

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 3, 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 and Pasquale Menna, Esq., Borough Attorney.

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

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

Privilege of the Floor for Agenda Items Only

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

There were no comments.

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

Proclamation for the Observance of Arbor Day

The Mayor announced the Borough recognizes April 29, 2022 as Arbor Day with the Proclamation on file for public inspection in the Office of the Borough Clerk.

Introduction of the 2022 Budget

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 introduce. Councilwoman Gunn made the motion, seconded by Councilman Ross. 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 22-04 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.

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.

The Clerk announced the Public Hearing is scheduled for 7:00 PM, May 17, 2022.

Mayor Altomonte read by title Resolution 22-05-01: Self-Examination of Budget Resolution Borough of Matawan, County of Monmouth, Fiscal Year 2022. Mayor Altomonte requested a motion. Councilman Ross made the motion, seconded by Councilman Livesey. 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.

RESOLUTION 22-05-01 SELF-EXAMINATION OF BUDGET RESOLUTION BOROUGH OF MATAWAN, COUNTY OF MONMOUTH Fiscal Year 2022

WHEREAS, NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to NJAC 5:30-7.2 through 7.5, the Borough of Matawan has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Matawan that in accordance with NJAC 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- *f. Any inclusions of amounts required for school purposes.*

2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at NJSA 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will
 - permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Mayor Altomonte read by title Resolution 22-05-02: Municipal Budget Notice. Mayor Altomonte requested a motion. Councilman Ross made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 22-05-02 MUNICIPAL BUDGET NOTICE Municipal Budget of the BOROUGH OF MATAWAN, COUNTY OF MONMOUTH for the Fiscal Year 2022

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2022; and

BE IT FURTHER RESOLVED, that said Budget be published in The Independent in the issue of May 12, 2022.

The Governing Body of the **BOROUGH OF MATAWAN** does hereby approve the following as the Budget for the year 2022:

RECORDED VOTE (insert last name) (Buckel ABSTAINED ((Gunn AYES (Livesey (Ross ABSENT (Cannon (Wang (

NAYS (

Notice is hereby given that the Budget and Tax Resolution was approved by the BOROUGH COUNCIL of the BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, on May 3, 2022.

A Hearing on the Budget and Tax Resolution will be held at Matawan Municipal and Community Center on June 9, 2022 at 7:00 o'clock (PM) at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested persons.

Mayor Altomonte read by title Resolution 22-05-03: Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decision under Title VII of the Civil Rights Act of 1964. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Councilman Ross requested clarity on the Resolution. Mr. Menna explained the inception of the regulation and the requirement of annual municipal adoption of the Resolution with the introduction of the municipal budget. Mayor Altomonte requested a roll call. A roll call vote was taken.

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

Abstain: Councilwoman Melanie S. Wang

Motion passed.

RESOLUTION 22-05-03

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, <u>NJSA</u> 40A:4-5 as amended by PL 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Council of the Borough of Matawan hereby states that it has complied with <u>NJSA</u> 40A:4-5, as amended by PL 2017, c.183 by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE WITH THE

UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES NO PHOTOCOPIES OF SIGNATURES

STATE OF NEW JERSEY COUNTY OF MONMOUTH

We, members of the governing body of the Borough of Matawan being duly sworn according to law, upon our oath depose and say:

- We are duly elected (or appointed) members of the Council of the Borough of Matawan in the County of Monmouth;
- Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012);
- 3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
- We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(L.S.) Stephanie Buckel	(L.S.) BrianLivesey
(L.S.) Brett Cannon	(L.S.) Charles Ross
Absent	U
(L.S.) Deana Gunn	(L.S.) Melanie S. Wang
Dent	Melanie Strang
Sworn to and subscribed before me this	
3 rd day of May, 2022	
Notary Public of New Jersey	
KAREN WYNNE NOTARY PUBLIC OF NEW JERSEY My Commission Expires 1/24/2023	Karen Wynne, RMC Municipal Clerk

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

Mr. Carew thanked the Governing Body, the Borough Auditor and the staff. This is his third budget with the Borough, and he is confident we have presented a very responsible budget for the residents of Matawan.

