. 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 November 14, 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 7:04 PM, requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn Councilwoman Stephanie Buckel Councilman Brett Cannon Councilwoman Melanie S. Wang Councilman Charlie Ross

Absent: Councilman Brian Livesey

Also present were Scott Carew, Borough Administrator, Rober Keady of T&M Associates, Borough Engineer, 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 and to keep the family of former Police Chief, Carmen Messina, in their thoughts.

Mayor Altomonte addressed a recent issue that received considerable attention and raised concerns amongst members of the public. During the month of October, the Borough received several complaints about free-roaming cats within a specific neighborhood in Matawan. The complaints posed a potential threat to public health and safety, the Borough had to act on resolving the complaints and did so according to policy prescribed in an animal control ordinance, adopted in 2008. A notice was delivered to residents within the impacted neighborhood. The intention of the notice was two-fold: To alert owners of pet cats that are allowed to roam off their property and to inform well-intentioned residents who feed free-roaming cats, informing them that a consistent food source exacerbates the problem by drawing more cats to the area. While well-intentioned, the notice included a misunderstanding of the Monmouth County SPCA policy on unclaimed feral cats. That misunderstanding caused unnecessary angst. The trapping efforts lasted one week and no cats were trapped. On tonight's agenda is a new animal control ordinance that will provide the Borough with new protocols to follow, when dealing with stray animals. The objective of this new ordinance is to make sure that free-roaming cats are dealt with in the most responsible and humane way as possible. Thank you.

Privilege of the Floor for Agenda Items Only

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

Suzanne Reynolds, 3 Elm Place, Matawan. Ms. Reynolds read a statement: I have been a resident of Matawan since birth and I have witnessed both good and bad within the Borough. I've seen changes that have been made and now see changes that need to be made. I have never been involved with local politics because I didn't have a reason. But in light of the recent letter that was declaring the death of cats found free-roaming, I must now speak up and scream for the voiceless, which are the feral cats of Matawan. On November 1, I received a copy of the letter from a resident and posted it on the Facebook page 'All About Matawan'. I was disgusted with what the letter stated and that it was listed on the Police Department's letterhead. It was absolutely mind blowing that in less than 18 hours myself and another resident had made more of an impact on the topic of feral cats than had been made in the last 11 months, since animal advocates had been brought to light. Now this not to be an insult but rather to be an eye-opener as to how much

