

**Borough of Matawan  
Workshop Session  
March 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 March 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 7:06 PM requesting a roll call.

On roll call the following members responded present:

Yes:            Councilwoman Deana Gunn  
                 Councilman Brian Livesey  
                 Councilman Brett Cannon  
                 Councilwoman Melanie S. Wang  
                 Councilman Charlie Ross

Absent:        Councilwoman Stephanie Buckel

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 requesting everyone to keep the Buckel and Ziegler families in their thoughts.

**Privilege of the Floor for Agenda Items Only**

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

Louise Webster, 24 Broad Street, Matawan. Ms. Webster requested clarification on the License: Is this a new License? The Clerk informed, no, due to COVID restrictions, the Licensee did not complete and timely submit their documentation to NJS Alcoholic Beverage Control (ABC) for the 2021-2022 Licensing Term and needed to request and obtain a Special Ruling from ABC prior to renewal. They have done that and received ABC approval with a Special Ruling under NSA 33:1-12.18. Ms. Webster commented on the small liquor bottles littering the local street and park.

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

**Approval of Minutes**

Mayor Altomonte requested a motion to approve the minutes of the January 18, 2022 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Livesey. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the February 1, 2022 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Livesey. Council agreed. Motion passed.

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

**Public Hearing for the 2021-2022 ABC Liquor License Renewal of  
Plenary Retail Distribution License #1329-44-008-0078 Vincent Wilt**

Mayor Altomonte requested a motion to open the public hearing for Resolution 22-03-01: 2021-2022 ABC Liquor License Renewal of Plenary Retail Distribution License #1329-44-008-007 Pursuant to NJSA 33:1-12.18 – Vincent Wilt (Inactive Pocket License). Councilman Cannon made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

There were no comments.

Mayor Altomonte requested a motion to close the Public Hearing. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

Mayor Altomonte read by title Resolution 22-03-01: 2021-2022 ABC Liquor License Renewal of Plenary Retail Distribution License #1329-44-008-007 Pursuant to NJSA 33:1-12.18 – Vincent Wilt (Inactive Pocket License). Councilman Cannon made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn  
Councilman Brian Livesey  
Councilman Brett Cannon  
Councilwoman Melanie S. Wang  
Councilman Charlie Ross

Motion passed.

**RESOLUTION 22-03-01  
2021-2022 ABC LIQUOR LICENSE RENEWAL OF  
PLENARY RETAIL DISTRIBUTION LICENSE #1329-44-008-007  
PURSUANT TO NJSA 33:1-12.18  
VINCENT WILT  
(INACTIVE POCKET LICENSE)**

**WHEREAS**, Inactive Pocket License #1329-44-008-007, Vincent Wilt (Licensee), 825 Blvd., Westfield, NJ 07090 had not satisfied required NJS Alcohol Beverage Control (ABC) documentation for the 2021-2022 License Term, and, as such, required the Licensee to petition ABC for a Special Ruling pursuant to NJSA 33:1-12.18; and

**WHEREAS**, Licensee did petition NJS ABC who issued Special Ruling 12.18 for License #1329-44-008-007, Docket No. 01-22-11, Job No. 493547 dated January 28, 2022, granting relief pursuant to NJSA 33:1-12.18, and approval of Inactive Pocket License by Special Ruling pursuant to NJSA 33:1-12.39 for the 2021-2022 License Term; and

**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:

**Plenary Retail Distribution License  
\$950.00**

<u>LICENSE #</u>	<u>NAME</u>	<u>ADDRESS</u>
1329-44-008-007	Vincent Wilt (Inactive Pocket License)	825 Blvd., Westfield, NJ 07090

**Old Business**

Mayor Altomonte read by title Ordinance 22-01: Bond Ordinance Providing for Various Water/Sewer Utility Improvements by the Borough of Matawan, Appropriating \$4,006,000 Therefor and Authorizing the Issuance of \$3,815,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof. Mayor Altomonte requested a motion to open the public hearing. Councilwoman Gunn made the motion, seconded by Councilman Cannon. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilman Cannon made the motion,

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

seconded by Councilwoman Gunn. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 22-01: Bond Ordinance Providing for Various Water/Sewer Utility Improvements by the Borough of Matawan, Appropriating \$4,006,000 Therefor and Authorizing the Issuance of \$3,815,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof requesting a motion to adopt. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn  
Councilman Brian Livesey  
Councilman Brett Cannon  
Councilwoman Melanie S. Wang  
Councilman Charles Ross

Motion passed.