Consent Agenda

Mayor Altomonte read by title Resolutions 22-05-04-through and including 22-05-11, requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 22-05-04 REDEMPTION OF TAX SALE CERTIFICATE(S) #18-00001 #18-00002 #21-00011

			#21-00016			
<u>Certificate#</u>	<u>Company Sold To</u>	<u>Block</u>	Lot	Property Address	<u>Payment</u>	<u>Premium</u>
18-00001	ATCF II New Jersey, LLC	6	1	60 Main St.	\$158,658.96	\$25,500.00
18-00002	ATCF II New Jersey, LLC	6	3	60 Main St.	\$214,677.90	\$75,600.00
21-00011	WSFS as Cust LVTLOPS/Firstrust	47.02	45.07	328 Main St.	\$8,798.67	\$30,600.00
21-00016	BALA Partners, LLC	84	6	3 Liberty St.	\$2,135.06	\$29,200.00

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 22-05-05 RELEASE OF ESCROW FUNDS FOR APPLICATION FOR STREET OPENING PERMIT HUI ZHAO & ZHIBING CHEN 35 MILL ROAD – BLOCK 120.01, LOT 45

WHEREAS, Hui Zhao and Zhibing Chen posted escrow in association with an Application for Permit to Cut Surface of Public Place, and subsequent issued Permit for Street Opening No. 21-18, for Block 120.01, Lot 45, otherwise known as 35 Mill Road, Matawan, New Jersey; and

WHEREAS, all Borough Departments and Professionals associated with this project have certified any and all outstanding issues and billing have been satisfied to allow the release of all remaining escrow.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of all remaining escrow funds to Hui Zhao and Zhibing Chen.

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 Borough Engineer, and Hui Zhao and Zhibing Chen.

RESOLUTION 22-05-06 AUTHORIZING THE WAIVER OF MUNICIPAL TEMPORARY FOOD HANDLING PERMIT FEES MAIN STREET BLUES & CRUISE NIGHT FOOD VENDORS

WHEREAS, the Borough of Matawan Economic Business Development & Redevelopment Commission (EBD) and the Matawan-Aberdeen Chamber of Commerce are sponsoring Main Street Blues & Cruise Night scheduled for May 25, 2022; and

WHEREAS, the EBD has requested the Council of the Borough of Matawan, as an expression of support and encouragement, waive the municipal Temporary Food Handling Permit fee in the amount of \$50.00 for the event's food vendors.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan does hereby waive the \$50.00 municipal Temporary Food Handling Permit fee for the Borough of Matawan Main Street Blues & Cruise Night food vendors.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, EBD, Finance as well as the Monmouth County Department of Health.

RESOLUTION 22-05-07 A RESOLUTION OF THE COUNCIL OF THE BOROUGH OF MATAWAN AUTHORIZING THE SALE OF SURPLUS PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE SNOWFLAKES

WHEREAS, the Borough of Matawan has determined that the following property, Decorative Snowflakes purchased by the Recreation Department formerly used to line the Borough's Main Street streetlights during the winter season, are no longer needed for public use:

Decorative Snowflakes

- 14 in stock
- 60 inches in height
- 55 inches in width

WHEREAS, the Borough of Matawan intends to utilize the online auction services of Municibid.com, LLC, located at 1608 Walnut Street, Floor 12, Philadelphia, Pennsylvania, NJ State Contract #T2581; and

WHEREAS, the sales are being conducted pursuant N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services' Local Finance Notice 2019-15.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, in the County of Monmouth, State of New Jersey, that the Borough is hereby authorized to sell the surplus personal property as indicated above on an online auction website entitled Municibid.com.

BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between Municibid.com, LLC and the Borough of Matawan are available at Municibid.com and in the Borough of Matawan Clerk's office.

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 Municibid.com, LLC.

RESOLUTION 22-05-08

AUTHORIZING PAYMENT TO T&M ASSOCIATES FOR PROFESSIONAL SERVICES ASSOCIATED WITH REVISED SPECIFICATIONS TO THE 2020 ROAD IMPROVEMENT PROGRAM CONTRACT FOR THE BOROUGH OF MATAWAN

WHEREAS, the Council of the Borough of Matawan received a bill from T&M Associates for professional services associated with revised specifications to the 2020 Road Improvement Program Contract for the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan does hereby award payment for professional services to T&M Associates as outlined in the attached letter of revised specifications in an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00).

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

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 2-01-20-105-200 Budget of the Borough of Matawan to T&M Associates (T&M Project No. MATN-04153) for the Borough of Matawan in an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00).

