

**Borough of Matawan
Public Session
May 17, 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 May 17, 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 7:05 PM, requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn
Councilman Brian Livesey
Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang
Councilman Charles Ross

Absent: Councilman Brett Cannon

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

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

Mayor Altomonte asked everyone to stand for a Moment of Silence. Asking everyone to keep the victims of the mass shootings in Buffalo and California in your thoughts.

Mayor Altomonte announced the addition of Resolution 22-05-28 the Consent Agenda.

Proclamation for the Observance of 2022 National Gun Violence Awareness Day

Mayor Altomonte read the Borough's Proclamation recognizing June 3, 2022 as National Gun Violence Awareness Day.

Privilege of the Floor for Agenda Items Only

Prior to Mayor Altomonte opening the privilege of the floor, Mr. Carew announced Ordinance 22-06: Amending and Supplementing the Revised General Ordinances of The Borough of Matawan, Chapter 4, Licensing and Business Regulations Section 4-16 – Cannabis Licensing Establishing an Application Procedure will not be opening for a public hearing at this time. Public comments will be accepted at the June 9 Council meeting scheduled at 7:00 PM. Mr. Carew offered to communicate via email or telephone in the interim.

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.

Approval of Minutes

Mayor Altomonte requested a motion to approve the minutes of the March 15, 2022, Council Meeting. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

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Mayor Altomonte requested a motion to approve the minutes of the April 5, 2022 Council Meeting. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the April 19, 2022, Council Meeting. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

Old Business

Mayor Altomonte read by title Ordinance 22-04: Calendar Year 2022-Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14). Mayor Altomonte requested a motion to open the public hearing. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. A roll call was taken.

Yes: Councilwoman Deana Gunn
Councilman Brian Livesey
Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang
Councilman Charlie Ross

Motion passed.

**ORDINANCE 22-04
CALENDAR YEAR 2022**

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A
CAP BANK
(NJSA 40A: 4-45.14)**

***WHEREAS**, the Local Government Cap Law, NJS 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,*

***WHEREAS**, NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,*

***WHEREAS**, the Mayor and Council of the Borough of Matawan in the County of Monmouth, finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,*

***WHEREAS**, the Mayor and Council of the Borough of Matawan hereby determines that a 3.5% increase in the budget for said year, amounting to \$355,161.52 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,*

***WHEREAS**, the Mayor and Council of the Borough of Matawan hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.*

***NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Matawan, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Matawan shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$355,161.52, and that the CY 2022 municipal budget for the Borough of Matawan be approved and adopted in accordance with this ordinance.*

***BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.*

***BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction.*

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***BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.*

Clerk's Report

The Clerk reported on the issuance of two new business licenses: Ellen Barton Realty and Precision General Contracting.

June 7, 2022, is the Primary Election with polls open from 6:00 AM to 8:00 PM. District 1 Washington Engine notified the Borough that they will no longer participate as a Borough of Matawan polling location. Working with the Monmouth County Board of Elections, the Borough Administrator and Bayshore EMS, we have identified an alternate site. Bayshore EMS, located at 29 Little Street approximately five or six blocks from Washington Engine. Effective immediately, residents voting at voting District 1 formally at Washington Engine Fire Co. located at 176 Jackson Street will now vote at Bayshore EMS also known as the Matawan First Aid and Rescue Squad building located at 29 Little Street. This will begin with the June 7, 2022, Primary Election and continue for all future elections. Residents in the District were notified via First Class Mail. The notice is currently posted on the MMCC marque, Borough website, Facebook pages and multiple Nixle alerts are to be made prior to June 7th. We have already sent one notice out in that regard. A notice will be posted both at the Washington Engine Fire Co. as well as Bayshore EMS on June 7th reminding District 1 voters again voting is to take place at Bayshore EMS.

Due to the June 7th Primary Election, our next Council meeting will be scheduled for 7:00 PM, Thursday June 9th. Lastly, the Clerk is on vacation next week with a scheduled return on Tuesday, May 31 as the offices are closed Monday, May 30, for Memorial Day, and can be reached via cellphone or refer to Deputy Clerk Michelle Koehler in her absence.

Mayor's Report

No report.

Administrator's Report

Mr. Carew announced proposed Clinton Street Park improvements to offer activities for children and seniors. Mayor Altomonte and himself have met with the Borough's Landscape Designer with a May 19 meeting scheduled with us and the Borough Engineer.

Mr. Carew informed he is working with Cathy Zavorskas, the Community Engagement Coordinator, to consider a contest to change the Borough Seal to better represent the community as the current seal is identical to the State's. Councilman Ross proposed working with high school art students to submit drawings.

Attorney's Report

No report.

Engineer's Report

Mr. Keady reported on the status of the following projects:

- 2021 Road Program – Overhill road has been paved. A punch list is being established and should be completed in the few weeks.
- Johnson Avenue Sanitary Sewer – Trench restoration is complete. Televised pipe tapes will be evaluated for deficiencies for developmental of a punch list.
- 2022 Road Program – The survey is complete. It is now moving on to the design phase. Also, sanitary sewer specs are in the development phase so they can go out to bid, most likely in June, for contractors to televise the sanitary sewer lines.
- Overbrook Retaining Wall – The existing wall removal is commencing and should be completed by the end of the week. Construction of a new wall will begin next week lasting two to three weeks.

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Police, DPW, Planning & Zoning

Councilwoman Gunn announced no report on Planning Zoning. Interim DPW Superintendent, Eric Frye is working on staffing issues; the street sweeper is out and about every Wednesday, park maintenance continues, Clinton Street Park improvements, and preparing Memorial Park for our May 30 Memorial Day Celebration. Lastly, the Jackson Street handball court is complete with our mural to be painted on May 28.

Councilwoman Gunn related the number of calls and arrests responded to by the Patrol Division including motor vehicle incidents. The Traffic Safety Unit is awaiting recommendations for pedestrian signage at all major County intersections. This is a collaboration with Public Works and the County Department of Public Works and Engineering Traffic Safety. Fierro Avenue has a new speed limit sign. The Matawan Police Department relocation to 201 Broad Street is complete as well as the Police Records and adjoining Domestic Violence Response Team offices. A ceremonial grand opening is to be coordinated.

Economic Business Development, Shade Tree

Councilman Livesey reported Shade Tree Commission held their annual Arbor Day event on April 30 with a poster contest conducted for Ravine Drive School students on 'Why Trees Matter.' The posters are displayed in the lobby of Borough Hall. The winners were announced at the Arbor Day Celebration and will be recognized at the June 9 Council meeting. Fifty free saplings have been given out with more available in the MMCC lobby. A fall tree planting is proposed offering residents trees for planting on their property with information, again, in the MMCC lobby.

