium and Police Headquarters from now until December 7th.

DPW, Property Maintenance, Recycling & Sanitation

Councilwoman Buckel announced leaf pickup is currently underway reminding residents to refer to the recycling calendar.

Fire, Personnel

Councilman Cannon said that Mr. Menna covered a portion of his report, reiterating the need to amend the Matawan Fire Department Bylaws. He explained the addition of another chief will provide a representative for each house. He noted the Department has not requested additional funding, and is looking to make budget cuts.

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Economic Business Development, Environmental, Main Street Development, Planning/Zoning,

Councilwoman Gunn reported the Economic Business Development Commission has been working to incorporate the Turkey Trot with Small Business Saturday, explaining the idea is for people to run the Turkey Trot, then eat a prix-fix lunch at Maloney’s, and then shop Main Street Matawan. A flyer was distributed to businesses. The Recreation Director will post it on the Recreation Department’s Facebook page, and it will be posted on the website.

Animal Welfare, Construction, Shade Tree

Councilman Livesey reported that the Shade Tree meeting has been moved to Thursday, November 21, 2019, at 5:30 PM.

The Construction Report for October:

	Current Month	Year-to-Date
Permit Income/Certificate	\$ 11,035.00	\$ 130,495.00
Business CCOs/Misc Fees	\$ 300.00	\$ 3,770.00
State Permit Surcharge Fees	\$ 662.00	\$ 5,161.00
Penalties	\$ 0	\$ 0
TOTAL	\$ 11,997.00	\$ 139,426.00
Paid to Matawan General Fund	\$ 11,997.00	\$ 134,927.00
Paid to State Quarterly Payment	\$ 0	\$ 4,499.00
Value of Construction Work	\$ 376,823.00	\$ 4,963,626.00
Permits Issued	40	389

Consent Agenda

Mayor Altomonte read by title Resolutions 19-11-11 through and including 19-11-13, requesting a motion to approve en masse. Councilwoman Buckel made the motion, seconded by Councilwoman Salvatore. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 19-11-11
AUTHORIZING REFUND OF TAX OVERPAYMENT
33 SCHENCK AVENUE – BLOCK 47, LOT 15.02**

WHEREAS, the following property has been overpaid for the year 2018 and first quarter 2019 as a result of the reason(s) outlined below; and

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

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

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

<u>Block/Lot</u>	<u>Vendor</u>	<u>Amount of Refund</u>	<u>Notation</u>
47/15.02	Luke Smentkowski & Leslie Way 33 Schenck Ave. Matawan, NJ 07747	\$4,417.12	Veteran Exemption

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

**RESOLUTION 19-11-12
RELEASE OF ESCROW FUNDS
INTERGLOBAL CONSTRUCTION, INC.
95 MAIN STREET - BLOCK 9, LOT 8.01**

WHEREAS, David Grippi of Interglobal Construction, Inc. is due the balance on his escrow account for the property located at 95 Main Street – Block 9, Lot 8.01 – Matawan, New Jersey; and

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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 David Grippi, Interglobal Construction, Inc., 68B Wyckoff Street, Matawan, New Jersey 07747, for 95 Main Street – Block 9, Lot 8.01 – 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, Finance as well as the Planning/Zoning Attorney, Planning/Zoning Engineer, and David Grippi of Interglobal Construction, Inc.

**RESOLUTION 19-11-13
RELEASE OF MAINTENANCE BOND
2015 ROAD IMPROVEMENT PROGRAM CONTRACT 2
BLACK ROCK ENTERPRISES, LLC**

WHEREAS, on January 20, 2017, Black Rock Enterprises, LLC posted Maintenance Bond No. 2205144 in the amount of Two Hundred Eighty Seven Thousand Eight Hundred Forty Seven Dollars and Sixteen Cents (\$287,847.16); and

WHEREAS, as said Maintenance Bond expired on December 22, 2018, and T&M Associates has provided written confirmation on November 5, 2019 stating there are no outstanding items relating to inspections, improvements or billing.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Matawan hereby approves the release of aforementioned Bond to Black Rock Enterprises, LLC, 1316 Englishtown Road, Old Bridge, New Jersey 08857.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Public Works as well as Robert Keady of T&M Associates and Black Rock Enterprises, LLC.