**ORDINANCE 22-02**

***BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS BY THE BOROUGH OF MATAWAN, APPROPRIATING \$1,074,000 THEREFOR, INCLUDING A GRANT IN THE AMOUNT OF \$150,000 EXPECTED TO BE RECEIVED FROM THE STATE DEPARTMENT OF TRANSPORTATION AND AUTHORIZING THE ISSUANCE OF \$883,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF***

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Matawan, a municipal corporation of the State of New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 of this bond ordinance, there is hereby appropriated the sum of \$1,074,000, including a grant expected to be received from the State Department of Transportation in the amount of \$150,000, and the sum of \$41,000 as the down payment for the improvement or purpose required by the Local Bond Law. The down payment is now available by virtue of the provision for a down payment for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$883,000 pursuant to the Local Bond Law. In anticipation of the issuance of bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

(a) Road improvements for various streets throughout the Borough, including but not limited to, Cedar Street, Oak Street, Washington Street (Liberty to Robert), Harding Street (Liberty to Grant), Center Street (Main to Broad), Johnson Ave, outfall repairs (Aberdeen Road, Spring Street), police parking lot improvements, crack sealing and line striping, and all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$854,000	\$813,000	20 years

(b) Road improvements for Sapphire Lane in the Borough, including all work and materials necessary therefor or incidental thereto.

<u>APPROPRIATION</u>	<u>BOND AUTHORIZATION</u>	<u>PERIOD OF USEFULNESS</u>
\$220,000 (including a grant expected to be received from the State Department of Transportation in the amount of \$150,000)	\$70,000	20 years

<u>TOTAL APPROPRIATION</u>	<u>TOTAL BOND AUTHORIZATION</u>	<u>AVERAGE PERIOD OF USEFULNESS</u>
\$1,074,000	\$883,000	20 years

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

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

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

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

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

*(b) The period of usefulness of the improvement or purpose described in Section 3 of this bond ordinance, computed on the basis of the amount of obligations authorized for the improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 20 years.*

*(c) An aggregate amount not exceeding \$185,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost of the improvement or purpose set forth in Section 3 of this bond ordinance.*

*(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and submitted to the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough is increased by \$883,000 (the amount of the authorization of the obligations provided for in this bond ordinance). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.*

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

*Section 8. This bond ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the improvements described in Section 3 hereof prior to the date that the Borough incurs debt obligations under this bond ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of expected to be issued for payment of the costs of the Improvements is \$4,006,000.*

*Section 9. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.*

**Consent Agenda**

Mayor Altomonte read by title Resolutions 22-03-02 through and including 22-03-05 requesting a motion to approve en masse. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-03-02  
REDEMPTION OF TAX SALE CERTIFICATE(S)  
#20-00016  
#21-00009  
#21-00021**

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

<u>Certificate#</u>	<u>Company Sold To</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Payment</u>	<u>Premium</u>
20-00016	J&A New York, Inc.	65.02	38	24 Chestnut Drive	\$475.30	\$1,500.00
21-00009	Evolve Bank & Trust	42	15	29 Monroe St.	\$1,945.80	\$16,300.00
21-00021	Christiana TC/F CEI/First Trust	120	25	114 Vermont Court E	\$7,124.03	\$42,900.00

**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.

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

**RESOLUTION 22-03-03  
AUTHORIZING THE RECEIPT OF BIDS FOR THE  
PURCHASE OF COMMUNICATIONS EQUIPMENT FOR THE BOROUGH OF MATAWAN VOLUNTEER  
FIRE DEPARTMENT**

**WHEREAS**, the Borough of Matawan Volunteer Fire Department is in need to replace aged communications equipment; and,

**WHEREAS**, the Mayor and Council is desirous of receiving bids for the following:

1. Motorola APX 7000 VHF/700-800 MHz Dual Band Radio (or equal)
  2. Motorola APX 7500 VHF/700-800 MHz Dual Band Radio (or equal)
- (Minimum of 5 and maximum of 15)

**WHEREAS**, specifications for the aforesaid items will be on file in the Borough Clerk's Office and will be available for inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that it does hereby authorize the Borough Clerk to advertise for bids for the aforesaid item(s) as per the specifications on file and will be received by the Borough Clerk on a date to be determined.