The Economic Business Development Commission will host a Blues and Cruise Night on May 25. The celebrations begin 5:30 PM starting off with a dedication of a 'Hero's Garden' to honor all first responders and our veterans. This is a joint venture with Maloney's and John Vincent Scalia Funeral Home. The car show will run from Little Street to North Street. There will also be vendors selling cigars to clothing to food. Our local restaurants and businesses will be open later to accommodate any shoppers as well. There will be two blues bands: The Incinerators and Seva. DJ Richie Flash will also play some oldies. All proceeds from the vendor spaces will be donated to the Matawan American Legion Post.

Recreation, Recycling & Sanitation, Recreation

Councilwoman Buckel reported on success of the town-wide Yard Sale. There were some suggestions such as changing the time from 8:00 AM-5:00 PM, to 9:00 AM-3:00 PM as well as possibly creating a central zone where people can come with their items. We are looking into creating signs for participating residents to place on their lawn to show they are part of the yard sale as well as creating a list showing items people are selling and a map with locations indicating those participating homes. It is preferred to only host a map to avoid exclusion.

The Memorial Day Parade is being organized with invitations sent to the Governing Body and decorating around town. Scheduled for Monday, May 30, the step off is at First Presbyterian Church of Matawan at 11:00 AM. The Parade will exit the Church parking lot, down Washington Street, then left onto Main Street. Recreation intends to hand out notices to residents on Washington Street and other streets in that vicinity regarding parking for that morning in certain spots so that the Parade can pass. We will be working the Police, Fire Department and DPW to ensure a smooth event. We have a Grand Marshal as well as seven guests of honor from various Fire Departments in Matawan. We are also doing a pet and bike parade, and the purpose with that is hoping to get the community to come out to support our guest of honors and the grand marshal as well as the fallen brave men and women. Notices have been sent to the schools with posting on social media so kids can bring their bikes and people can dress up their dogs and walk in the Parade.

Registration for the 2022 Summer Camp was held at Ravine Drive School with fifty-one children currently registered. A second registration is being held tonight. We are competing with the Matawan-

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Aberdeen Schools who has a free summer program this year so it’s a little bit competitive. Recreation is working with the Fire Department to host our annual Lake Lefferts Fishing Derby scheduled to begin at 1:00 PM on June 4. Due to lack of manpower our canoe rentals is currently suspended and unable to open on Memorial Day weekend.

Lastly, the Jackson Street Park handball court will have a mural painted on Memorial Day weekend with preparation starting off on May 27 with the actual painting to be done on May 28 from 11:00 AM to 4:00 PM. All are welcome to attend.

Historic Sites, Personnel, & Fire

No report.

ADA, Animal Welfare Advisory, Property Maintenance

Councilwoman Wang reported the Animal Advisory Committee met with Brian Becker of Garden State Animal Rescue. A Council meeting presentation on trap and release program for stray cats is looking to be scheduled.

Construction, Environmental, Finance

Councilman Ross reported the Environmental Commission hosted a cleanup at Lake Lefferts last Saturday. Finance is working on the budget. The 2022 budget provides responsible sustainable stewardship of local public funds. The budget introduction provides an example to politicians in Washington and Trenton by adopting bipartisan cooperation to serve constituents. This budget represents a group of people coming together to do what they believe what’s best for Matawan. The objective though process was to keep property taxes to the lowest level possible without sacrificing the excellent services Matawan has been using. Matawan has become one of the hottest towns in Monmouth County the past couple of years. Following the budget and tax bill, we are proud to announce that the tax bill did increase by 7.14%

Consent Agenda

Mayor Altomonte read by title Resolutions 22-05-15 through and including 22-05-25 as well as 22-05-28, requesting a motion to approve en masse. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-05-15
REDEMPTION OF TAX SALE CERTIFICATE(S)
#19-00060
#21-00001
#21-00024**

<u>Certificate#</u>	<u>Company Sold To</u>	<u>Block</u>	<u>Lot</u>	<u>Property Address</u>	<u>Payment</u>	<u>Premium</u>
19-00060	US Bank Global Corp Trust Svcs	69	3.0512	520 Cliffwood Avenue #E- 12	\$11,218.88	\$100.00
21-00001	WSFS as Cust LVTLOPS/Firsttrust	5	4	12 High St.	\$9,426.63	\$25,900.00
21-00024	Evolve Bank & Trust	123.03	4	16 Poet Drive	\$6,374.37	\$55,900.00

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.

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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 22-05-16
AUTHORIZING REFUND OF TAX OVERPAYMENT
128 MAIN STREET - BLOCK 25, LOT 4.01
227 FRENEAU AVENUE - BLOCK 123, LOT 33**

WHEREAS, the following property overpaid taxes 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>
25/4.01	Michael I. Schneck, Trustee for 128-130 Main Street 301 South Livingston Avenue Suite 105 Livingston, New Jersey 07039	\$3,119.59	Tax Appeal
	123/33 227 Freneau Realty, LLC 227 Freneau Ave Matawan, NJ 07747	\$12,669.37	Tax Appeal

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

**RESOLUTION 22-05-17
AUTHORIZING CREDIT ADJUSTMENT DUE TO OVERBILLING TO WATER SEWER ACCOUNT FOR
11 MIDDLESEX ROAD - BLOCK 112, LOT 3.02**

WHEREAS, Pursuant to N.J.S.A. 40A:5-17 the governing body of a municipality may adopt a resolution authorizing the tax collector to make adjustments to a property owners account; and

WHEREAS, an error was located on a bill issued on May 8, 2022, for 11 Middlesex Road, Account No. 1407807-0; and

WHEREAS, it has determined the account was overbilled in the amount of \$57.67.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Matawan hereby authorizes the Tax Collector to credit the water/sewer Account No. 1407807-0 in the amount of \$57.67.

**RESOLUTION 22-05-18
APPROVAL OF TAXI DRIVER LICENSE RENEWAL
DAVID WROBEL**

WHEREAS, David Wrobel, has passed the required Police Department background checks; and

WHEREAS, David Wrobel, has filed the proper documentation with the Borough Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following taxi driver license renewal:

Applicant: David Wrobel

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 Applicant.

**RESOLUTION 22-05-19
RESOLUTION OF THE BOROUGH OF MATAWAN
URGING LOCAL, COUNTY, STATE, AND FEDERAL OFFICIALS TO SUPPORT EFFORTS TO IMPROVE THE
AVAILABILITY OF MARINE PUMP-OUT FACILITIES**

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WHEREAS, as referenced in the Bayshore Region Strategic Plan (2006) and the more recent Monmouth County Master Plan (2016), the Monmouth County Bayshore is comprised of the following nine municipalities: Aberdeen, Atlantic Highlands, Hazlet, Highlands, Keansburg, Keyport, Matawan, Middletown, and Union Beach, and includes the Gateway National Recreation Area at Sandy Hook; and

WHEREAS the coastline of Raritan Bay extends into Middlesex County and along the shores of Staten Island in New York; and

WHEREAS, this watershed is home to thousands of boats that use these waters for fishing other recreational enjoyment, and commercial shipping; and

WHEREAS, the coastal environment would benefit from increased availability of both land-based pump-out facilities and access to a pump-out boat for boat owners to empty marine waste tanks in order to reduce the amount of human waste that is discharged into our waterways; and

WHEREAS, providing these pump-out services requires the coordinated efforts of local, county, and state government to improve the quality of our shared coastal environment.