New Business

Mayor Altomonte read by title Resolution 19-11-14: Memorializing the Granting of Relief from the Five Year Moratorium Road Opening Permit – 11 Somerset Place – Block 123.02, Lot 5. 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 19-11-14
MEMORIALIZING THE GRANTING OF RELIEF FROM THE
FIVE YEAR MORATORIUM ROAD OPENING PERMIT
11 SOMERSET PLACE – BLOCK 123.02, LOT 5**

WHEREAS, Tamara Proto, residing at 11 Somerset Place, requested the Council of the Borough of Matawan grant emergency relief from the five year moratorium to open 11 Somerset Place for the purpose of connecting to the New Jersey Natural Gas facilities as the leaking oil tank in the home had been disconnected leaving the home with no heat; and

WHEREAS, the Borough Engineer has recommended conditions be imposed to return the road to its original condition with infrared repair to provide a seamless patch to the roadway surface as outlined in the Code of the Borough of Matawan Chapter 21, Section 21-1.8 as well as the posting of a two year maintenance bond.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, they hereby grant Tamara Proto relief from the five year moratorium road opening on 11 Somerset Place in order to restore essential service.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Construction, Fire, Police, Public Works as well as the Borough Engineer, New Jersey Natural Gas and Tamara Proto.

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Mayor Altomonte read by title Resolution 19-11-15: Authorizing the Purchase of One 2020 Ford Police Interceptor Utility (AWD) for the Borough of Matawan Police Department. 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.

**RESOLUTION 19-11-15
AUTHORIZING THE PURCHASE OF ONE
2020 FORD POLICE INTERCEPTOR UTILITY (AWD) FOR
THE BOROUGH OF MATAWAN POLICE DEPARTMENT**

***WHEREAS**, Thomas J. Falco Jr., Chief of Police of the Matawan Borough Police Department has advised the Mayor and Council of the need to replace a primary police vehicle which has exceeded its expected useful service life in terms of mileage and longevity as a primary patrol vehicle; and*

***WHEREAS**, the Mayor and Council of the Borough of Matawan, upon review of the attached quote and acting under the recommendation and opinion of Chief Falco regarding the above, hereby authorize the purchase of one 2020 Ford Police Interceptor Utility (AWD) for the Borough of Matawan’s Police Department.*

***NOW, THEREFORE, BE IT RESOLVED** that Chief Thomas J. Falco Jr. of the Police Department of the Borough of Matawan is hereby authorized by the Council of the Borough of Matawan to enter into a Contract for the purchase of one 2020 Ford Police Interceptor Utility as outlined in the attached quote for the Borough of Matawan’s Police Department through the New Jersey State Contract Program #88728 from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, in the amount of Thirty-Three Thousand, Five Hundred Seventeen Dollars and No Cents (\$33,517.00).*

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

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the 9-01-25-240-272 Budget of the Borough of Matawan to Winner Ford for the purchase of one (1) 2020 Ford Police Interceptor Utility vehicle for the Borough of Matawan in an amount not to exceed Thirty-Three Thousand, Five Hundred Seventeen Dollars and No Cents (\$33,517.00).

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

Chief Financial Officer

(Signature on File)

*Nicole Horvath, CMFO
Dated: November 18, 2019*

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Thomas J. Falco Jr.
Chief of Police

MATAWAN POLICE DEPARTMENT

150 Main Street Matawan, NJ 07747
Dispatch (732) 566-1010 Non-Emergency (732) 290-2020
Fax (732) 566-4038
www.matawanpolice.org



Jeremiah E. Hourihan III.
Captain of Police

October 18, 2019

2020 Ford Police Interceptor Utility, color black

As quoted by Winner Ford (NJ State Contract # 88728) \$31,612.00

With the following options:

76P	Pre-Collision Assist with Pedestrian Detection	\$ 275.00
47A	Police Engine Idle Feature	\$ 260.00
76R	Reverse Sensing System	\$ 145.00
55F	Remote keyless entry – key fobs	\$ 340.00
21L	Front Warning Auxiliary Lights	\$ 550.00
76D	Deflector plate	\$ 335.00

Total Cost: \$33,517.00

Respectfully submitted,

Thomas J. Falco Jr.
Chief of Police

PROVIDING A SAFE COMMUNITY SINCE 1926

Mayor Altomonte read by title Resolution 19-11-17: Acceptance of Retirement Part-Time Annual School Crossing Guard Carolyn Woods. 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.