**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 Fire.

**RESOLUTION 22-03-04  
AUTHORIZING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF MATAWAN AND  
THE TOWNSHIP OF ABERDEEN  
FOR SHARED CONSTRUCTION AND ZONING DEPARTMENT  
SERVICES AND PERSONNEL**

**WHEREAS**, due to a decrease of service and cost escalation, the Borough of Matawan is desirous of implementing a Shared Services Agreement with the Township of Aberdeen to share services and reduce costs by working together to provide for Construction and Zoning Department Services; and

**WHEREAS**, the New Jersey Uniform Shared Services and Consolidation Act (C.40A:65-1, et seq.) authorizes local units such as these Municipalities to enter into Shared Services Agreement with other local units; and

**WHEREAS**, it is in the best interest of the Borough of Matawan to enter into a Shared Services Agreement with the Township of Aberdeen.

**NOW, THEREFORE, BE IT RESOLVED** the Council of the Borough of Matawan hereby authorizes the Borough of Matawan enter into the attached Shared Services Agreement with the Township of Aberdeen for Shared Construction and Zoning Department Personnel and Services effective March 1, 2022, pending certification and approval of funding, for the term expiring December 31, 2022.

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

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

***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 Township of Aberdeen, and the Division of Local Government Services Attn: Shared Services.*

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, funds are available from the 2-01-22-195-200 Budget of the Borough of Matawan to the Township of Aberdeen pursuant to the attached Shared Services Agreement in an amount not to exceed Ten Thousand Five Hundred Dollars and No Cents (\$10,500.00).*

*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: March 1, 2022*

**CONSTRUCTION DEPARTMENT  
SHARED SERVICES AGREEMENT BETWEEN  
THE TOWNSHIP OF ABERDEEN AND THE BOROUGH OF MATAWAN**

***THIS AGREEMENT** is entered the latter of the two dates on the signature page by and between:*

***THE TOWNSHIP OF ABERDEEN**, a municipal corporation of the State of New Jersey (referred to as “Aberdeen”); and*

***THE BOROUGH OF MATAWAN**, a municipal corporation of the State of New Jersey (referred to as “Matawan”).*

***WITNESSETH**, that Aberdeen and Matawan agree as follows:*

***ARTICLE I: AUTHORITY***

*Aberdeen and Matawan enter into this Shared Services Agreement for the provision of Construction Department services in accordance with N.J.S.A. 40A:65-1 et seq.*

***ARTICLE II: SCOPE OF SERVICES***

***A. Designation as General Agent.***

- 1. Aberdeen is hereby designated as the agent of Matawan, to furnish Code Administration and Enforcement services under the Uniform Construction Code, N.J.A.C. 5:23-1 et seq. and its Subcodes.*
- 2. Additional municipalities may be added as new participants to this Shared Construction Department at the sole discretion of Aberdeen. The addition of new participants shall not affect the level of services being provided to Matawan. Any addition shall be by amendment to this agreement.*

***B. Responsibility.***

*At all times, Aberdeen shall maintain responsibility for and control over the personnel hired to operate the department. All complaint resolutions shall be handled through Aberdeen. The Township Manager of Aberdeen and/or the Department of Community Affairs, as appropriate, shall handle any public complaints involving the Construction Code Official and Staff.*

*Employees furnished under this Agreement shall be Aberdeen Township employees, subject to any employment agreements between the Township and the employees, as well as the Township Personnel Ordinances including the terms of employment and qualifications for benefits.*

***C. Supervision and Director of Staff.***

- 1. Aberdeen, in conjunction with Matawan, shall establish office hours for the operation of the construction department.*

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

2. *The Construction Code Official, furnished by Aberdeen, shall be responsible for the operation and supervision of the Construction Code Enforcement Office and shall direct and supervise all activities and employees of the Department.*
3. *Both Aberdeen and Matawan will be staffed by the same personnel consisting of a Construction Official, (4) sub code officials/inspectors (building, electric, plumbing and fire) and (2) technical assistants pursuant to NJAC 5:23-4.4. This also includes (1) zoning officer and (1) code enforcement officer pursuant to each municipality's local ordinance.*