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

1. The Mayor and Borough Council urge government officials at the local, county, state, and federal level to work collaboratively to improve the availability of land-based pump-out boat for boat owners to empty marine waste tanks.
2. The Borough Clerk is directed to forward copies of this resolution to:

Congressman Frank Pallone
New Jersey Senator Declan O'Scanlon
New Jersey Assemblywoman Victoria Flynn
New Jersey Assemblyman Gerry Scharfenberger
The Monmouth County Board of Commissioners
The Mayors of Aberdeen, Atlantic Highlands, Hazlet, Highlands, Keansburg, Matawan, Middletown, and Union Beach

RESOLUTION 22-05-20

**APPROVING THE SITE FOR THE DISCHARGE OF FIREWORKS IN THE BOROUGH OF MATAWAN
IN CELEBRATION OF INDEPENDENCE DAY AND
AUTHORIZING THE WAIVER OF FIRE PREVENTION PERMIT FEES,
AND THE USE OF MOTOR BOATS AND MECHANIZED VEHICLES ON LAKE LEFFERTS BY POLICE AND
FIRE DEPARTMENTS ONLY**

WHEREAS, the Governing Body previously authorized Resolution 22-03-09 Approving the Discharge of Fireworks by Serpico Pyrotechnics, LLC, 133 Orchard Court, Toms River, New Jersey 08753-1334, in the Borough of Matawan in Celebration of Independence Day on July 3, 2022, with a rain date of July 5, 2022; and

WHEREAS Resolution 22-03-09 approved the site for the Discharge of Fireworks as the First Presbyterian Church, 883 Highway 34, Matawan, New Jersey 07747, subject to approval from the First Presbyterian Church, for the use of its property as a staging area in conjunction with the event subject to the Borough of Matawan obtaining satisfactory certificates of insurance.

WHEREAS, the Council of the Borough of Matawan hereby waives any and all municipal Fire Prevention Department Permit Fees for the discharge of fireworks in the Borough of Matawan celebration of Independence Day.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby suspends the Borough Code Chapter 11 – Parks & Recreation Areas, Section 11-2 – Use of Motor Boats and Other Mechanical Vehicles, and authorizes the use of Police and Fire Departments **only**, to operate motor boats and mechanized vehicles in connection with the celebration and event to take place on July 3, 2022 with a rain date of July 5, 2022, sponsored by 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, Fire Department, Fire Prevention, Police, Public Works, Recreation as well as Starfire Corporation/Serpico Pyrotechnics, LLC.

RESOLUTION 22-05-21

**ADOPTING THE MUNICIPAL EMERGENCY OPERATIONS PLAN AND AUTHORIZING
CONTINUAL PARTICIPATION IN THE
MONMOUTH COUNTY INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT**

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***WHEREAS**, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties and the State; and*

***WHEREAS**, an Emergency Operations Plan will allow the municipality in correlation with the Municipal Office of Emergency Management to better prepare and manage jurisdiction-wide emergencies; and*

***WHEREAS**, the Borough of Matawan must submit an Emergency Operations Plan through the County Office of Emergency Management to the State Office of Emergency Management for initial review and approval that will require recertification every four (4) years, and*

***WHEREAS**, the Mayor and Council of the Borough of Matawan are in receipt of an Emergency Operations Plan and a request from the Matawan Office of Emergency Management for formal adoption, and*

***WHEREAS**, on May 15, 2018 the Borough of Matawan adopted Resolution 18-05-40 authorizing the execution of the Monmouth County, Intra-County Mutual Aid and Assistance Agreement between the County, Matawan Borough and Participating Units.*

***NOW, THEREFORE, BE IT RESOLVED** by the Borough of Matawan that the Matawan Borough Emergency Operations Plan be and is hereby adopted.*

***BE IT FURTHER RESOLVED** that the Borough of Matawan hereby authorizes the continual participation in the Monmouth County Intra-County Mutual Aid and Assistance Agreement as referenced for the term consistent with the Municipal Emergency Operations Plan.*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Construction, Finance, Fire Department, Fire Prevention, Office of Emergency Management, Police as well as the Monmouth County Office of Emergency Management.*

(Full copy of the Plan is on file in the Office of the Borough Clerk)

RESOLUTION 22-05-22

**AUTHORIZING REMINGTON & VERNICK ENGINEERS TO PROVIDE PROFESSIONAL SERVICES FOR
HARDING BOULEVARD AND WASHINGTON AVENUE
ROAD IMPROVEMENT PROJECT IN ASSOCIATION WITH THE
BOROUGH OF MATAWAN'S 2022 ROAD IMPROVEMENT PROGRAM**

***WHEREAS**, the Mayor and Council of the Borough of Matawan received the attached Proposal from Remington & Vernick Engineers, the Borough of Matawan Special Projects Engineering Pool Engineer, for professional services for design, inspection and construction administration services for the Harding Boulevard and Washington Avenue Road Improvement Project.*

***NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan does hereby award the contract for professional services to Remington & Vernick Engineers, associated with the Harding Boulevard and Washington Avenue Road Improvement Project as outlined in the attached Proposal in an amount not to exceed Eight Hundred Thirty- Seven Thousand, Five Hundred Thirty-Four Dollars and No Cents (\$837,534.00) for the Harding Boulevard portion of the Project, and Four Hundred Ninety-Three Thousand, Twenty-One Dollars and Forty Cents (\$493,021.40) for the Washington Avenue portion of the project.*

***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 Remington & Vernick Engineers.*

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3 Jocama Boulevard, Suite 300-400
Old Bridge, NJ 08857
O: (732) 955-8000
F: (732) 591-2815

April 7, 2022

Scott Carew, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

**Re: Borough of Matawan
Confirming Proposal for Design, Inspection and Construction Administration Services
– Harding Boulevard**

Dear Mr. Carew:

Per recent communications, this proposal is provided for the design, inspection, and construction administration services for Harding Boulevard from Liberty Street to the Southeast Terminus.

These improvements will include milling and paving of the entire roadway, ADA ramp upgrades, new water service installation, new guide rail installation, new sidewalk & curb installation, and replacement of inlet heads and grates, as required.

It is our intent to complete design and bid documents for these roadway improvements, advertise, and receive bids with the intent to award construction in the Fall of 2022 to complete this work by Spring, 2023. This will be dependent upon when approval to proceed is granted.