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: May 3, 2022



MATN-04153

April 25, 2022

Scott Carew, Borough Administrator Borough of Matawan 201 Broad Street Matawan, NJ 07747 2020 2021 Road Program Re:

Contract Budget Amendment

Dear Mr. Carew:

As you are aware, our office is providing Contract Administration and Field Inspection services for the improvements associated with the 2021 Road. During the course of construction there have been some unforeseen conditions that have required additional effort expended on our part not originally anticipated as part of our original contract proposal. As such, we would like to formally request a budget amendment to address these issues.

A summary, along with T&M's cost to complete the work outlined, are described below:

1. 2020 Road Improvement Program

During the course of construction, the Borough had asked T&M to investigate, quantify, shoot grades and/or prepare design sketches and request cost proposals from the contractor for extra work as follows:

- a) Replacement of concrete curb at 10 Ryers Lane, 14 Elm Place and Victoria Street Pump
- Station.
- b) Mill and Pave Victoria Street Pump Station access driveway
 c) Mill and pave along gutterline of 21 Chestnut to alleviate ponding
 d) Municipal building walkway and drainage improvements
- Retaining Wall replacement at 30 Mill Road e)
- f) Investigate Septic System failure at 30 Mill Road
- Reconstruct inlet in Municipal Building parking lot **g**)
- h) Two new manholes on Overhill Road
- i)
- Sanitary sewer lateral replacement on Northfield Road Repair leaking water valve at Rt. 34 and Overhill Road
- k) Installation of underdrain system at Rt. 34 and Overhill Road to capture ground water
- that is coming through the asphalt surface causing ponding/icing conditions. Installation of insertion valve on existing watermain on Overbrook since existing valve 1)
- did not work.



T&M ASSOCIATES, 11 Tindall Road, Middletown, NJ 07748

Borough of Matawan Clerk's Office 732.671.6400 I 732.671.7365 I tandmassociates.com



Re:

MATN-04153 April 25, 2022 Page 2

2021 Road Program Contract Budget Amendment

The prices received from the contractor, for items a through e, were too costly and will be added to the 2022 Road Program. T&M also performed contract administration and inspection services to oversee the completion of items g through i. This extra work has resulted in additional management and inspection effort outside of the original scope of work for the road program. As a result of these unforeseen conditions and extra work, T&M is requesting \$10,000 for the additional unanticipated engineering and inspection effort related to the above-mentioned tasks.

If you have any questions or require additional information, please let us know.

Very truly yours,

T&M ASSOCIATES

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

RRK:RRS:lkc

c: Karen Wynne, Borough Clerk Nicole Horvath, Borough CFO

G:\Projects\MATN\04153\Correspondence\Carew_RRK_Contract Amendment for 2021 Road Program - April 2022.doc

RESOLUTION 22-05-09 RESOLUTION TO APPROVE THE BOROUGH OF MATAWAN TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH TO PROVIDE THE ITAX MAP/COLLABORATION CENTER SYSTEM (TAX MAP CONVERSION AND MAINTENANCE SERVICES)

WHEREAS, the Uniform Shared Services and Consolidation Act (C.40A:565-1, et seq.), authorizes local units of this State to enter into a contract with any other local unit(s) for the joint provision within their several jurisdictions of any service, which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, each municipality is to provide for the preparation of yearly revisions to the tax map under New Jersey State law N.J.A.C. 18:23A-1.1, and this legal requirement is not followed by all municipalities based on limited financial, technical, and professional resources; and

WHEREAS, each physical description of a parcel of land drives the mass-appraisal calculation of the land portion of its property tax assessment, and land data inaccuracies and errors lead to poor distribution of the annual tax levy, potentially resulting in years of tax overpayments and underpayments; and

WHEREAS, a County-to Municipality shared services program would provide map conversion and maintenance service, ushering in the transition from analog to a Countywide standard of state-certified digital tax maps for all 53 municipalities; and

WHEREAS, the intent of the digital tax map shared services program is to reduce municipal costs in complying with the law and provide for the most up-to-date GIS parcel layer and tax map data for public and government stakeholders; and

WHEREAS, this service provides participating municipalities with numerous benefits, including: anticipated cost-savings through economies-of-scale; reduce cost to comply with state regulations and standards; transition from analog to state-certified digital maps; streamlined editing and ongoing maintenance procedures; more consistent and accurate municipal and County-wide information; unprecedented assemblage of data made available to taxpayers, municipalities, and the County; and seamless flow of tax information into GIS and additional information systems.