**D. Designation as Code Officials and Inspectors.**

*Aberdeen shall designate the Code and Subcode Officials, as well as the Inspectors, for the enforcement of the State Uniform Construction Code and related ordinances of Matawan. Code and Subcode Officials and Inspectors shall be duly licensed by the New Jersey Department of Community Affairs, Division of Codes and Standards. The aforesaid designation shall be by letter from Aberdeen's administrator, which letter shall be on file with Aberdeen, Matawan and the State of New Jersey Department of Community Affairs, Division of Codes and Standards.*

**ARTICLE III: ACTIVITIES**

**A. Services to be Performed**

*The following administrative and enforcement personnel will be provided by Aberdeen to Matawan:*

- a. *Construction Official*
- b. *Sub Code Officials/Inspectors*
- c. *Technical Assistants*
- d. *Zoning Officer*
- e. *Code Enforcement Officer*

**B. Hours & Place of Operation**

*Main business for the Department shall be conducted in Aberdeen's office located at 1 Aberdeen Square. All Inspection records and business dealing pertaining to Matawan shall be maintained and conducted at said location.*

*Construction Official/Building Subcode & Building Inspector, Plumbing Subcode, and Electrical Subcode provided pursuant to this agreement shall maintain records of all inspections and activities conducted within Matawan Municipality as may be required by and in accordance with the Codes and Laws of the State of New Jersey.*

*Inspections shall be scheduled by the Aberdeen office for contracted Construction Official/Building Subcode & Building Inspector, Plumbing Subcode, and Electrical Subcode, and said subcode will be notified. The Construction Official/Building Subcode & Building Inspector, Plumbing Subcode, and Electrical Subcode will be available for plan review and inspection activities on days and times determined by Aberdeen.*

*Construction Official, Building Subcode Official, Electrical Subcode Official, Plumbing Subcode Official and Fire Subcode Official will have no posted hours in office of Aberdeen; however, residents may contact Construction Official, Building Subcode Official, Electrical Subcode Official, Plumbing Subcode Official and Fire Subcode Official during the posted office hours or set up an appointment for meeting in office of Aberdeen. Construction Official will plan review and sign off on permits, perform requested inspections, and sign off on all completed permits weekly.*

**C. Maintenance of Records**

1. *The appropriate Officials and Inspectors shall maintain documented records of activity on forms approved by the Construction Official and/or the New Jersey Department of Community Affairs, recording all inspections and activities. The records shall be specific with regard to the municipality, address, dates and hours of service. All forms will be submitted to Aberdeen's administrator for approval unless standard forms are required by the New Jersey Department of Community Affairs. Aberdeen's administrator will solicit input from duly designated representatives of Matawan when approving the format of forms, stationery, and related items for the Shared Department, to the extent such documents are not standard forms required by the New Jersey Department of Community Affairs.*
2. *All active and closed files, records and support documentation shall be maintained on file in the offices of Aberdeen.*

**ARTICLE IV: EMPLOYEES**

**A. Licensed Personnel and Staff**

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

1. *Aberdeen shall furnish duly licensed personnel and support staff as shown by the staffing pattern below.*

*Aberdeen may employ subcontractors and/or contract with third party entities, to supply any services for which Aberdeen does not have qualified in-staff personnel. Employment of subcontractors and/or contracts with third-party entities shall be awarded pursuant to any applicable bidding requirements imposed by N.J.A.C. 5:23-1.1 et seq. including, but not limited to, N.J.A.C. 5:23- 4.5A, as well as any other applicable state law. There will be no additional cost to Matawan, for such services during the calendar year in which the subcontractors or contractor employees are hired, however, Aberdeen reserves the right to adjust the cost to Matawan to reflect such expenses, commencing on January 1 of the following year. Any increase shall be included in the subsequent year statement of costs for Matawan provided for in Article IX.A of this Agreement.*

**B. Staffing Pattern**

1. *The following shall constitute the staffing pattern for the Construction Department of Aberdeen:*
  - a. *Part-time employee coverage for: Construction Official, /Building Subcode Official, Plumbing Subcode Official, Electrical Subcode Official and Fire Subcode Official.*
  - b. *Matawan shall furnish appropriate clerical support staff, as determined by the Township Manager, in conjunction with the Director/Construction Official.*
  - c. *Matawan shall furnish appropriate Fire Subcode Official.*