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**RESOLUTION 19-11-17
ACCEPTANCE OF RETIREMENT
PART TIME ANNUAL SCHOOL CROSSING GUARD
CAROLYN WOODS**

WHEREAS, *Part-Time Annual School Crossing Guard Carolyn Woods, has given 37 years of valued service to the residents of the Borough of Matawan; and*

WHEREAS, *Carolyn Woods has submitted notice of retirement to the State of New Jersey Division of Pension and Benefits effective December 1, 2019.*

NOW, THEREFORE, BE IT RESOLVED *by the Council of the Borough of Matawan accepts the retirement, effective December 1, 2019, of Part-Time Annual School Crossing Guard Carolyn Woods, subject to the terms and conditions as outlined in the Policies and Procedures Manual 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, Police, Payroll as well as Carolyn Woods.*

Mayor Altomonte read by title Resolution 19-11-18: Authorizing the Borough Administrator to Advertise for Hiring of a Part-Time Annual School Crossing Guard. 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.

**RESOLUTION 19-11-18
AUTHORIZING THE BOROUGH ADMINISTRATOR
TO ADVERTISE FOR HIRING OF A
PART-TIME ANNUAL SCHOOL CROSSING GUARD**

WHEREAS, *there is a need for a Part-Time Annual School Crossing Guard within the Borough of Matawan.*

NOW, THEREFORE, BE IT RESOLVED *by the Council of the Borough of Matawan that the Borough Administrator is hereby authorized to advertise (in print or electronic media), and the Chief of Police to conduct interviews, and make recommendations for the position of Part-Time Annual School Crossing Guard to the Police Committee, for authorization by the 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, Payroll as well as Police.*

Mayor Altomonte read by title Resolution 19-11-19: Authorizing Investors Bank as Depository for the Borough of Matawan Asset Forfeiture Program Account. 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.

**RESOLUTION 19-11-19
AUTHORIZING INVESTORS BANK AS DEPOSITORY FOR
THE BOROUGH OF MATAWAN
ASSET FORFEITURE PROGRAM ACCOUNT**

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***WHEREAS,** Investors Bank (“Bank”) is hereby designated as a depository for the funds of this Public Entity. The Mayor and Chief Financial Officer of the Borough of Matawan (“Public Entity”) are hereby authorized to open a bank account or accounts from time to time with Bank for and in the name of the Public Entity with such title or titles as he/she may designate; and*

***WHEREAS,** Bank is hereby authorized to accept for deposit to the credit of this Public Entity, in such account(s) as the Mayor and Chief Financial Officer of this Public Entity shall designate from time to time, monies, checks, drafts, notes, bills of exchange, acceptances, wire transfers, ACH, payment orders or other evidences indebtedness; and*

***WHEREAS,** the Bank is authorized to make payments from the funds of this Public Entity on deposit with it, upon and according to the check, draft, note, bill of exchange, wire transfer, ACH, payment order, acceptance or other written instrument or direction of this Public Entity, signed, drawn, accepted or endorsed by any one of its following officers or designated agents (“Authorized Persons”) whether the same be payable to the order of or in favor of any officer of the Public Entity or Authorized Person or otherwise, and whether the same be deposited to the individual credit of or tendered in payment of the obligation of any officer of the Public Entity or Authorized Person or otherwise: Joseph Altomonte, Mayor, Nicole A. Horvath, Borough Chief Financial Officer & Treasurer; and*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that Mayor Joseph Altomonte and Nicole A. Horvath, Chief Financial Officer & Treasurer, the Authorized Persons, may transfer or enter into agreements with the Bank concerning the transfer or other disposition of the funds of this Public Entity or otherwise transact business on the Public Entity’s Account Number without liability to the Bank concerning the disposition or the purpose of such transfers or transactions. Any one of the Authorized Persons may countermand payment on any such written instrument of such authorization to transfer funds by either oral or written direction to the Bank.*

***BE IT FURTHER RESOLVED,** the Public Entity’s account(s) shall be governed by, and the Public Entity agrees to, the rules, terms and conditions, procedures, schedules and disclosures of the Bank for this type of organization, as they may exist from time to time, (collectively, “Account Agreement”) for all accounts in the name of the Public Entity opened by the Authorized Persons of the individuals signing this Resolution.*