this town can work together when they want, for a purpose they believe in. With that being said, we have all been told that the issue of getting a TNR program in place has been due to the lack of sponsors. Aberdeen, our neighboring town, has had what they needed to make this program work. We share services with them for several things. Why not this, as well? We share services with Marlboro for an Animal Control Officer, which your animal advocate team signed into agreement again on February 15, 2022. We pay Marlboro \$17,319.60 for the year, with additional costs for weekend calls to be billed at \$216.50 each, using Anthony Lena as our ACO. Did our animal advocates investigate as to why Anthony Lena had his ties broken with MCSPCA? Out of curiosity, why keep a person on the town's money when your animal advocates have nothing good to say about him? Now that a problem has arisen, now we're looking for another town to share services with, for another ACO? It was sad that no one knew about the ordinance that has been on the books since 2005 or 2008, whichever year we want to use. Do you not make it a policy for your council members, especially newly voted in council, to read the ordinances which pertain to them and the chairs that they are sitting in? It took this mess to educate the Council? It's truly disturbing that no one has taken responsibility for any of this. Everyone has pointed fingers, and everyone ran from the problem. We were told that this all came from residents complaining of feral cats being health hazards and a fear of diseases, like rabies. According to NJ.gov, there were no cases of cats, in all of Monmouth County, having rabies last year. And a total of 42 feline cases within the County of Monmouth, since January 1989 until the December 2021. But they're a hazard, correct? Raccoons were recorded with 18 cases of rabies in Monmouth County in 2021. And there were 561 cases of raccoons with rabies, from January 1989 until December 2021. But they are wild so it's okay to not be concerned. Another resident said they had injuries due to being attacked by a feral cat. I just want to educate everyone in this room, incase you don't know and aren't aware. By definition, a feral cat is an unsocialized outdoor cat who has either never had any human contact or human contact has diminished over enough time that it is no longer accustomed to it. Most feral cats are fearful of people and are not likely to ever become a lap cat or enjoy living indoors. Which means that the likelihood that any of you getting taxes lowered in this town is much more feasible than a feral cat attacking a resident and causing injuries. Here's food for thought: one service call, on a Saturday for trapping a feral cat, is \$216.50. MCSPCA will charge \$20.00, per day, for the animal known to be there. So if they were to charge you, the Borough, that fee for seven days that would be \$140.00. This could obviously add up to \$356.50. The MCSPCA will TNR any cat for \$100.00 which includes altering, microchip, ear tip, and rabies vaccine. However, according the MCSPCA, posted on their website, trap/kill is more expensive for the municipality than TNR. Currently, in order to cover our cost, the MCSPCA must charge a municipality \$250.00, per feral cat brought in. Since TNR is funded by grants and donations, the cost to the municipality is at least cut in half. So one call on a weekend, under the plan you had written about, would be the cost of about five cats being TNR. She continued, stating the benefits of TNR for the community. She stated that residents do not support an archaic ordinance and the majorities support a TNR program. Ms. Reynolds stated she will be present at the meetings until the ordinance is deleted, rewritten, and the protection of feral and domestic cats is enforced. The people of Matawan want to be able to say that they've made a difference.

Councilwoman Buckel thanked Ms. Reynolds for her comments and offered to shed some light on them. She explained that the Animal Welfare Advisory Board and their volunteers spent a very good portion of the summer in meetings, working on establishing a TNR program. A review the minutes of last year's meetings will reflect same. We have been desperately trying to get this program started, along with Councilman Livesey and this year Councilwoman Wang joined us. We actually had an agreement almost set with a vendor and unfortunately they had a private issue and were no longer able to work with us because of that. There is a lot that goes into obtaining municipal services coming into the Borough; it's a lot of time and work coordinating meetings and having discussions, negotiations that unfortunately it didn't come out the way we planned. We were planning to meet in November with another sponsor and we are actually meeting at the end of this week. All of Council supports a TNR program. The Animal Welfare Advisory Board volunteers, Loretta and Nadine, have put a lot of time and effort into this and they get nothing out of it other than helping the animals. Councilwoman Buckel stated she was not aware of the current Borough Ordinance(s) until the issue came to light.

Councilwoman Wong noted that she's been doing TNR for 41 years. She does not believe in killing anything. She mentioned the lengths she's gone to assist animals and asked if anyone really thought that she would want to kill cats. She's taken care of 50 unadoptable, feral, and/or

injured cats over the years. She noted that the problem is not getting a TNR. The problem is that there is an Ordinance on the books stating that residents have the right to have free-roaming animals removed from their property, whether it's a cat or dog. That Ordinance is going to stay on the books.