2. *Adjustments and Considerations:*

*After initial staffing patterns have been approved upon execution of the Agreement, if additional personnel are deemed necessary in order to operate the department, the addition. shall be done by amendment to the existing Agreement, including allocation of the costs amongst the participants. Adequate notice of any additional costs shall be given by Aberdeen to Matawan prior to the next budget year.*

**ARTICLE V: ENFORCEMENT**

**A. Investigations and Inspections**

*The Construction Official shall conduct investigations and inspections or supervise personnel in making same and inform Aberdeen and Matawan regarding any violation of statutes and/or related local ordinances related to the Uniform Construction Code in their respective municipalities.*

**B. Coordination with Municipal Attorneys**

*The Construction Official shall provide Aberdeen and Matawan with evidence of violations and assist the appropriate municipal attorney(s) in obtaining compliance and enforcing compliance with the law.*

*Each municipality shall be solely responsible for its own enforcement actions. The sole cost of enforcement activities including but not limited to legal actions and collection of any fines and/or penalties assessed as the result of a legal action shall be borne solely by the municipality within which the violation occurred. The Construction Official and/or Construction Department personnel shall make themselves available to testify and provide documentation in support of the investigation they have undertaken, including the results of the investigation. Compensation for "special services" such as work that may require, for example, attendance at a Construction Board of Appeals hearing that has not been otherwise- negotiated as part of this Agreement, shall be compensated at a rate of \$25.00 per hour. This rate is in addition to the below quarterly payment.*

**C. Violations**

*The Construction Official and/or appropriate Subcode Official or Inspector shall have the power to issue notices and summonses for violations on behalf of Aberdeen and Matawan.*

**ARTICLE VI: REPORTS AND MEETINGS**

**A. Reports**

1. *Monthly: The Construction Official shall furnish Aberdeen and Matawan with a written report upon request. The report shall itemize all services rendered by the Construction Department to each municipality and make suggestions for improvement of construction code enforcement services in each municipality.*
2. *Annual: The Construction Official shall furnish Aberdeen and Matawan with an annual report of services rendered to each respective municipality upon request.*



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

3. Periodic: Periodic reporting of activities shall be made by the Construction Official, upon request by the Administrative Officer of Aberdeen and/or Matawan.

**B. Meetings**

A representative from Aberdeen's Township Administration shall be available for meeting with the representatives of Matawan on a quarterly basis during the first year of the Agreement. In subsequent years, such meeting shall be held as requested. Discussions will cover mutual problems and needs, objectives, and an evaluation of accomplishments.

**ARTICLE VII: FEES**

**A. Retention**

All license fees, permit fees and other fees collected by the Construction Department Personnel shall be retained by Aberdeen and be distributed in the following percentages being paid quarterly to Matawan.

Up to \$225,000	=	10%
\$225,000-\$300,000	=	20%
Above \$300,000	=	30%

**B. Establishment of Fees**

Aberdeen and Matawan shall develop a uniform fee schedule as required by N.J.A.C. 5:23-4.17(d).

**C. Costs**

1. Matawan shall be solely responsible for the costs associated with the transfer of existing construction and property maintenance software to Aberdeen's server. Such costs are expected to be \$1,000.00.
2. Matawan shall be solely responsible for the costs associated with the purchase and implementation of zoning software onto Aberdeen's server. Such costs are expected to be \$9,500.00.

**ARTICLE VIII: INSURANCE & LITIGATION**

**A. Liability Insurance and Litigation**

Aberdeen shall obtain a liability insurance policy naming Matawan municipality as an additional insured covering the respective municipalities from liability which may arise from operation of the Construction Department within the municipality. In the event a monetary claim, demand, debt, liability, cause of action, legal proceeding or similar such action is filed against a party to this Agreement stemming from the services provided under the Agreement, Aberdeen shall turn this matter over to the insurance carrier to defend and address such issue.

