

**Borough of Matawan  
Workshop Session  
February 1, 2022**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on February 1, 2022, 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, 2022, 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 7:02 PM requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn  
Councilman Brian Livesey  
Councilwoman Stephanie Buckel  
Councilman Charlie Ross

Absent: Councilman Brett Cannon  
Councilwoman Melanie S. Wang

Also present were Scott Carew, 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.

**Privilege of the Floor for 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 Livesey made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

**Consent Agenda**

Mayor Altomonte read by title Resolutions 22-02-01 through and including 22-02-05 requesting a motion to approve en masse. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed with Councilwoman Buckel abstaining. Motion passed.

***RESOLUTION 22-02-01  
REDEMPTION OF TAX SALE CERTIFICATE(S)  
#21-00022***

<u>Certificate#</u>	<u>Company Sold To</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Payment</u>	<u>Premium</u>
21-00022	Christiana Trust as Cust GSRAN-Z, LLC Deposit Acct	120.01	22	2 Eisenhower Ct.	\$273.30	\$8,500.00

**WHEREAS**, the Borough of Matawan Tax Collector has reported that the above Tax Sale Certificate(s) were sold; and

**WHEREAS**, the Certificate(s) has been paid and fully redeemed for the property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, that they hereby authorize payments in the amounts, plus any Premiums indicated, for the redemption of the Tax Sale Certificate(s) listed above.

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

**RESOLUTION 22-02-02  
APPROVAL OF SOLICITORS PERMIT  
TRINITY SOLAR, INC.**

***WHEREAS**, David Niechwiadowicz, on behalf of Trinity Solar, Inc. (solar energy), has passed the required Police Department background checks; and*

***WHEREAS**, David Niechwiadowicz, on behalf of Trinity Solar, Inc. (solar energy), has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.*

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

*Business:* Trinity Solar, Inc.  
2211 Allenwood Road  
Wall, NJ 07719

*Applicants:*

1) David Niechwiadowicz

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

**RESOLUTION 22-02-03  
AMENDING RESOLUTION 21-06-15  
RENEWAL OF 2021-2022 ABC LIQUOR LICENSES**

***WHEREAS**, Pocket License #1329-44-008-007, Vincent Wilt, 825 Blvd., Westfield, NJ 07090 has not satisfied required NJS Alcohol Beverage Control (ABC) documentation and ABC has notified the Borough to rescind that portion of Resolution 21-06-15 with the remaining Licensees as approved with said Resolution.*

***NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Matawan that the following liquor licenses be renewed, subject however to the rules, regulations, receipt of Tax Clearance Certificates, statutes and ordinances affecting the same, said licenses to expire June 30, 2022 with Pocket License #1329-44-008-007, Vincent Wilt, 825 Blvd., Westfield, NJ 07090, hereby rescinded.*

**Plenary Retail Consumption License**  
**\$1,600.00**

<u>LICENSE #</u>	<u>NAME</u>	<u>ADDRESS</u>
1329-33-016-010	Mediterranean Chateau Corp.	27 Freneau Avenue
1329-33-004-004	Lupu Food & Beverage (Maloney's Pub)	117-119 Main Street
1329-33-003-009	Liberty Corner, Inc. (Brass Rail)	89 Route 79
1329-33-010-007	111-113 Main Street, LLC (Scalia – Pocket License)	111-113 Main Street

**Plenary Retail Distribution License**  
**\$950.00**

<u>LICENSE #</u>	<u>NAME</u>	<u>ADDRESS</u>
1329-44-002-011	Chirag Patel, Inc. (Save Rite Liquors)	1016 Route 34, Suites 6-8
<del>1329-44-008-007</del>	<del>Vincent Wilt</del> (Pocket License)	<del>825 Blvd., Westfield, NJ 07090</del>

**RESOLUTION 22-02-04  
RELEASE OF ESCROW FUNDS FOR  
UNIFIED PLANNING ZONING BOARD OF ADJUSTMENT APPLICATION  
GUY & STEPHANIE BUCKEL  
14 CHESTNUT DRIVE – BLOCK 65.02, LOT 43**

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*WHEREAS, Guy and Stephanie Buckel posted escrow in association with a Planning Zoning Application No. 21-02 for bulk variance relief for Block 65.02, Lot 43, otherwise known as 14 Chestnut Drive, Matawan, New Jersey; and*

*WHEREAS, all Borough Departments and Professionals associated with this project have certified any and all outstanding issues and billing have been satisfied to allow 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 to Guy and Stephanie Buckel, 14 Chestnut Drive, Matawan, New Jersey 07747.

*BE IT FURTHER RESOLVED* that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Construction, Finance as well as the Planning Zoning Attorney, Planning Zoning Engineer and Guy & Stephanie Buckel.

**RESOLUTION 22-02-05  
AUTHORIZING THE BOROUGH ADMINISTRATOR  
TO ADVERTISE FOR HIRING OF A PART-TIME ANNUAL FIRE PREVENTION INSPECTOR**

*WHEREAS, there is a need for a Part-Time Annual Fire Prevention Inspector 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 Annual Fire Prevention Inspector 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.