WHEREAS, it is in the best interest of the Borough of Matawan to enter into such an Agreement.

NOW, THEREFORE IT BE RESOLVED, that the governing body of the Borough of Matawan hereby approves entry in the Agreement with the County of Monmouth consistent with the foregoing.

BE IT FURTHER RESOLVED, that they Mayor, Borough Administrator, and the Borough Clerk are each hereby authorized and directed to execute the attached Shared Services Agreement, for the provision of the iTax Map/Collaboration Center System, on behalf of the Borough.

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 as well as the Borough Engineer.

SHARED SERVICE AGREEMENT FOR THE COUNTY OF MONMOUTH TO PROVIDE THE iTaxMap/Collaboration Center SYSTEM

THIS SHARED SERVICE AGREEMENT (the "Agreement") is made this _____ day of ______, 20_____ by and between the <u>COUNTY OF MONMOUTH</u>, a body politic of the State of New Jersey, having its principal offices located at the Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728 and <u>NAME OF MUNICIPALITY</u>, in the County of Monmouth, a municipal corporation of the State of New Jersey, having its principal offices located at <u>street</u> address, <u>municipality</u>, NJ <u>zip code</u>, (referred to as the "municipality").

WHEREAS, The Uniform Shared Services and Consolidation Act (C.40A:565-1, et seq.), authorizes local units of this State to enter into a contract with any other local unit(s) for the joint provision within their several jurisdictions of any service, which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, each municipality is to provide for the preparation of yearly revisions to the tax map under New Jersey State law N.J.A.C. 18:23A-1.1, and this legal requirement is not followed by all municipalities based on limited financial, technical and professional resources; and

WHEREAS, each physical description of a parcel of land drives the mass-appraisal calculation of the land portion of its property tax assessment, and land data inaccuracies and errors lead to poor distribution of the annual tax levy, potentially resulting in years of tax bill overpayments and underpayments; and

WHEREAS, a County-to-Municipality shared services program would provide map conversion and maintenance services, ushering in the transition from analog to a Countywide standard of state-certified digital tax maps for all 53 municipalities; and

WHEREAS, the intent of the digital tax map shared services program is to reduce municipality costs in complying with the law and provide for the most up-to-date GIS parcel layer and tax map data for public and government stakeholders; and

WHEREAS, the Commissioners have approved the awarding of a contract for digital tax mapping in Resolution # 2021-0552; and

WHEREAS, this service provides participating municipalities with numerous benefits, including: anticipated cost-savings through economies-of-scale; reduce cost to comply with state regulations and standards; transition from analog to state-certified digital maps; streamlined

Page 1 of 8

editing and ongoing maintenance procedures; more consistent and accurate municipal and Countywide information; unprecedented assemblage of data made available to taxpayers, municipalities and the County; and seamless flow of tax information into GIS and additional information systems.

NOW, THEREFORE, in consideration of the above and the provisions set forth hereinafter, it is mutually agreed as follows:

IT IS AGREED:

1. Grant of Sublicense. Monmouth hereby grants the municipality use of the Collaboration Center as provided by Civil Solutions, under the terms of this Agreement.

2. Costs.

- (a) There are no costs for municipality for the initial two (2) years of the service. During the initial two (2) years of the agreement the County shall pay for the conversion and maintenance of all parcels within the municipality to a County/State digital standard.
- (b) Once all municipalities who have agreed to participate have been brought to the County/State digital standard, a per parcel annual maintenance cost shall be determined and presented to all municipalities for review and consideration.
- (c) The County shall pay for all costs associated with the maintenance and hosting of the iTaxMap/Collaboration applications within the County's IT facilities.
- (d) Any and all additional costs of releases or other future add-ons, will be mutually agreed upon by the municipalities.