In the event a non-monetary claim, demand, debt, liability, cause of action, legal proceeding or similar such action is filed against any Matawan stemming from the services provided under this Agreement, the municipality wherein the cause of action arose shall defend such action. In the event Aberdeen is named in any action involving a non-monetary claim, Matawan municipality shall provide a defense to Aberdeen and/or its personnel.

**B. Submission of Agreement to Insurance Agents and/or Companies**

Each party to this Agreement shall provide a copy of this Agreement to its respective insurance agent and/or insurance companies providing professional as well as general liability coverage. The parties agree in the event one or more of their respective insurance companies raise an issue as to coverage under this Shared Services Agreement the parties shall amend this Agreement to reasonably address such insurance coverage issues. In the event an insurance agent or company raises an issue as referenced above such action shall not serve as a basis for voiding or terminating this Agreement.

**ARTICLE IX: GRANTS**

Once this Shared Agreement has been signed by all parties, Aberdeen's Administrator shall prepare an R.E.D.I. Grant application, if available, and submit it to the State of New Jersey in order to apply for assistance in offsetting the Shared Department's start-up costs. To the extent a Grant is received, all participants shall enjoy the benefit of the Grant on a pro rata basis. All parties recognize that there is no guarantee that a Grant will be approved by the State of New Jersey but shall not use such Grant application as a basis for withholding or otherwise reducing any payments owed under this Agreement.

**RTICLE X: DURATION OF CONTRACT, TERMINATION, AMENDMENT & INTERPRETATION**

**A. Duration**

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

*Duration of the agreement shall be for a period, as provided for by N.J.A.C. 5:23-4.6, beginning on or about April 1, 2022, and terminating on March 31, 2026.*

**B. Termination**

*A participating municipality may terminate its participation in the regional construction department on April 1<sup>st</sup> of any calendar year during the life of the agreement, providing written notice to Aberdeen and Matawan on or before February 1<sup>st</sup> of the prior calendar year. The terminating municipality shall pay its share of the expenses up to the time of their withdrawal, as well as any costs associated with the withdrawal.*

**C. Amendment**

*The agreement may be amended at any time by mutual agreement of the parties, provided that such amendment is reduced to writing, executed by the Chief Administrative Official of each municipality or his/her designated representative and specifies the date the provisions of such amendment shall be effective.*

**D. Interpretation**

*Any questions regarding proper interpretation of the terms of the agreement shall be submitted by the Municipal Clerk of Aberdeen, to the municipal attorney of Aberdeen as well as to the municipal attorney of Matawan, for interpretation. Absent a unanimous opinion, the requesting party may terminate its participation in the agreement as provided for in Article XI, Section B, or file an action in a court of competent jurisdiction with venue in Monmouth County. Each party shall bear its own cost of any litigation. In the event of a dispute between Matawan in which Aberdeen is named as a party, Matawan shall equally bear the costs of Provider's attorneys' fees and costs in such action in the event it is determined, by settlement or otherwise, that Aberdeen is not responsible to Matawan.*

**ARTICLE XI: DISPUTES**

*Any disputes arising between the parties as to the interpretation of the terms of Agreement or the satisfactory performance by any of the parties or the services and other responsibilities provided in this Agreement shall be solved in accordance with the following:*

*Step A: Matawan Community's Mayor and Aberdeen's Community's Mayor shall attempt to resolve the matter. If no settlement is reached within a twenty (20) day period, both parties agree to submit the matter as provided for in Step B below.*

*Step B: In the even that a dispute cannot be resolved in Step A, it shall be submitted to the American Arbitration Association for binding arbitration. The cost of the same is to be borne equally by both parties.*

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date written below:

**TOWNSHIP OF ABERDEEN**

Attest:

\_\_\_\_\_  
Melissa Pfeifer, RMC  
Municipal Clerk

\_\_\_\_\_  
Fred Tagliarini, Mayor  
Dated: \_\_\_\_\_

**BOROUGH OF MATAWAN**

Attest:

\_\_\_\_\_  
Karen Wynne, RMC  
Municipal Clerk

\_\_\_\_\_  
Joseph Altomonte, Mayor  
Dated: \_\_\_\_\_

**RESOLUTION 22-03-05  
AUTHORIZING THE INTERIM APPOINTMENT OF FULL-TIME SUPERINTENDENT OF THE  
BOROUGH OF MATAWAN DEPARTMENT OF PUBLIC WORKS  
ERIC FRYE**