Design services will include preparation of construction plans and bid specifications, preparation of Freehold Soil Conservation District (FSCD) Soil Erosion and Sediment Control application (if necessary), bidding, attendance of the receipt of bids, and recommendation of award to low responsive bidder.

The following are budgetary, not-to-exceed costs of this project:

Total Estimated Construction Cost:	\$630,180.00
Design and Construction Administration Services:	\$103,027.00
Survey Costs:	\$ 6,800.00
Inspection and Material Testing Services:	\$ 97,527.00
Total:	\$837,534.00

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Confirming Proposal for Design, Inspection and Construction Administration Services – Harding Boulevard

Please contact me at 732-955-8000 if you have any questions or require further information. Thank you for the opportunity to assist the Borough with this important project.

Sincerely,
REMINGTON & VERNICK ENGINEERS



Terence Vogt, P.E., P.P., C.M.E.
Principal, Regional Manager

cc: Mayor Joseph Altomonte
Karen Wynne, Clerk
Nicole Horvath, CFO
John Applegate, DPW Director
Craig Remington

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3 Jocama Boulevard, Suite 300-400
Old Bridge, NJ 08857
O: (732) 955-8000
F: (732) 591-2815

April 7, 2022

Scott Carew, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

Re: **Borough of Matawan**
Confirming Proposal for Design, Inspection and Construction Administration Services
– Washington Avenue

Dear Mr. Carew:

Per recent communications, this proposal is provided for the design, inspection, and construction administration services for Washington Avenue from Robert Street to Liberty Street.

These improvements will include milling and paving of the entire roadway, ADA ramp upgrades, new water service installation, new sidewalk & curb installation, and replacement of inlet heads and grates, as required.

It is our intent to complete design and bid documents for these roadway improvements, advertise, and receive bids with the intent to award construction in the Fall of 2022 to complete this work by Spring, 2023. This will be dependent upon when approval to proceed is granted.

Design services will include preparation of construction plans and bid specifications, preparation of Freehold Soil Conservation District (FSCD) Soil Erosion and Sediment Control application (if necessary), bidding, attendance of the receipt of bids, and recommendation of award to low responsive bidder.

The following are budgetary, not-to-exceed costs of this project:

Total Estimated Construction Cost:	\$367,478.00
Design and Construction Administration Services:	\$ 62,121.70
Survey Costs:	\$ 6,800.00
Inspection and Material Testing Services:	\$ 56,621.70
Total:	\$493,021.40

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Confirming Proposal for Design, Inspection and Construction Administration Services – Washington Avenue

Please contact me at 732-955-8000 if you have any questions or require further information. Thank you for the opportunity to assist the Borough with this important project.

Sincerely,
REMINGTON & VERNICK ENGINEERS



Terence Vogt, P.E., P.P., C.M.E.
Principal, Regional Manager

cc: Mayor Joseph Altomonte
Karen Wynne, Clerk
Nicole Horvath, CFO
John Applegate, DPW Director
Craig Remington

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RESOLUTION 22-05-23

**RESOLUTION AUTHORIZING SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF
MATAWAN, MONMOUTH COUNTY, NEW JERSEY WITH THE NEW JERSEY STATE
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR WATER SAMPLING VIOLATION
EA ID#: NEA220001-PW1329001**

***WHEREAS**, the Borough of Matawan (Borough) received a Notice of Violation from the New Jersey State Department of Environmental Protection (DEP) for water quality parameter non-sampling that occurred during the second half of 2019, and the first and second half of 2020, in violation of the Safe Drinking Water Act, NJSA 58:12A-1 et seq. and the Safe Drinking Water Act regulations NJAC 7:10-1 et seq.; and*

***WHEREAS**, in full settlement of the aforementioned violations, the Borough shall pay a penalty of \$4,852.00 by check made payable to "Treasurer, State of New Jersey" as well as execute and submit the attached Settlement Agreement.*

***NOW, THEREFORE, BE IT RESOLVED**, the Council of the Borough of Matawan hereby accepts the terms and conditions outlined in the attached Settlement Agreement between the Borough of Matawan and the New Jersey Department of Environmental Protection, and the remittance of said payment of penalty in the amount of \$4,852.00 as outlined in the Agreement.*

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

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State of New Jersey

PHILIP D. MURPHY
Governor

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
Commissioner

SHEILA Y. OLIVER
Lt. Governor

CERTIFIED MAIL/RRR

IN THE MATTER OF
MATAWAN BOROUGH

SETTLEMENT AGREEMENT

This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq. and the Safe Drinking Water Act ("Act") N.J.S.A. 58:12A-1 et seq. ("Act") and duly delegated to the Assistant Commissioner of Water Resource Management and her assignees, pursuant to N.J.S.A.13:1B-4.

Matawan Borough owns and operates a public community water system ("system") as defined by N.J.A.C. 7:10-1.3, Potable Water Identification Number 1329001, serving a population of 9,894 located at Middlesex Rd, Matawan, NJ 07747.

Matawan Borough is required to monitor for water quality parameters pH and orthophosphate at their point of entry and in their distribution system, pursuant to 40 CFR 141.87. Specifically, Matawan Borough is required to take 6 pH and orthophosphate distribution samples each 6 month compliance period and bi-weekly pH and orthophosphate point of entry samples each 6 month compliance period.

Matawan Borough failed to take 3 of the 6 pH and orthophosphate distribution samples during the July 1, 2019 through December 2019, January 1, 2020 through June 30, 2020 and July 1, 2020 through December 31, 2020 compliance periods.

Matawan Borough failed to take the bi-weekly pH and orthophosphate point of entry samples during January 2020 of the January 1, 2020 through June 30, 2020 compliance period.

Matawan Borough was required to complete Tier 3 public notification requirements for the failure to sample pH and orthophosphate at both the point of entry and the distribution system during the January 1, 2020 through June 30, 2020 compliance period by September 18, 2021.

The Department may compromise its claim for a maximum civil administrative penalty and settle this matter in accordance with N.J.S.A.58:12A-10 and N.J.A.C.7:10-3.4(d).

In the interest of resolving this matter, the Department and Matawan Borough agree to settle this matter in accordance with the following terms:

1. In full settlement of the aforementioned violations Matawan Borough shall pay a penalty of \$4,852.00 by check made payable to "Treasurer, State of New Jersey" and remit to the Division

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of Revenue at the address stated on enclosed invoice within twenty (20) calendar days from the date of full execution of this Settlement Agreement.

