

**Borough of Matawan
Public Session
August 16, 2022**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held via Video Teleconference, with Council President Brian Livesey presiding in the absence of Mayor Joseph Altomonte. 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 August 11, 2022, by sending notice to *The Independent* on August 8, 2022, 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. Council President Livesey called the meeting to order at 10:05 AM, requesting a roll call.

On roll call the following members responded present:

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

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

Council President Livesey asked everyone to stand for a Salute to the Flag.

Council President Livesey asked everyone to stand for a Moment of Silence.

Privilege of the Floor for Agenda Items Only

Council President Livesey opened the Privilege of the Floor for Agenda Items Only.

There were no comments.

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

New Business

Council President Livesey read by title Resolution 22-08-10: Award of Contract for the 2022 Road Improvement Program – S. Brothers, Inc. Council President Livesey requested a motion. Councilwoman Wang made the motion, seconded by Councilman Ross. Council President Livesey 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 22-08-10
AWARD OF CONTRACT FOR THE 2022 ROAD IMPROVEMENT PROGRAM
S. BROTHERS, INC**

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the 2022 Road Improvement Program; and

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WHEREAS, pursuant to law the Borough of Matawan solicited bids for the 2022 Road Improvement Program;
and

WHEREAS, the Borough of Matawan received two (2) bids for the aforesaid contract; and

WHEREAS, S. Brothers, Inc. has submitted a bid in the total amount of One Million, Two Hundred Thirty-One Thousand, Five Hundred Fifty-Two Dollars and Twenty Cents (\$1,231,552.20); and

WHEREAS, Robert R. Keady, Jr. of T&M Associates, Borough Engineer, has reviewed, approved and recommended the bid of S. Brothers Inc. for the aforesaid bid.

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that the contract for the 2022 Road Improvement Program be and is hereby awarded to S. Brothers, Inc. P.O. Box 317, South River, 08882, for the amount as indicated above and in accordance with all bid specifications, contracts and documents, commencing twenty (20) days after publication, and subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney.*

***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 the Borough Engineer and S. Brothers, Inc.*

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the C-04-55-920-101 and W-06-55-520-101 Budget of the Borough of Matawan to S. Brothers, Inc. (T&M Project No. MATN-04163) for the Borough of Matawan 2022 Road Improvement Program in an amount not to exceed Brothers, Inc has submitted a bid in the total amount of One Million, Two Hundred Thirty-One Thousand, Five Hundred Fifty-Two Dollars and Twenty Cents (\$1,231,552.20).

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: August 16, 2022

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MATN-04163 August 11, 2022

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

Re: 2022 Road Improvement Program
Review of Bids and Recommendation of Award

Dear Mr. Carew:

On Thursday, August 11, 2022, 2 bids were received for the above referenced project. A detailed bid summary is attached. The two (2) bids were received as summarized below:

BIDDER	BASE BID	ALTERNATE A - WATER SERVICE INVESTIGATION	ALTERNATE B - LIGHTS AT POLICE PARKING LOT	TOTAL BID AMOUNT (BASE BID + ALTERNATES)
S. Brothers, Inc.	\$1,110,312.20	\$48,000.00	\$73,240.00	\$1,231,552.20
James R. Ientile, Inc.	\$1,318,179.20	\$48,000.00	\$30,000.00	\$1,396,179.20

The apparent low bidder is S. Brothers, Inc. P.O. Box 317, South River, NJ 08882. T&M has had experience with S. Brothers on numerous road projects over the years and found their work to be satisfactory.

If the Borough wants to include lights for the police parking lot, then we recommend awarding the Base Bid, Alternate A, and Alternate B in the amount of \$1,231,552.20 to S. Brothers. If lights are not desired at the police parking lot, then we recommend only awarding the Base Bid and Alternate A in the amount of \$1,158,312.20 to S. Brothers. Any award should be contingent on the availability of funds, review of the Borough Attorney, review by the Department of Labor, Office of Wage and Hour Compliance.

If you have any questions or require additional information, please call.

Very truly yours,
T&M ASSOCIATES

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

RRK:PB
Enclosures

- c: Karen Wynne, Clerk (via email with copies of 2 low bid packages)
Pasquale Menna, Attorney (via email with copies of 2 low bid packages)
Nicole Horvath, CFO (via email)



Council President Livesey read by title Resolution 22-0811: Authorizing the Promotion to Full-Time Department of Public Works Superintendent – Eric Frye. Council President Livesey requested a motion. Councilman Cannon made the motion, seconded by Councilman Ross. Council President Livesey 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.

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**RESOLUTION 22-08-11
AUTHORIZING THE PROMOTION TO
FULL-TIME DEPARTMENT OF PUBLIC WORKS SUPERINTENDENT
ERIC FRYE**

WHEREAS, with the retirement of John “Jake” Applegate, Borough of Matawan Full-Time Superintendent of the Department of Public Works (DPW), Council adopted Resolution 22-03-05 appointing Eric Frye as Interim Full-Time Superintendent of the Borough of Matawan Department of Public Works; and

WHEREAS, Eric Frye is qualified for the position, and fully cognizant of the practices and procedures of the Borough of Matawan and the DPW.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan authorizes the promotion of Eric Frye as Full-Time Department of Public Works Superintendent, effective August 16, 2022, and herewith approves the attached Terms of Employment for Eric Frye in his position as Full-Time Department of Public Works Superintendent.