**WHEREAS**, John “Jake” Applegate, Borough of Matawan Full-Time Superintendent of the Department of Public Works (DPW) will retire as of March 1, 2022; and

**WHEREAS**, until such time as the selection of a permanent DPW Superintendent is made the Interim Appointment of a Full-Time DPW Superintendent shall be made to undertake the duties of said position for the Borough of Matawan; and

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

***WHEREAS**, Eric Frye, Borough of Matawan Full-Time Deputy Superintendent of the DPW, is qualified for the position, and fully cognizant of the practices and procedures of the Borough of Matawan and the DPW.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that Eric Frye, Deputy Superintendent of the Borough of Matawan’s Department of Public Works, shall be given a monthly stipend of One Thousand Two Hundred Dollars and No Cents (\$1,200.00) until a permanent Full-Time Superintendent of the Department of Public Works is appointed.*

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

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, funds are available from the 2-01-26-290-100 and 2-09-55-500-100 Budgets of the Borough of Matawan.*

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

*Chief Financial Officer*

*(Signature on File)*

*Nicole Horvath, CMFO*

*Dated: March 1, 2022*

**New Business**

Mayor Altomonte requested a motion to table Resolution 22-03-06: Emergency Temporary Appropriation as the Chief Financial Officer has informed it is not needed at this time. Councilwoman Gunn made the motion, seconded by Councilman Cannon. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

Mayor Altomonte read by title Resolution 22-03-07: Payment of Bills. Councilman Cannon made the motion, seconded by Councilman Livesey. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-03-07  
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>\$1,933,843.47</i>
<i>Water/Sewer</i>	<i>\$43,919.43</i>
<i>Borough Capital</i>	<i>\$38,797.34</i>
<i>Water Capital</i>	<i>\$93,745.64</i>
<i>Grant</i>	<i>\$717.97</i>
<i>Borough Trust</i>	<i>\$79,231.25</i>
<i>Dog Tax Trust</i>	<i>\$133.20</i>
<b><i>Total</i></b>	<b><i>\$2,190,388.30</i></b>

***BE 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.

There were no comments.

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

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

**Adjourn**

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

Meeting adjourned at 7:20 PM.

**Re-Open March 1, 2022 Council Meeting Public Session**

Mayor Altomonte requested a motion to re-open the March 1, 2022 Council Meeting Public Session. Councilwoman Wang made the motion, seconded by Councilman Cannon. Council agreed. Motion passed.

The meeting re-opened at 7:21 PM.

On roll call the following members responded present:

Yes:            Councilwoman Deana Gunn  
                 Councilman Brian Livesey  
                 Councilman Brett Cannon  
                 Councilwoman Melanie S. Wang  
                 Councilman Charlie Ross

Absent:        Councilwoman Stephanie Buckel

Also present were Scott Carew, Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

Councilwoman Wang requested review of Resolution 22-03-04: Authorizing Shared Services Agreement Between the Borough of Matawan and the Township of Aberdeen for Shared Construction and Zoning Department Services and Personnel, specifically, the boilerplate provisions in Article X, Item D and Article XI, Item B, which may be a typographical error as well – the resolution of disputes in Superior Court vs. the American Arbitration Association.

After discussion, Mr. Menna recommended the Administrators, Messrs. Carew and Russell, the amendment of merging and tightening up the provisions regarding the erasure of contract termination amendment interpretation and add the provisions of dispute and to essentially to remove the reference to Arbitration and essentially deal with it as a prerogative writ action and consolidate both Article X and XI into one cohesive language. Mayor Altomonte requested a motion to approve amended Resolution 22-03-04: Authorizing Shared Services Agreement Between the Borough of Matawan and the Township of Aberdeen for Shared Construction and Zoning Department Services and Personnel. Councilman Cannon made the motion, seconded by Councilwoman Wang. Council agreed. Motion passed.

**Privilege of the Floor**

Mayor Altomonte requested a motion to open the Privilege of the Floor for comment on amended Resolution 22-03-04. Councilman Cannon made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

There were no comments.

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

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

**Adjourn**

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

Meeting adjourned at 7:35 PM.

*Karen Wynne*

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Karen Wynne, RMC  
Municipal Clerk