- 2. Neither the entry into this Settlement Agreement nor the payment of the settlement amount shall constitute an admission of liability by Matawan Borough for the violations listed herein.
- 3. If Matawan Borough fails to pay the above penalty in accordance with the terms and conditions of this Settlement Agreement, then the Department may bring a summary action in the Superior Court to collect such penalty pursuant to R.4:67-6, or file this Settlement Agreement as a judgment under the Penalty Enforcement Law, N.J.S.A. 2A:58-1 et seq.
- 4. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement action against Matawan Borough for violations not set forth in this Settlement Agreement.
- 5. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).
- 6. This Settlement Agreement shall be effective upon execution by both parties.

NJ Department of Environmental Protection

DATE: _____

BY: _____
A. Raimund Belonzi, Chief
Central Regional Office
Water Enforcement

Matawan Borough

DATE: _____

BY: Joseph Altomonte
Print name Joseph Altomonte
Mayor
Title Borough of Matawan

By this signature, I certify that I have full authority to execute this document on behalf of Matawan Borough

**RESOLUTION 22-05-24
AUTHORIZING EXECUTION OF 2022-2024 EMPLOYMENT AGREEMENT BETWEEN
THE BOROUGH OF MATAWAN AND POLICE CHIEF THOMAS J. FALCO, JR.**

WHEREAS, there is a need to have an Agreement between the Borough of Matawan and Police Chief Thomas J. Falco, Jr. respecting the 2022-2024 calendar years of employment: and

WHEREAS, after negotiation, the Borough of Matawan and Chief Falco have reached a satisfactory Employment Agreement for the 2022-2024 calendar years.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes the Borough of Matawan enter into the attached Employment Agreement with Thomas J. Falco, Jr. for the 2022-2024 calendar years.

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

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

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 2-01-25-240-100 Police Department Budget (Salary & Wages) of the Borough of Matawan.

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

Chief Financial Officer

(Signature on File)

Nicole Horvath, CMFO

Dated: May 17, 2022

AGREEMENT

Between

CHIEF OF POLICE THOMAS J. FALCO JR.

And

THE BOROUGH OF MATAWAN

This Agreement is made and entered into this 17th day of May, 2022 is inclusive through December 31, 2024 by and between the Borough of Matawan, a Municipal Corporation of State of New Jersey, hereinafter referred to as “Employer”; and Thomas J. Falco Jr., Chief of Police, Borough of Matawan Police Department, Monmouth County, New Jersey, hereinafter referred to as “Thomas J. Falco Jr.,” “Chief,” “Chief of Police” or “employee”.

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

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

1. *This agreement shall govern all wages, hours and other conditions of employment hereinafter set forth. The employee is also subject to any and all Borough ordinances, policy and procedures, rules and regulations of the Borough of Matawan and any applicable state statues.*

2. **Base Salary** (per annum, excluding college incentive and longevity payment):

2022	\$157,178.25
2023	\$163,465.38
2024	\$170,000.00

3. **Holiday Schedule**

The Chief of Police shall be afforded any and all holidays afforded to Borough Administrative Staff at Borough Hall.

4. **College Incentive**

The Borough of Matawan agrees that the Chief shall receive a yearly college credit incentive payment provided the degree obtained is in one of the following areas of study: Criminal Justice, Criminal Science, Emergency Management, Homeland Security and/or Public Administration. This incentive shall be added to the Chief’s base salary prior to longevity calculations in accordance with the following schedule:

<i>Associates Degree</i>	<i>\$ 500.00</i>
<i>Bachelor’s Degree</i>	<i>\$ 750.00</i>
<i>Master’s Degree</i>	<i>\$1,000.00</i>

5. **Longevity**

The Chief shall be entitled to longevity payments in accordance with the following schedule: 12.5% of base salary (as specified in #2 above).

6. **Uniforms**

It shall be the responsibility of the Chief of Police to maintain all uniforms of the Department as prescribed by Department Order. All new uniform requirements will be supplied by the Borough of Matawan. Any changes or

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additions to said uniform requirements shall be issued by the Borough without cost to the employee. The cleaning (dry or wet) and alterations of said uniforms prescribed by the Police Department shall be assumed by the Borough of Matawan. It shall be left to the professional discretion of the Chief of Police as to when he will wear the prescribed uniform or business/business casual attire.

7. **Personal Time**

The Chief shall be entitled to 48 hours of personal time per year. Notice of intention to exercise the personal time shall be given to the Borough Administrator in advance of their use; unused personal time may not be carried over into a subsequent year.

8. **Tuition Credit**

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

9. **Funeral Leave**

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

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

10. **Vacation**

Vacation shall be in keeping with the following schedule:

Years of Service: 22 years and over Vacation: 280 hours

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

11. **Separation from Service: Vacation Pay**

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

12. **Insurance**

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

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

13. **Health Insurance**

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

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

14. **Non-Duplication of Benefits**

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

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

15. **Optical Plan**

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

16. **Sick Leave/Injury**

Sick Leave and Duty Injury Leave/Sick Leave Accumulation Rate

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

Sick Leave Utilization Requirements

The employee with accrued sick leave credit shall be allowed to utilize such sick leave for the following purposes:

a. *Personal Illness or Disability*

Any employee who has contracted or incurred and is suffering from any non-service-connected sickness or disability, which renders them unable to perform the duties of their position, shall be eligible to receive paid sick leave. This also includes periods during which the employee is under enforced quarantine in accordance with community health regulation, or restricted due to exposure to a contagious disease in accordance with a doctor's order. Employees shall also be eligible to utilize their accrued sick leave following the expiration of their duty injury leave benefits.

b. *Family Illness Disability*

Employees shall be eligible to receive paid sick leave when there is a sickness or disability involving a member of their immediate family which requires the employee's personal care and attendance, provided that requiring the employee to report for work would cause a serious hardship on the member of the immediate family suffering from the illness or disability. The determination as to whether or not there exists a hardship shall be made by the Appropriate Authority after the employee has provided sufficient and satisfactory medical documentation of the illness or disability.

17. **Maternity, Medical and Extended Duty Injury Leave**

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

18. **Vacation and Personal Leave**

When an employee becomes eligible for paid sick leave while on vacation or during an approved personal leave,

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sick leave may be used in place of vacation time or personal leave hours, provided satisfactory evidence and certification of the illness or disability is presented to the Borough Administrator. The determination as to whether or not sick leave time may be used under this provision shall be made by the Borough Administrator.

19. **Sick Leave Pay**

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

20. **Duty Injury Leave**

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

21. **Sick Leave Notification**

It is the responsibility of the Chief of Police when utilizing paid sick leave to notify the Borough Administrator.

The Chief of Police, if utilizing paid sick leave shall notify or cause notification to be made to the Borough Administrator. Where someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for that notification being made. If the Chief becomes sick or ill during his work shift, he must notify or cause notification to be made to the Borough Administrator.

In the event no sick leave notification is made prior to reporting for a scheduled workday, or after the employee becomes sick or ill and leaves work, the Borough Administrator shall consider and handle the employee's absence without pay, unless the employee can later substantiate with documentation that it was impossible to make or cause such notification. The decision is to be made by the Borough Administrator. Sick leave notification as outlined above must be made for each workday that paid sick leave is being requested, unless this requirement is expressly waived by the Borough Administrator.