She further noted that the problem is that some residents that do not want the release in TNR because they don't see TNR as a long-term solution. It doesn't get to the root of the problem, stopping the proliferation of these cats by spaying/neutering. She can't speak for all cat colony caretakers but the ones she is familiar with are outdoors in the winter, shoveling sidewalks to be able to get to the colonies and care for the cats. The problem is that we have residents who have a right to not want free-roaming cats on their property. She claimed that none of the members from the Animal Welfare Advisory Board were wanted to attend a meeting with the residents and she was told no TNR talk at this meeting. She asked the ACO, at the meeting, what happens to the cats once they are trapped. He replied if no one claims them within seven days and they are not adoptable, they are eventually put down. The inference was that since Monmouth County SPCA was the holding facility, that they would be the ones to put the cats down. Mr. Menna, believes that the Ordinance was on the books since 2000. It doesn't matter. She guaranteed that whether it was Aberdeen, Matawan or Sea Bright Ordinances, we don't want to repeat. She's a perfectionist and tries her hardest to make sure she doesn't repeat bad provisions that can be misconstrued or vague or there's a loophole in it. So she reads different Ordinances. And the sponsor we had, there was an issue but it would have been perfect. Not only would it have been perfect, eventually, hopefully, we could have had him be the ACO as well as our TNR. And the beauty of Matawan's program is, when we get it underway, which I understand Old Bridge has it, and its run by Dr. Anita Greenberg, the individuals who trap a cat must pay out of their own pocket. That's not going to happen here in Matawan; Matawan is going to pay for it. And there's more that goes to it, in a TNR program. They have to be registered, they have to have vaccinations, and it's a controlled colony. But the problem is that we have colony caretakers that are afraid to trap and put the traps out. Why? Because they'll get fined. She said that many, mostly women though there are some men that do TNR, she has represented in court, pro-bono, so that they can continue to feed their colonies. Because they get fined. Years ago, she described how she won them all, the cases, because they were always charged under feeding outside wildlife. We don't consider cats wildlife, so she got them off. Towns have gotten very smart, they've gotten very savvy and what they have done is create an ordinance specifically for the feeding of cats. So the problem here is not TNR; it's not that we don't know who to get. It's a problem getting a sponsor, it's a problem meshing, if you're going to have animal control services totally different than your TNR services but they have to work together. And there's a lot of conflicting Ordinances. Aberdeen probably doesn't even realize the amount of conflicting Ordinances that are probably found on the books. And did we know it was there? No. This one resident said she's been complaining over two years. She has a folder with more complaints from residents that don't want the cats back. They don't, necessarily, want to see them killed. Even the resident that complained. But you know what? It's out of sight, you know. The resident who complained said she doesn't want to see them killed but she doesn't want them back in her area because they will just roam on her property and use her garden as their bathroom. Residents don't want to hear solutions to keep them out. This resident worked for the Board of Health and she said she's concerned about rabies. Councilwoman Wang mentioned that there was a rabid cat in Carteret, around October 13, stating that Middlesex County is not that far from us and rabies can travel.

Councilwoman Wang continued by stating that she didn't say anything to the resident who complained, though she was not allowed to bring up TNR but she wound up bringing it up anyway. Once the resident mentioned it, that was entry and she said that we have to get to the root of the problem but the resident didn't want to hear it. Why? Because TNR is a long-term solution. Individuals who don't want the cats on their property want short-term solutions. They may not necessarily want to see the cats killed, but they don't want them on their property. And that's their right, unfortunately. Just like it's our right to say we have to do something with these cats. When the animal control officer said that the trapped cats will be put to sleep if their not claimed in seven days, she happened to speak to someone from the SPCA table at Matawan Day and specifically asked about this. She stated that she's wasn't disparaging the director or Monmouth County SPCA, because they are a wonderful organization. She used to prosecute for them, for animal abuses. But she asked the representative at Matawan Day about what happens to the feral cats, that aren't claimed. Feral has a bad connotation, by the way. A lot of cats are

skittish but they don't attack. They are afraid. And representative replied that if someone asks for barn or farm cats, they try to place them. But she also noted that the MCSPCA is not a sanctuary, and she's right. Shelters aren't sanctuaries. The MCSPCA representative said the unclaimed animals have to be put to sleep. Our ACO said the same thing and he noted that Matawan residents pay for every day the animal is kept at the shelter, as well as all the costs associated with that stay. And it's not euthanasia because the term euthanasia is only used when an animal is sick or injured or suffering. So people that give up their pets because they have a child or a sudden allergy or their moving or it's become inconvenient to be a pet owner, in some way, if your animal doesn't get adopted out it gets killed, plain and simple.