**New Business**

Mayor Altomonte read by title Resolution 22-02-06: Resolution Authorizing the Filing of a Declaratory Judgment Action in the Superior Court of New Jersey, Law Division Seeking Judicial Approval of the Borough's Compliance With its Third Round Affordable Housing Obligation in Accordance With the New Jersey Supreme Court Decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing and a Motion Seeking Temporary Immunity From Third Party Lawsuits While Pursuing the Declaratory Judgment Action. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-02-06  
RESOLUTION AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION  
IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION SEEKING JUDICIAL  
APPROVAL OF THE BOROUGH'S COMPLIANCE WITH ITS THIRD ROUND  
AFFORDABLE HOUSING OBLIGATION IN ACCORDANCE WITH THE NEW JERSEY  
SUPREME COURT DECISION IN THE MATTER OF THE ADOPTION OF N.J.A.C. 5:96  
AND 5:97 BY NJ COUNCIL ON AFFORDABLE HOUSING AND A MOTION SEEKING  
TEMPORARY IMMUNITY FROM THIRD PARTY LAWSUITS WHILE PURSUING THE  
DECLARATORY JUDGMENT ACTION**

*WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in the case of In Re Adoption of N.J.A.C. 5:96 and 5:97 by NJ Council on Affordable Housing, holding that enforcement of the Fair Housing Act ("FHA") and the Mount Laurel Doctrine be returned from the NJ Council on Affordable Housing ("COAH") to the New Jersey Superior Courts due to COAH's failure to adopt Third Round Rules on municipal affordable housing obligations; and*

*WHEREAS, the New Jersey Supreme Court provided that a municipality such as the Borough of Matawan ("Borough") may file a declaratory judgment action in the Superior Court of New Jersey, Law Division to seek a judicial declaration that the municipality's affordable housing plan presents a realistic opportunity for the provision of its fair share of present and prospective need for low- and moderate-income housing, such that the municipality may receive from the courts the judicial equivalent of substantive certification and accompanying protection as afforded under the FHA; and*

*WHEREAS, the Supreme Court ruled that a municipality's Third Round fair share obligation and Housing Element & Fair Share Plan ("HEFSP") must be evaluated under the prior round methodology; and*

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*WHEREAS, the Borough is currently preparing a HEFSP and, in light of existing development within the Borough that incorporates affordable housing units and potential development and redevelopment opportunities that are now or may soon be available, the Borough believes it can successfully obtain a judicial declaration that it has complied with its constitutional affordable housing obligation; and*

*WHEREAS, the Borough Council of the Borough of Matawan (the “Council”) deems it to be in the best interest of the Borough and its residents to authorize Borough Special Counsel to file a declaratory judgment action seeking judicial approval of the Borough’s compliance with its Third Round affordable housing obligation, along with a motion seeking temporary immunity from third party lawsuits while the Borough pursues the declaratory judgment action;*

*NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Matawan, County of Middlesex and State of New Jersey, that it hereby authorizes the Borough Special Counsel to file a declaratory judgment action with the trial court to seek judicial approval of the Borough’s compliance with its Third Round affordable housing obligation, along with a motion seeking temporary immunity from third party lawsuits while the Borough pursues the declaratory judgment action, and any other actions deemed necessary in accordance therewith; and*

*BE IT FURTHER RESOLVED that the Mayor and the Borough Administrator of the Borough of Matawan are hereby authorized to execute any and all documents necessary to implement and effectuate this Resolution; and*

*BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.*

Mayor Altomonte read by title Resolution 22-02-07: Authorizing the Transfer of Unexpended Balances in Certain 2021 Appropriation Reserve Accounts. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-02-07  
AUTHORIZING THE TRANSFER OF UNEXPENDED BALANCES IN CERTAIN  
2021 APPROPRIATION RESERVE ACCOUNTS**

*WHEREAS, NJSA 40A:4-59 provides for the transfers within certain appropriations within the Municipal Budget during the first three months of the following year: and*

*WHEREAS, there are unexpended balances in certain 2021 appropriation reserve accounts; and*

*WHEREAS, additional funds are required in certain other 2021 appropriation reserve accounts.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the following transfers are authorized from and to the following accounts:*

<i>Transfer From Account Number</i>	<i>Amount Of Transfer</i>	<i>Transfer To Account Number</i>	<i>Amount Of Transfer</i>
<i>1-01-20-130-200 Finance Other Expense</i>	<i>\$1,500.00</i>	<i>1-01-20-150-200 Tax Assessor Other Expense</i>	<i>\$1,500.00</i>
<i>1-01-20-130-200 Finance Other Expense</i>	<i>\$2,000.00</i>	<i>1-01-20-155-200 Legal Other Expense</i>	<i>\$2,000.00</i>
<i>1-01-31-435-200 Street Lighting Other Expense</i>	<i>\$7,500.00</i>	<i>1-01-26-315-200 Vehicle Repairs Other Expense</i>	<i>\$7,500.00</i>

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

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Mayor Altomonte read by title Resolution 22-02-08: Payment of Bills. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-02-08  
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>\$2,681,255.73</i>
<i>Water/Sewer</i>	<i>\$357,338.20</i>
<i>Borough Capital</i>	<i>\$100,860.39</i>
<i>Water Capital</i>	<i>\$9,064.03</i>
<i>Grant</i>	<i>\$3,276.30</i>
<i>Borough Trust</i>	<i>\$153,731.21</i>
<b><i>Total</i></b>	<b><i>\$3,305,525.86</i></b>

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

**Privilege of the Floor**

Mayor Altomonte opened the Privilege of the Floor.

Loretta Windas, 138 Aberdeen Road, Matawan. Ms. Windas requested clarification of Resolution 22-02-06. Mr. Menna related the background on New Jersey’s Affordable Housing Mount Laurel municipal obligations. The Resolution authorizes the Borough to seek judicial approval of the Borough’s compliance with its Third Round affordable housing obligation along with a motion seeking temporary immunity from third party lawsuits while the Borough pursues the declaratory judgement action.

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

**Adjourn to Executive Session**

Mayor Altomonte requested a motion to adjourn to Executive Session. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mr. Menna announced the purpose of the Executive Session is to discuss litigation. No formal action will be taken. This meeting is not open to the public. Council agreed. Motion passed.

Meeting adjourned at 7:15 PM.

*Karen Wynne*

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Karen Wynne, RMC  
Municipal Clerk