22. **Sick Leave Certification and Approval**

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

23. **Sick Leave Release**

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

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

24. **Extended Leave**

After using thirty (30) days of sick leave, the employee who shall be injured, ill or disabled from any cause not connected with his service as an employee so as to become physically unfit for work, shall be entitled to a leave of absence with pay, provided that said leave of absence is authorized by resolution of the Borough Council and in accordance with the following schedule:

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

25. **Separation from Services**

Employees shall be paid for one-half (1/2) of their total accrued sick leave upon their retirement, including disability retirement, upon their resignation following ten (10) or more consecutive years of service in the

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Borough; or to their beneficiaries in case of death to a maximum of \$15,000.00. The amount of payment shall be calculated based upon the employee's prevailing hourly rate of pay in effect for the employee's regular job on the last workday of the employee's employment.

To recognize the Chief for his dedication to duty with no abuse of his accrued sick leave throughout his career, while realizing the Chief has already achieved the maximum amount payable for accrued sick time as outlined in this Agreement, the Borough agrees to permit the Chief to sell back up to eighty (80) hours of sick leave per year. The amount of payment shall be calculated based upon the Chief's regular prevailing hourly rate of pay. This payment shall be payable during the second pay period of January each year, provided the CFO certifies the funds are available within the PY budget.

26. **Effective Date of Agreement**

This Agreement shall be effective retroactively to January 1, 2022 through and including December 31, 2024. The Borough shall be responsible to provide any and all payments retroactively from January 1, 2022 to the date of its signing.

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

The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution. The employee expressly and without duress voluntarily waives any right to counsel.

27. **Time on Duty**

The parties recognize that the position of Chief of Police is a full-time, 24-hour per day obligation. The Chief agrees that he will be devoting at least forty (40) hours per week of actual duty presence at Police Headquarters or on duty within the Borough. For purposes of this provision, the Chief's attendance at obligated meetings, conferences, assigned events and performing duties related to his position as Emergency Management Coordinator shall be included in the calculation of the 40-hour duty time referenced in the paragraph.

28. **Law Enforcement Conferences/Educational Programs/Training**

a. The Chief of Police shall be permitted to attend and be compensated for, at his regular salary, any school, seminar, conference or convention conducted or sponsored by the International Association of Chiefs of Police, New Jersey State Association of Chiefs of Police, Monmouth County Chiefs of Police Association, New Jersey State Police, Federal Bureau of Investigation or any other educational program of a management or supervisory nature. All expenses such as travel, room, food, tuition, special clothing, books or any other charges connected with the educational programs shall be borne by the Borough. In no event shall the Borough be required to pay or reimburse the Chief for expenses of any class, course or educational program unrelated to police or emergency management activities.

b. The Borough agrees to grant the appropriate training time, including travel time and pay all associated and reasonable expenses for the Chief of Police to attend the annual New Jersey State Chiefs of Police Conference and the annual International Association of Chiefs of Police Conference, if he so desires to attend. If the Chief attends a conference at the Borough's expense, he shall provide the Borough with proof of expenses for attending such conferences by way of receipts. The Chief may also be required to provide a written report to the Police Committee which details the information presented at the conference including how such information is valuable to the Matawan Police Department.

c. The Borough also agrees to pay for the Chief's dues for membership in the International Association of Chiefs of Police, the New Jersey State Association of Chiefs of Police, the Monmouth County Chiefs of Police Association and the New Jersey State Association of Chiefs of Police Command and Leadership Alumni Association.

29. **Service Vehicle**

The Chief of Police will be provided with an unmarked take-home service vehicle of the Police Department (or Office of Emergency Management) for his use on duty and for response when off-duty. The vehicle shall be an all-wheel drive SUV or similar type vehicle and shall be equipped with all the necessary equipment to perform the duties of a Police Officer and Emergency Management Coordinator. The Chief shall be permitted to use the vehicle for personal use. There shall be no limit on the use of the vehicle for police or emergency management duties or anything associated with either position such as attending meetings, training, trips, conferences and other traveling needed to carry out the duties of the position of Chief of Police/Emergency Management Coordinator. The Borough shall pay all expenses for the operation and upkeep of the vehicle, such as car insurance, tires, gas, oil changes and other necessary repairs. The vehicle shall not be used by anyone other than

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the Chief of Police. The Chief may authorize the vehicle to be used by other sworn officers of the Police Department or Emergency Management staff at his discretion.

the duties of the position of Chief of Police/Emergency Management Coordinator. The Borough shall pay all expenses for the operation and upkeep of the vehicle, such as car insurance, tires, gas, oil changes and other necessary repairs. The vehicle shall not be used by anyone other than the Chief of Police. The Chief may authorize the vehicle to be used by other sworn officers of the Police Department or Emergency Management staff at his discretion.

30. Continuation of Benefits Not Covered by this Agreement

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

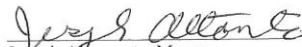
31. Miscellaneous Provisions

a. The Borough shall supply the Chief of Police with necessary legal advice and counsel in the defense of charges or civil litigation filed against him in the performance of his duties in accordance with the laws of the State of New Jersey and of the United States. These services shall be provided by the Borough Labor Counsel, Borough Attorney, or another attorney appointed by the Borough as necessary, or an attorney selected by the Chief of Police and approved by the Borough.

b. In the event the Chief retires during the course of this Agreement and his presence is needed at any hearing, disposition, trial or the preparation, meeting or conference arising out of any current, previous or new litigation, the retired Chief shall be compensated at his last paid regular hourly rate.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be signed by their duly authorized representatives this 17 day of May, 2022.

BOROUGH OF MATAWAN


Joseph A. Tomonte, Mayor


Date 5-17-2022

ATTEST:


Karen Wynne, RMC
Municipal Clerk

Date 5-17-2022

EMPLOYEE


Thomas J. Falco, Jr.
Chief of Police

Date 5-17-2022

**RESOLUTION 22-05-25
AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR HIRING OF A
PART-TIME HOURLY POLICE SECRETARY BOROUGH OF MATAWAN POLICE DEPARTMENT**

WHEREAS, there is a need for a Part-Time Hourly Police Secretary for the Borough of Matawan Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough Administrator of the Borough of Matawan, is hereby authorized to advertise (in print or electronic media), interview, and make recommendations for the position of Part-Time Hourly Secretary for the Borough of Matawan Police Department 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.