3. Other Costs.

- (a) The municipality will retain Civil Solutions directly to perform any customization, data conversion or future additional training and implementation services required by the municipality.
- (b) The municipality will also provide the necessary personal computer(s), printer(s) and internet connection for the proper operation of iTaxMap/Collaboration Center System. For current operating requirements, see Exhibit "A" attached.
- 4. iTaxMap/Collaboration Center System access through Civil Solutions.
 - (a) Each participating municipality has access to the iTaxMap/Collaboration Center system
 - (b) Each municipality is entitled to two (2) named users accounts to access the Collaboration Center system, one of which shall be the municipal Assessor.

Page 2 of 8

5. Maintenance and Support.

.

- .

- (a) The Monmouth County Office of Geographic Information Systems will procure and maintain vendor software licensing. Civil Solutions is responsible for maintenance and upgrades to the iTaxMap System.
- (b) Municipalities will have access to Civil Solutions' technical help and support services to assist questions regarding the iTaxMap System.
- (c) In the event of any major changes in the maintenance and support arrangements with iTaxMap System, all municipalities in good standing under this Agreement will receive prior and timely notification of such changes.

6. Copyright & Trademark Acknowledgement.

- (a) The iTaxMap System product is the exclusive property of Civil Solutions, a Division of ARH. Civil Solutions owns the title, copyright, and other intellectual property rights in web-based software. The iTaxMap System is licensed, not sold. The iTaxMap System is protected by copyright and other intellectual property laws and treaties. Except for those rights expressly granted by ARH, Civil Solutions retains all proprietary rights to the iTaxMap System.
- (b) The iTaxMap System may not be reproduced, exploited, modified, transmitted, licensed or distributed without the prior written consent of Civil Solutions. The licensee, municipalities and other users shall not disassemble; decompile, or reverse engineer Civil Solutions products.

Copyright © 2021 Civil Solutions All rights reserved.

Page 3 of 8

7. Ownership of Images, Metadata, and Database Information.

- (a) Municipality is solely responsible for the selection of indexing templates and the entry of indexing utilized in the retrieval of images and other content.
- (b) All data, associated metadata and database information of the municipality remain the sole property of the municipality. Unless required by law, Monmouth may not make any portion of this information deposited in the repository available to the public without the prior written consent of the municipality.

8. Term of Agreement.

This Agreement shall be effective through (December 31, 2025), unless sooner terminated or extended.

9. Termination of Agreement.

- (a) Either party has the right to terminate this Agreement upon ninety (90) days written notice to the other party. In addition, Monmouth may terminate this Agreement, upon thirty (30) days' notice, if the municipality fails to make timely payment(s) required under this Agreement.
- (b) If the underlying agreement between Monmouth and Civil Solutions is terminated for any reason, Monmouth shall promptly notify all municipalities of such termination and the effective termination date, whereupon this Agreement shall terminate.
- (c) If the agreement between Monmouth and the municipality is terminated for any reason, upon the written request of the municipality, Monmouth shall, within sixty (60) days from the effective termination date, provide the municipality with a copy of all data and metadata stored within the iTaxMap System for the municipality ("municipality's data"). At Monmouth's discretion, delivery may be on any standard media including, but not limited to CD, DVD or removable HDD. Upon delivery, Monmouth shall retain no custodial right or duty with regard to the municipality's data.

10. Dispute Resolution.

(a) Monmouth agrees to continue providing the municipality access to the iTaxMap System web-based interface and all data during the pendency of a dispute.

Page 4 of 8

11. Limitation of Liability/Indemnification.

- (a) Monmouth makes no warranties, either express or implied under this Agreement. Monmouth shall not be liable to the municipality for damages of any kind arising from Monmouth's non-performance or flawed performance under this Agreement.
- (b) The municipality shall defend, indemnify and hold harmless Monmouth, its officers, agents and employees from and against any and losses, costs, damages, claims, suits and/or liabilities (including counsel fees and cost of suit), to which Monmouth may be subject by reason of any actions or inactions by the municipality, its officers, agents and employees.

12. Terms of Use and Notices.

In order to access the iTaxMap System, the municipality and its external authorized users must agree to the Terms of Use posted thereon, a copy of which is attached hereto, as Exhibit "B". By executing this Agreement, the municipality agrees to the terms of Exhibit "B".

13. Support Process.

The iTaxMap System Product Support process attached hereto as Exhibit "A" is incorporated herein.

14. Changes.

The terms and conditions of this Agreement may not be amended, waived or modified, except in a writing signed by the parties.