Councilwoman Wang stated that she doesn't mince words, nor does she advocate the killing of any animal, nor does Stephanie Buckel, nor does Loretta Windas, nor does Nadine Hemy. She understands the frustration, and Ms. Reynold's stance at the podium, but everyone is missing the point. The point is that we want to get a sponsor that will do all the work, that will do the trappings, and can tell what situation is from what. What happens to the cat when we can't return it to an area? What do we do with the cats? Monmouth County is not going to keep them. They can tell you all you want, that they're not going to kill them. And maybe they don't but what's going to happen to them? You can't keep a cat, or any animal for that matter, in a cage. That's cruel and unusual. They're frightened, these cats. So what do we do? We have to try to find a sponsor that can differentiate between an ACO issue and many of these were forwarded to me but did not reply as most were animal control issues. The Animal Welfare Advisory Board is not animal control. Our function is to give advice and to do the best we can, for the animal. She happens to be a perfectionist and want to review the ordinances and make sure there is no conflict. And the fact is that this ordinance may have been on the books for perhaps 20 years. If you think you know all the ordinances in your town, or any town or a state statute, you don't know it's there until there's an issue. So apparently there was an issue with the ordinance because it gives the ACO the power to destroy, which is fashioned after the NJ State Statute. Not necessarily the rabid animals, but it's the destruction of animals. And quite frankly, state statute supersedes any local Ordinance. We can have an Ordinance we can legislate and we can say okay, we're not going to recognize it or we're going to get rid of it. We're going to make it that the cat or dog isn't put down after seven days. But then what do we do with an unclaimed animal? Even if Matawan paid for the rest of its life, where do we put it? It's cruel to keep a cat in a cage or any dog in a cage. And let me tell you something: the prior animal control services that we had, from 2011 until 2014, any animals that were picked up by that facility; you can bet that the animal is dead. It was killed. She saw a picture of kittens that were sick and all it had was a sign beneath it stating 'Matawan'. And they were sitting in filth. So we have to be particular about what TNR organization we use. Monmouth County is a good facility but it is not a sanctuary. The Associate Humane Society is a good facility but it's not a sanctuary. All shelters have their problems. Not all shelters are great. Trust me. Is Colleen Wronko here tonight? No? She was excellent at exposing bad shelters. But again: Animals can't stay at a shelter because they are not a sanctuary.

The million dollar question remains: we enact a really nice TNR program but what happens when no one comes to claim the cat? People let their cats outside; she personally doesn't think anyone should. But everyone has a different opinion. We appreciate the emails we've received about helping to set a TNR program. She knows all about setting up a TNR program; she's been doing it since 1982, before it was even called TNR. She has newspaper articles to prove it. And if you're going to feed any animal, she always says don't feed it unless you trap it. She has offered to come with traps, as she has tons of traps. But people, the real issue is not the TNR. It's what do we do with the unclaimed animals that cannot be released back to the colony. Colony people will be afraid to come forward, probably, under this TNR. Hopefully we can convince enough people to see that it's a good thing. But existing colonies, the people now do it all under cover. They don't even let you know where they're feeding. And they don't trap because they'll get in trouble, getting fines. She mentioned defending a woman in Cliffwood Beach about three years ago. Unfortunately, she moved and her cats disappeared. She just wants to make it clear to our residents that we aren't out to kill anything, but we have a problem. What do we do about it? Once we have a TNR in place, what do we do with the cats? She doesn't want to see them killed. Does anyone here have any property they would like to donate, as a farm? And another problem that she has is that she's really particular. People think that barn cats don't need to be fed, that they live off of rabbits, mice, and rats, not knowing that causes toxoplasmosis and that it's very bad for animals to eat that. So she's not a proponent of that, either: just getting them and releasing them on some farm. She's curious to see if this is all cat people here or animal people or if there

are any people here that say, no. They say 'I have a right, too, and I don't want them back on my property.'