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

**RESOLUTION 22-05-28
AUTHORIZATION TO CONNECT TO THE BOROUGH OF MATAWAN SANITARY SEWER SYSTEM
JONATHAN & JOAN VAWTER
30 MILL ROAD – BLOCK 123.01, LOT 10.01**

***WHEREAS**, Jonathan and Joan Vawter, for the property located at 30 Mill Road, Matawan, New Jersey, also known as Block 123.01, Lot 10.01, requesting to connect the property to the Borough of Matawan's sanitary sewer system in October 2021; and*

***WHEREAS**, Robert R. Keady, Jr. of T&M Associates, Borough Engineer, has reviewed the water and sewer requirements for the proposed Application provided by Jonathan and Joan Vawter, determined fees and escrow, and has no objection to the connection subject to the conditions as outlined in T&M's attached letter of April 26, 2022; and*

***WHEREAS**, the Department of Public Works has previously reviewed the Application and has no objection to the connection.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that it hereby grants permission to Jonathan and Joan Vawter, for 30 Mill Road, Matawan, New Jersey 07747, also known as Block 123.01, Lot 10.01, to connect into the Borough's sanitary sewer system.*

***BE IT FURTHER RESOLVED**, that prior to connection to the Borough's sanitary sewer system, Jonathan and Joan Vawter, must comply with all the terms and conditions outlined in the Borough Engineer letter dated April 26, 2022, as well as all regulations as cited in the Borough Code of the Borough of Matawan.*

***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, Construction, Finance, Fire Department, Fire Prevention, Police, Public Works as well as the Borough Engineer and Jonathan and Joan Vawter.*

New Business

Mayor Altomonte read by title Ordinance 22-05: Amending and Supplementing the Revised General Ordinances of The Borough of Matawan Chapter 34 – Development Regulations Section 34-8(A) Application Fees. Mayor Altomonte requested a motion. Councilman Livesey 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
Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang
Councilman Charles Ross

Motion passed.

**ORDINANCE 22-05
AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MATAWAN
CHAPTER 34 – DEVELOPMENT REGULATIONS
SECTION 34-8(A) APPLICATION FEES**

***WHEREAS**, the Borough of Matawan has entered into a Shared Services Agreement between the Borough of Matawan and the Township of Aberdeen for Shared Construction and Zoning Department Services and Personnel; and*

***WHEREAS**, the Revised General Ordinances of the Borough of Matawan, Chapter 34 – Development Regulations, Section 34-8(a) Application Fees, shall be amended and supplemented.*

***NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the Revised General Ordinances of the Borough of Matawan, Chapter 34 – Development Regulations, Section 34-8(a) Application Fees, shall be amended and supplemented as follows:*

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34-8 Application Fees

The applicant shall, at the time of permit application in the Construction Department, pay the following non-refundable fees to the Township of Aberdeen by cash, certified check, bank money order or check.

a. *Zoning permits:*

*All zoning permit fees shall be \$65.00**

**A single-family dwelling where there was no dwelling prior or grade changes substantially. A \$1,500.00 escrow is to be posted with the Borough of Matawan Municipal Clerk for the purpose of review of topographic survey, and inspections of the site. The unused portion will be returned to the applicant; however, additional escrow may have to be posted as to the extent and required inspections.*

**A \$1,500.00 escrow to be posted to the Borough of Matawan Municipal Clerk for the purpose of review of topographic survey, and inspection of the site. The unused portion will be returned to the applicant; however, additional escrow may have to be posted as to the extent and required inspections.*

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

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 New Jersey State law.

The Clerk announced the public hearing is scheduled for 7:00 PM, June 9.

Mayor Altomonte read by title Ordinance 22-06: Amending and Supplementing the Revised General Ordinances of The Borough of Matawan, Chapter 4, Licensing and Business Regulations, Section 4-16 – Cannabis Licensing Establishing an Application Procedure and Licensing Fees for Cannabis Business Licenses. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Brian Livesey
Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang
Councilman Charlie Ross

Motion passed.

**ORDINANCE 22-06
AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MATAWAN, CHAPTER 4, LICENSING AND BUSINESS REGULATIONS,
SECTION 4-16 – CANNABIS LICENSING ESTABLISHING AN APPLICATION PROCEDURE AN
LICENSING FEES FOR CANNABIS BUSINESS LICENSES**

WHEREAS, in November 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to legalize a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use and possession; and

WHEREAS, on August 4, 2021, the Mayor and Council of the Borough of Matawan adopted Ordinance 21-13, which gave effect to the NJ Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (hereinafter, the “Act”) in the Borough of Matawan and amended Chapter 34; Chapter 11.1-2; Chapter 3:3-12; and Chapter 2-12 of the Municipal Code to implement said changes; and,

WHEREAS, it is the desire of the Mayor and Council to provide for an orderly, transparent, open, neutral process for the administrative processing of all desired applications for locations of Cannabis related establishments of the Borough

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of Matawan, consistent with the Act and the Administrative Rules and Regulations for the municipal administration of the Act by local municipalities:

NOW, THEREFORE, BE IT ORDAINED, the Mayor and Council of the Borough of Matawan, Monmouth County, New Jersey, hereby amends and supplements the Code of the Borough of Matawan Chapter 4 – Licensing and Business Regulations as follows:

SECTION 4-16: CANNABIS LICENSING

- a) *Each application shall be submitted in writing to the Office of the Clerk of the Borough of Matawan. Each Application for a license shall include a “Retail Cannabis Endorsement Application Scoring Matrix” attached herewith to this Ordinance as Exhibit A; which shall be adopted by the Council and be part of every application for a Cannabis license application requested by any person or entity. Said “Exhibit A” shall be submitted by all applicants as part of the Licensing review application process. Failure to submit the “Exhibit A” shall constitute a material defect in any submitted application.*
- b) *The Borough Clerk shall publish a “Retail Cannabis Endorsement Application” that shall be adopted by Resolution upon the passage of the within Ordinance. The application shall accompany any request for the issuance of a Cannabis License in the Borough of Matawan.*
- c) *The application fee payable to the Borough of Matawan for a Cannabis License under the within Ordinance shall be a non-refundable fee of \$2,000.00 to be submitted by Bank check or Certified check upon submission of the application. In addition to the non-refundable application fee, each applicant shall submit a Registration Fee to the Borough of Matawan at the time of application in the amount of \$10,000. The Registration fee of \$10,000.00 shall be refunded to the applicant should the applicant be unsuccessful in obtaining a State or other administrative license for the business in the Borough of Matawan.*
- d) *The license of any approved Cannabis business must be renewed yearly. All Cannabis licenses shall be subject to a renewal fee of \$2,500.00 due on December 31st of every year at Midnight. The termination of licenses as a result of nonpayment of renewal fees shall be subject to the provision of Chapter 4, Section 4-1 – General Provisions, et seq.*

BE IT FURTHER ORDAINED, in the event of any inconsistencies between the provisions of this Ordinance and any prior Ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Matawan are ratified and confirmed, except where inconsistent with the terms hereof.