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: Administration, Clerk, Finance, Payroll as well as Eric Frye.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, funds are available from Various Department’s 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: August 16, 2022

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BOROUGH OF MATAWAN

**Terms of Employment
Between Matawan Borough and Eric J. Frye**

Following are certain terms of employment as agreed by and between the Borough of Matawan, NJ, (hereinafter the "Borough") and Eric J. Frye (hereinafter also the "Employee"), regarding the appointment of Frye as the Public Works Superintendent for Matawan:

Appointment and Term

Employee will become Public Works Superintendent for the Borough commencing August 17, 2022. The term of this agreement shall be through December 31, 2026.

Governing Laws

This is an appointment in accordance with New Jersey State Law and the Code of the Borough of Matawan. Any terms not defined in this agreement default to the Borough's code and employee policies.

Reporting Responsibilities

Employee will report directly to the Borough Administrator and will be responsible for the day-to-day operations, budgeting, and strategic planning of the Borough's Public Works Department.

While Powers and Duties of the Superintendent of Public Works are prescribed by the Code of the Borough of Matawan, the Employee may receive additional direction from the Mayor, Borough Administrator, Council President, or Chair of the Borough Council's Public Works Committee. Employee will provide monthly reports to the Chair of the Borough Council's Public Works Committee.

Residency

Employee is not required to live within the boundaries of the Borough of Matawan.

Schedule

Employee's regular schedule shall generally be 40 hours per week, Monday through Friday, coinciding with the normal operating hours of the Public Works Department. Employee recognizes that the role of Public Works Superintendent is a 24/7 commitment. Employee will be required to respond outside of regular business hours to emergencies, events and other Borough business not scheduled during typical business hours. As such, Employee will be allowed to take a DPW vehicle home for the purposes of commuting and responding to emergencies. The DPW vehicle is not intended to be used for personal use.

Employee recognizes that he is not entitled to any overtime/comp time and/or additional compensation for such work. As such, the Employer also recognizes that the Employee, as a professional, will be entitled to reasonable flexibility, approved by the Borough Administrator, in

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the work schedule to accommodate the demands of the job. Likewise, as a professional, Employee is expected to devote service, on-site presence, and commitment to the Borough commensurate with the full-time nature of the job.

Salary
Upon commencement of employment, the Employee shall be paid a pro-rated salary of \$125,000.
Effective January 1, 2023, the annual salary shall be \$127,500
Effective January 1, 2024, the annual salary shall be \$131,325
Effective January 1, 2025, the annual salary shall be \$133,952
Effective January 1, 2026, the annual salary shall be \$137,970



Professional Development
Employee will be permitted a maximum of 4 days (3 nights) annually to attend conferences such as the NJ League of Municipalities. Reimbursements will be made according to Borough policy. Additional conferences, if any, for specific projects benefitting or effecting the Borough may be approved with consent of the Borough Administrator. Additionally, the Employee may represent the Borough and attend relevant one day job -related seminars provided prior notice is given to the Borough Administrator.



Time-Off Benefits
Employee's time-off benefits will remain the same through the end of 2022. On January 1, 2023, employee's time-off benefits will be equal to that of a DPW employee with 8 years of service per the current IBEW contract.

Other Benefits
In addition to the above, the Employee shall be entitled to all other employee benefits as provided to the full-time department heads in Borough government, including health, dental, pension, paid holidays, and life insurance, and as per policies in effect pertaining to said benefits.

Agreed by Employee/date:

Agreed by the Borough/date:


Eric J. Frye

Witness


Joseph Altomonte, Mayor

Witness

Council President Livesey read by title Resolution 22-08-12: Payment of Bills. Council President Livesey requested a motion. Councilwoman Wang made the motion, seconded by Councilman Ross. Council President Livesey requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 22-08-12
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.*

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<i>Current</i>	<i>\$798,916.01</i>
<i>Water/Sewer</i>	<i>\$238,227.31</i>
<i>Borough Capital</i>	<i>\$157,693.00</i>
<i>Water Capital</i>	<i>\$42,607.49</i>
<i>Grant</i>	<i>\$1,104.90</i>
<i>Borough Trust</i>	<i>\$19,912.32</i>
<i>Developers Escrow Account</i>	<i>\$2,262.00</i>
<i>Dog Trust Tax</i>	<i>\$1.20</i>
<i>Recreation Trust</i>	<i>\$13,289.50</i>
 <i>Total</i>	 <i>\$1,274,013.73</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

Council President Livesey opened the Privilege of the Floor.

No comment.

Council President Livesey requested a motion to close the Privilege of the Floor. Councilwoman Wang made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

Councilman Ross asked for Council discussion to revise the Borough Code to address a time designation for the display of election signage to avoid the saturation and duration of signs. Concerns cited included keeping the public informed of the candidates for early voting. This item will be added to a forthcoming Agenda for a more formal conversation.

Adjourn

Council President Livesey requested a motion to adjourn. Councilwoman Wang made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

Meeting adjourned 10:22 AM.

Karen Wynne

Karen Wynne, RMC
Municipal Clerk