Lisa Revel, 15 Colonial Drive, Matawan. Ms. Revel added to what Ms. Reynolds spoke about, elaborating on a statistic regarding rabies in feral cats. She researched on the Center of Disease Control website and found statistics dating back to 2009. Since that point in time, there have been zero cases of rabies in a human, infected from a cat bite. She thought it was safe to say that rabies is not a viable reason to support killing of the community cats. It is very low risk, if at all, for rabies to transmit to a human. She asked why the ordinance can't be changed so that the Borough doesn't kill the cats that are trapped. She does understand that there are people who don't want them on their property, however there are many different ways to try discourage them from coming onto a property. TNR is one of them because the program traps and neuters, making them unable to reproduce. Therefore they won't roam as far because the hormones won't exist anymore. The cats will stay where the food is and where the colony caretaker will feed them, making them less apt to roam into other people's yards. Many people don't want to call about cats outside because they know they're going to get trapped and probably, ultimately, euthanized. So this makes them concerned and that's one of the main reasons why catch and kill is less effective, because the community doesn't support negative outcomes. TNR encourages community participation, and the community will definitely help to catch the cats, get them fixed and fed, so they are not all over everyone else's property. Of course there may be extreme situations and it's a lot easier to find a spot for one or two cats. But to state that the Borough is not sure how they are going to do TNR because they don't know where they're going to put all the cats isn't something she agrees will be an issue. TNR will reduce the population very quickly and any that are social or kittens will probably be taken out of the colony right away. There will be less cats, immediately. She helped TNR a colony of 35 cats, in Matawan. Several were social and they were able to get them out of the colony. This occurred between eight-to-ten years ago and there are currently only ten cats left in the colony. She asked why the Borough couldn't use MCSPCA for their TNR services, noting that they have been effective in other towns and are very easy to work with.

Councilwoman Wang replied that MCSPCA is good, no doubt it is one of the better facilities. However what will be done for the residents who say I don't want to put pepper or moth balls in my garden. She heard that there was a place that TNR'd stray cats were moved to, a recycling place, but didn't have much information about that. She had a case involving several residents in Neptune, with the County Board of Health. The stray cats were spraying and defecating in their yard and she told the judge that the aerial view indicated that it was two acres of land. She asked him why a cat leaves almost two acres of woods to go to the bathroom on these resident's properties. She asked for a DNA test to prove it was these particular cats and that request didn't go very far. She won the case and she praised the judge. Councilman Cannon asked why the Borough couldn't use the MCSPCA's program and Councilwoman Buckel interjected stating that we could use their program but the Borough was looking for sponsorship. They did have an organization at one time but that deal fell through. The sponsor is important because if a resident does state that they don't want the stray cat back on the property after they are neutered, the sponsor will relocate them. She said she knows of a location in Marlboro that gets cleaned up and then other litters of cats get dumped there. And then those cats wind up dying.

Ms. Revel said while you are always going to have people complain about cats in the yard but that she thought that there will be a minimal amount. People complain about everything but they can be dealt with on a case-by-case basis. There are solutions. And in the extreme solution, yes, the Borough may have to remove that cat. But she thought that the majority of the cases, as long as the cats are taken care of, she thought that people will be fine. There are also a lot of people who will care for them.

Councilwoman Buckel said that they don't disagree and are on the same exact page. The Animal Welfare Advisory Board is actually going to meet this week to discuss implementing a TNR. Mr. Revel noted that she was responding because the same issue kept on being brought up. And while it's an issue it's not insurmountable. Councilwoman Buckel said the issue wasn't going to be solved at this meeting. Ms. Revel asked who else, beside MCSPCA, the Borough was reviewing to handle the TNR program and Councilwoman Buckel mentioned that the Board will be meeting with the Associated Humane Society.