15. Force Majeure.

A party shall not be liable for any failure of or delay in the performance of this Agreement for the period of time that such failure or delay is (a) beyond the reasonable control of a party, including, without limitation, acts of God, terrorist acts, shortage of supply, breakdowns or malfunctions, interruptions or malfunctions of computer facilities, or loss of data due to power failures or mechanical difficulties with information storage or retrieval systems, labor difficulties, war, or civil unrest, and (b) materially affects the performance of any of its obligations under this agreement, and (c) could not reasonably have been foreseen or provided against. The affected party shall provide the other with prompt notice, as soon as practicable, any such delay or failure in performance occurs and keep the other party apprised of developments and mitigation effort with respect thereto. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached the Agreement, for the delay in performance of this Agreement when and to the extent such failure or delay is caused by acts beyond the parties' control.

Page 5 of 8

16. Choice of Law.

This Agreement shall be governed by and interpreted in accordance with the laws of the State of New Jersey.

17. Filing of Agreement.

Monmouth's Clerk of the Board shall file a fully executed copy of this Agreement with the Division of Local Government Services, New Jersey Department of Community Affairs in accordance with N.J.S.A. 40A:65-4(b).

18. Authority to Execute Agreement.

Each party to this Agreement represents to the other party that its governing body has taken the necessary action to authorize the execution of this Agreement.

19. Counterparts.

This Agreement may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

20. Notices.

Any notices that are provided pursuant to this Agreement shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

To Monmouth:

County of Monmouth 1 East Main Street Freehold, NJ 07728 Attn: Teri O'Connor, Administrator Email: Teri.O'Connor@co.monmouth.nj.us Fax: 732-409-4820

County of Monmouth 1 East Main Street Freehold, NJ 07728 Attn: Elizabeth Perez, Shared Services Coordinator Email: elizabeth.perez@co.monmouth.nj.us Fax:

Page 6 of 8

To the Municipality:	"A" adde N
	a 193 A - 191 A
Or to such other address or individua	al as any party may from time to time notify the other.
IN WITNESS WHEREOF, the par	ties have executed this Agreement.
ATTEST:	COUNTY OF MONMOUTH
Clerk of the Board	By: Commissioner Director
	Date:
ATTEST:	
Karen Wynne, RMC Municipal Clerk	By: Title Mayor Joseph Altomonte Borough of Matawan
La seconda y providencio e el	Date: May 3, 2022

.

Page 7 of 8

Exhibit "A"

END USER PC(s)

Support Services:

- Civil Solutions Collaboration Center is a web-centric tool that allows users to:
 - Input change requests; upload attachments for documentation and support
 - Track work order status
 - View completed tax map products via direct link
 - View backup documentation, uploaded in original order, via direct link
 Track all map change requests and responsible parties

 - Track dates submitted, changed and state approved

Supported Browser Versions:

- The iTaxMap System is supported in the most recent and second most recent versions of Mozilla Firefox, Microsoft Edge and Google Chrome.
- They do not support Internet Explorer 9 and below.
- JavaScript needs to be enabled on your web browser.

Suggested System Specifications for Basic Browsing:

- PC with at least 2GB of RAM, or
- Modern tablet devices, and
- Latest version of Mozilla Firefox, Microsoft Edge, or Google Chrome

Suggested System Specifications for Advanced or Professional Use:

- PC with at least 8GB of RAM, and
- Latest version of Mozilla Firefox, Microsoft Edge, or Google Chrome

Page 8 of 8

RESOLUTION 22-05-10 APPROVING EXTENDED SICK LEAVE REQUEST FOR POLICE CAPTAIN JEREMIAH E. HOURIHAN III

WHEREAS, Police Captain Jeremiah E. Hourihan III is employed by the Borough of Matawan as a Full-Time Police Officer for the Borough of Matawan Police Department; and

WHEREAS, according to the Code for the Borough of Matawan, Chapter 9-4.5(a)(2) and current Collective Negotiations Agreement, if the employee has served for more than ten (10) years, he shall be entitled to a leave of absence with full pay for twenty-six (26) weeks, plus an additional thirteen (13) weeks at half pay; and

WHEREAS, Police Captain Jeremiah E. Hourihan III was hired as a Full-Time Police Officer effective May 15, 2000; and