BE IT FURTHER ORDAINED, by the Governing Body of the Borough of Matawan that this Ordinance shall take effect immediately upon passage, adoption and publication according in accordance with the laws of the State of New Jersey.

**EXHIBIT A
RETAIL CANNABIS ENDORSEMENT APPLICATION
SCORING MATRIX**

Applicant Name (legal name of business)

Application Number

Reviewer and Date Reviewed

Address of Proposed Matawan Retail Cannabis Location

In order to consider endorsement by Borough Council, an applicant must provide documented proof that they have secured a location AND receive a minimum of 75 total points on the scoring matrix on the following page. Failure to meet these two criteria will be render the application as failed.

A blank copy of this document will be provided to each applicant for informational purposes only. Only authorized Borough staff can complete this document.

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Application Number: _____

Criteria	Max Points	Score
Applicant’s owners’ or principals’ qualifications and experience operating in highly regulated industries, including cannabis, healthcare, pharmaceutical manufacturing, and retail pharmacies, with preference to experience operating such businesses within the State of New Jersey and where the value of owners’ experience shall outweigh the experience of non-owner principals;	15	
Applicant’s description for the storage of products, physical security, video surveillance, security personnel, and visitor management;	15	
Applicant’s commitment to cooperate with the Matawan Police Department;	5	
Applicant’s demonstrated commitment or sufficient experience as responsible employers, for example providing employee health care insurance and/or paid family leave; paying a \$15 minimum wage the alternative, if an applicant entity or its parent company is a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to an application for a Municipal Cannabis license, the applicant will automatically receive 10 points and no further response for this Item is necessary;	15	
Applicant’s written commitment to employ residents of the Borough of Matawan in at least 50% of full-time equivalent positions;	5	
Summary of the applicant’s environmental impact and sustainability plan;	5	
Applicant’s ties to the host community, demonstrated by at least one owner’s proof of residency in the Borough Matawan for five or more years or at least one owner’s continuous ownership of a business based in Matawan for five or more years in the past ten years;	5	
Applicant’s proposal to provide community benefits;	15	
Applicant’s demonstrated commitment to diversity in its ownership composition and hiring practices.	5	
Social Equity Business	5	
Diversely Owned Business	5	
Microbusiness	5	
Total Points		

The Clerk announced the public hearing is scheduled for 7:00 PM, June 9.

Mayor Altomonte read by title Resolution 22-05-26: Emergency Temporary Appropriation. Mayor Altomonte requested a motion. Councilman Livesey 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

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Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang
Councilman Charlie Ross

Motion passed.

**RESOLUTION 22-05-26
EMERGENCY TEMPORARY APPROPRIATION**

***WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2022 temporary budget for the aforesaid purposes; and*

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

***WHEREAS**, the total emergency temporary resolutions adopted in the year 2022 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$8,553,281.76.*

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

- 1. An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
- 2. That said emergency temporary appropriations will be provided for in the 2022 budget under the appropriate titles.*
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.*

***BE IT FURTHER RESOLVED**, that the amount required by Statue for the payment of 2022 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.*

2022 Temporary Budget-for May 17, 2022, Meeting

	Salary & Wages	Other Expenses
GENERAL ADMIN	15,300.00	
MAYOR & COUNCIL	16,418.00	
MUNI CLERK	4,200.00	
FINANCE	6,000.00	
AUDIT		
TAX COLLECTOR	6,300.00	
TAX ASSES	5,000.00	
LEGAL SERVICES		
ENGINEERING		5,000.00
DOWNTOWN REDEV	100.00	
HISTORICAL SITES		
PLAN/ZONING BD	1,400.00	
CONSTR OFFICIAL		
PROP MAINT		
OTHER INSURANCE OTHER EXP		88,218.26
INSURANCE-WORKERS COMP		76,349.62
HOSPITALIZATION		
POLICE	200,000.00	25,000.00
EMERGENCY 911		
OEM		
VOL 1ST AID SQUAD		
FIRE PREVENTION	9,300.00	
FIRE		20,000.00
FIRE-AID TO DEPARTMENT		
STREETS & ROADS	28,000.00	5,000.00
RR PARKING	12,000.00	13,000.00

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SHADE TREE COMM	200.00	2,000.00	
SOLID WASTE COLL	475.00		
PUBLIC BLDGS	2,400.00	5,000.00	
VEHICLE MAINT			
BD OF HEALTH	450.00	3,000.00	
ENVIRON COMM			
RECREATION	2,000.00		
FREE PUBLIC LIBRARY			
ACCUM SICK LEAVE			
STREET LIGHTING			
UTILITIES		10,000.00	
PERS			
OASI		5,000.00	
P/F RETIREMENT			
DCRP			
LOSAP			
MUNICIPAL COURT	2,000.00		
PUBLIC DEFENDER			
CAPITAL IMPROVEMENT FUND			
PAYMENT OF BOND PRINCIPAL			
MCIA LEASE PRINCIPAL			
PAYMENT OF BANS			
INTEREST ON BONDS			
MCIA LEASE INTEREST			
INTEREST ON NOTES			
GREEN TRUST LOAN			
SPECIAL EMERGENCY			
 SUBTOTAL	 311,543.00	 257,567.88	
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		569,110.88	6,372,144.06
 WATER SEWER UTILITY			
 OPERATING	 60,000.00	 200,000.00	
BULK WATER PURCHASE/ACQUISITION OF WATER			
BAYSHORE REGIONAL SEWERAGE AUTHORITY			
PAYMENT ON BOND PRINCIPAL			
PERS			
BANS			
INTEREST ON BONDS			
INTEREST ON NOTES			
WATER-SEWER REHAB LOAN			
WASTEWATER LOAN			
SOCIAL SECURITY		5,500.00	
 SUBTOTAL	 60,000.00	 205,500.00	
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS		265,500.00	3,015,748.58

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

Mayor Altomonte read by title Resolution 22-05-27: Payment of Bills. Mayor Altomonte requested a motion. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

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**RESOLUTION 22-05-27
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>\$392,156.44</i>
<i>Water/Sewer</i>	<i>\$44,134.78</i>
<i>Grant</i>	<i>\$232.02</i>
<i>Borough Trust</i>	<i>\$749,959.79</i>
<i>Dog Tax Trust</i>	<i>\$3.60</i>
 <i>Total</i>	 <i>\$1,186,486.63</i>

***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.

Cathy Zavorskas reminded the Council of the invitation to the Blues Cruise Kickoff Dedication.

Nicholas Reid, 194 Jackson Street, Matawan. Mr. Reid asked the Council for a status update on the liquor store across from Memorial Park. Mayor Altomonte reported that the Wilt Group should be closing on the property any day or week now as they want to re-open the liquor store.

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. Councilwoman Gunn made the motion, seconded by Councilman Livesey. 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 7:42 PM.

Karen Wynne

Karen Wynne, RMC
Municipal Clerk