***BE IT FURTHER RESOLVED,** all transactions (if any) with respect to any deposits, withdrawals, payments or other business on the accounts in the name of the Public Entity prior to the adoption of this Resolution are hereby ratified, confirmed and approved.*

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

Mayor Altomonte read by title Resolution 19-11-20: Authorizing the Transfer of Funds from Current and Utility Accounts in the 2019 Budget. 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 19-11-20
AUTHORIZING THE TRANSFER OF FUNDS FROM
CURRENT AND UTILITY ACCOUNTS IN THE 2019 BUDGET**

***WHEREAS,** NJSA 40A:4-58 provides for the transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year: and*

***WHEREAS,** the Chief Financial Officer has advised the Mayor and Council of the Borough of Matawan that the need for certain transfers within the 2019 Municipal Budget exists; and*

***WHEREAS,** it is recommended that these budget transfers be made.*

***NOW, THEREFORE, BE IT RESOLVED** that the following budget transfers be made in the 2019 Municipal Budget:*

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<u>Transfer From:</u>		<u>Transfer To:</u>	
<u>Account</u>	<u>Amount of</u>	<u>Account</u>	<u>Amount of</u>
<u>Number</u>	<u>Transfer</u>	<u>Number</u>	<u>Transfer</u>
9-01-31-448-205	\$3,000.00	9-01-28-370-250	\$3,000.00
Heating Oil		Recreation	
Other Expenses		Other Expenses	

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the Chief Financial Officer of the Borough of Matawan for the permanent records.

Mayor Altomonte read by title Ordinance 19-21: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan Chapter VII – Traffic, Section 7-20 – Stop Intersections – Crown Place and Sunset Avenue, Crown Place and Edgemere Drive. Mayor Altomonte requested a motion to introduce. Councilwoman Salvatore made the motion, seconded by Councilwoman Buckel. Council agreed. 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.

Ms. Wynne announced that the public hearing will take place at 7:00PM on December 3, 2019.

**ORDINANCE 19-21
AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF MATAWAN
CHAPTER VII – TRAFFIC, SECTION 7-20 – STOP INTERSECTIONS
CROWN PLACE AND SUNSET AVENUE
CROWN PLACE AND EDGEMERE DRIVE**

WHEREAS, the Traffic Safety Unit of the Matawan Police Department has recommended the adoption of this within Ordinance and same has been reviewed by the Borough Engineer to certify its consistency with applicable traffic and vehicle laws and safety regulations within residential areas, and the appropriate notification has been forwarded to the New Jersey State Department of Transportation; and

WHEREAS, upon approval of the Police Committee of the Council of the Borough of Matawan, it is necessary to install traffic control signals, such as stop and/or yield signs for the health, safety and well-being of the residents and visitors of the Borough of Matawan to control traffic, and to reduce incidents of traffic accidents.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Matawan that it herewith amends Chapter VII – Traffic Regulations, Section 7-20 – Stop Intersections, to include the intersections described, are hereby designated as Stop Intersections. Stop signs shall be installed as provided therein.

<i>Intersection</i>	<i>Stop Sign(s) On</i>
Crown Place and Sunset Avenue	Crown Place
Crown Place and Edgemere Drive	Crown Place

BE IT FURTHER ORDAINED any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

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

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

BE IT FURTHER ORDAINED that a true certified copy of this Ordinance shall be forwarded to the following Borough of Matawan Departments: Clerk, Police, Public Works as well as the New Jersey State Department of Transportation.

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Mayor Altomonte read by title Resolution 19-11-21: Payment of Bills. 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.

**RESOLUTION 19-11-21
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>\$298,019.82</i>
<i>Water & Sewer</i>	<i>\$101,234.90</i>
<i>Borough Capital</i>	<i>\$30,179.51</i>
<i>Water Capital</i>	<i>\$22,994.48</i>
<i>Grant</i>	<i>\$214.58</i>
<i>Borough Trust</i>	<i>\$36,723.50</i>
<i>Railroad Parking Trust</i>	<i>\$11,500.00</i>
Total	\$500,866.79

***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. Councilwoman Salvatore made the motion, seconded by Councilman Cannon. Council agreed. Motion passed.

Adjournment

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

Meeting recessed at 7:32 PM.

(Signature on File)

Karen Wynne, RMC
Municipal Clerk