WHEREAS, on April 26, 2022, Police Chief Thomas J. Falco Jr. formally requested that the Mayor and Council approve a request for extended sick leave for Captain Hourihan, pursuant to the provisions of the Code of the Borough of Matawan and the Collective Negotiations Agreement between the Borough of Matawan and Captain Hourihan; and

WHEREAS, the Borough Administrator and the Chief of Police have reviewed the extended sick leave request; and

WHEREAS, it is in the best interest of the Borough of Matawan and the employee to approve the extended sick leave request upon a certification submitted by the employee; and

WHEREAS, the employee has requested a leave based upon the Code for the Borough of Matawan, Chapter 9-4.5 Extended Leave and current Collective Negotiations Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the employee's extended sick leave request is granted pursuant to the Code for the Borough of Matawan, Chapter 9-4.5 Extended Leave, and said request for a leave with full pay for twenty six (26) weeks subject to an additional thirteen (13) weeks of leave of absence at half pay pursuant to the Code for the Borough of Matawan, Chapter 9-4.5(a)(2) Extended Leave, since the employee has more than ten (10) years of service with the Borough of Matawan; is herewith granted effective retroactively to April 27, 2022.

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, Police and Police Captain Jeremiah E. Hourihan III.

RESOLUTION 22-05-11

AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR HIRING OF A PART-TIME HOURLY FIRE PREVENTION INSPECTOR FIRE PREVENTION BUREAU

WHEREAS, there is a need for a Part-Time Hourly Fire Prevention Inspector within the Borough of Matawan.

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

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

New Business

Mayor Altomonte read by title Resolution 22-05-12: Emergency Temporary Appropriations. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a roll call vote. 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.

RESOLUTION 22-05-12 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 members 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 3, 2022 Meeting

Salary & Wages Other Expenses GENERAL ADMIN 5,000.00 MAYOR & COUNCIL MUNI CLERK **FINANCE** AUDIT TAX COLLECTOR TAX ASSES LEGAL SERVICES 10,000.00 ENGINEERING 10,000.00 DOWNTOWN REDEV HISTORICAL SITES PLAN/ZONING BD CONSTR OFFICIAL PROP MAINT OTHER INSURANCE OTHER EXP INSURANCE-WORKERS COMP HOSPITALIZATION POLICE EMERGENCY 911 2,000.00 **OEM** VOL 1ST AID SQUAD FIRE PREVENTION FIRE FIRE-AID TO DEPARTMENT STREETS & ROADS 6,000.00 **RR PARKING** SHADE TREE COMM SOLID WASTE COLL PUBLIC BLDGS 5,000.00 **VEHICLE MAINT BD OF HEALTH** ENVIRON COMM RECREATION FREE PUBLIC LIBRARY ACCUM SICK LEAVE

STREET LIGHTING			
UTILITIES		12,000.00	
PERS			
OASI		6,000.00	
P/F RETIREMENT			
DCRP		1,800.00	
LOSAP			
MUNICIPAL COURT			
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	6,000.00	51,800.00	
SUBTOTAL	0,000.00	51,000.00	
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		57,800.00	5,803,033.18
WATER SEWER UTILITY			
OPERATING			
BULK WATER PURCHASE/ACQUISITION OF WATER		25,000.00	
BAYSHORE REGIONAL SEWERAGE AUTHORITY			
PAYMENT ON BOND PRINCIPAL			
PERS BANS			
INTEREST ON BONDS			
INTEREST ON NOTES			
WATER-SEWER REHAB LOAN			
WASTEWATER LOAN			
SOCIAL SECURITY			
SUBTOTAL	-	25,000.00	
TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRI	IATIONS		
		25,000.00	2,750,248.58

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 22-05-13: Payment of Bills. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Council agreed. 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.

RESOLUTION 22-05-13 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.

Total	\$2,664,750.36
Developers Escrow Account	\$2,530.64
Borough Trust	\$7,140.84
Grant	\$232.02
Borough Capital	\$1,503.66
Water/Sewer	\$69,115.22
Current	\$2,584,227.98

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.

Mayor Altomonte requested a motion to close the Privilege of the Floor. Councilman Ross 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 Ross. Council agreed. Motion passed. Mr. Menna announced the purpose of the into Executive Session is for deliberative discussion on litigation. No formal action will be taken.

Meeting adjourned at 7:20 PM.

Karen Wynne

Karen Wynne, RMC Municipal Clerk