Councilwoman Wang explained how the Animal Welfare Advisory Board received the name of the previously negotiated former sponsor of the TNR agreement that eventually fell apart, due to personal issues that arose. She noted when the agency prior to Marlboro handled the Borough's animal control; those animals were trapped and killed. They weren't trapped, spayed/neutered, vaccinated, or returned. The Borough is trying to avoid that, reiterating that it's not just finding a space that will handle the spaying and neutering. She noted that no place is perfect.

Michelle Smith, 31 Wilson Circle East, Middletown, NJ. Ms. Smith asked what the purpose of a sponsor for the Borough's TNR. She also asked why the Borough couldn't use local colony caretakers who are experienced in trapping cats, as they could be a useful resource currently available. She noted that she does this as a private citizen, paying the out-of-pocket expenses to care for the cats. Mr. Menna said that it was a good suggestion and offered that the Animal Welfare Advisory Board can contact her after she adds her name to a list already being compiled. Mayor Altomonte requested that Ms. Smith leave her name and phone number with the Borough Clerk.

Shari Wexler, 4 Erin Lane, Old Bridge, NJ. Ms. Wexler announced that she is a colony caretaker in Edison. She suggested that the Governing Body speak with animal control in Edison because they have funds. She provided the hours of their shelter and noted that the organization People for Animals assist them. She agreed with Councilwoman Wang about there being residents who just do not want cats on their property, even after a TNR program is enacted. And although TNR may not be the best solution for everyone, it's a win for the colony caretakers and the animals. It is the best possible weapon at their disposal. She stated that it's probably a small number of residents who don't want any cats on their property and she's sensitive to those who feel that way, respecting their wishes. She acknowledged the Governing Body who do Borough work in their spare time. She noted it's impossible job, trying to please everyone and she thanked them for their service.

Michelle Broadbeck on behalf of People for Animals. Ms. Broadbeck confirmed that her organization works with Edison, with the program that Ms. Wexler mentioned. They also service many other municipalities with their spay/neuter needs, especially for TNR. She offered to provide information on how to set up a municipal account, if the Borough plans on having a more community-focused ordinance as opposed to a sponsor-based ordinance.

Kim Mainardi, Aberdeen, NJ. Ms. Mainardi stated that she was an animal control officer and is aware of all the things previously mentioned. She mentioned that the majority of the calls she received were about actual wildlife (skunks, squirrels, possums, etc.). She also mentioned working in shelters and agreed with the predicament of where the cats eventually wind up, knowing from her experience that feral cats ultimately get euthanized. There are so many loving cats already in shelters that already haven't been adopted and it's a huge problem. Especially after the Covid pandemic, as everyone began turning in their animals to shelters because the owners are back to work and don't want the pets anymore. She expressed that TNR must be implemented because without it, the feral cats will grow in population. She passionately mentioned that the cat colony caretakers are so important to the community because without them, there would be thousands of strays all over town. She suggested that residents who do not want a cat on their property install a fence around their property.

Rachel McEvoy, 8 Marc Drive, Matawan. Ms. McEvoy stated that her backyard abuts the Ned Drive properties, where a large feral cat colony lives. She is not affiliated with any organizations. Until two years ago, she had no experience with trapping a cat nor did she ever own a cat. As to what to do with the cats, she mentioned that she is a novice and has personally trapped some. She then makes sure that, health-wise, they are adoptable and she has found homes for a at least 15-20 cats. She sought help with the cat colony by contacting the Animal Control Officer and was told to cease or she would receive a summons. There are residents who just feed the cats, and doing so without neutering them, just perpetuates more cats. A TNR program is necessary and would help alleviate the expense she makes on her own, regularly. With a community-focused program in place, the caretakers will help find a place for the cats; they're already do it.

Councilwoman Wang said that the Borough will have a TNR put into place eventually, noting that everyone was on the same page about helping the cats.

Lorraine Healy, 391 Route 34, Old Bridge. Ms. Healy said she represented Husky House and expressed that their telephone lines have been ringing since the letter was distributed. She mentioned that her organization helps to remove cats when they receive a phone call requesting help. They then send them to either AHS or MCSPCA, which she noted are both kill facilities. She asked what should be done about the next cat that is trapped, or the squirrel, or the deer that eats away at landscaping. She noted that we all live in the suburbs and there is wildlife all around. Without a TNR program in place, the situation will just continue to get worse. She described how kittens have been left negligently at her organization and the horrific conditions they have seen. She described the current ACO as a bully, noting that she has gone head-to-head with him numerous times. She mentioned that he has threatened people. She suggested an animal control ordinance that does not permit the officer to threaten individuals when they try to help, by trapping and having the cats neutered. She also suggested having a Borough outreach program for the cat colony caretakers, so they can receive help. She described various complaints the Husky House have received, noting that there will always be individuals who complain.

Gail Mennuti, 26 Beechwood Terrace, Matawan. Ms. Mennuti said she's been a cat colony caretaker for over 30 years and she commended those who do it every day. She explained that it's exhausting and expensive. She requested the community do something to help the caretakers instead of complaining. She reiterated that if it wasn't for the caretakers, the community would be inundated with cats.

Kristin Cruz, Aberdeen, NJ. Ms. Cruz mentioned that Aberdeen has a TNR ordinance though the MCSPCA. She explained that when she moved to the area, around nine years ago, there were an abundance of cats in her yard. She used to not be a cat person and now owns five cats, noting that three of them were from her own backyard. She has personally trapped 15 cats. She mentioned the ease of using the TNR and how she was initially skeptical about having the cats released back into her yard, after they were TNR'd. She described the process and how there are now no cats living in her backyard because of TNR. She noted that educating the public about cats is important and support from the town, in the form of a TNR program, will be very helpful. Support, from the top down, helped to minimize the cat population in her neighborhood.

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

Mayor Altomonte thanked everyone for their comments and mentioned how they will all be taken under advisement. He reminded those who would like to help, to leave their name and telephone number with the Borough Clerk.

The meeting recessed for five minutes at 8:16 PM.

Clerk's Report

No report but the Clerk informed she will be on vacation during the week of November 21. In her absence, she reminded everyone that they speak with Ms. Klinger for assistance.

<u>Mayor's Report</u>

No report.

Administrator's Report

No report but Mr. Carew informed he will be out-of-the-office attending the NJ League of Municipalities Annual Convention.

Attorney's Report

No report.

Engineer's Report

No report but Mr. Keady noted that all projects are progressing at pace.

Police, DPW, Planning & Zoning

Councilwoman Gunn reported that Kenny Henderson will be retiring from his DPW position, as of January 1, 2023. The Department is accepting applications for public works field technician up until November 29. The Department will be interviewing for the position of Deputy Superintendent within the next two weeks. The water plant has been shut off for the year and the Borough is now being supplied by NJ American Water. Leaf pick up has begun and the DPW will be making rounds throughout town during the next couple of weeks, collecting leaves. They will continue to pick up leaves after the scheduled time notated on the Borough calendar. The dates on that schedule are estimations as the pick ups really begin once the leaves have fallen from the trees. The Department has also been working on winterizing and cleaning up at the Borough parks. The command and staff at the Police Department will continue to provide the necessary workforce for supervision while trying to keep time costs at a minimum for the rest of the year. However due to all the events happening within the Borough and various vacancies within the Department, due to recent retirements, the overtime budget is currently at 83%, with 241 hours of overtime having been expended, so far. Some filming of the movie 'Space Cadet' occurred within the Borough. They filmed on location at 226 Main Street and the production crew made use of the gymnasium and cafeteria at MMCC. The Matawan PBA hosted their annual Oktoberfest at Washington Engine and they are grateful to everyone who supported that event. Captain Jeremiah Hourihan has decided to un-retire and officially returned to his position on October 28. She thanked both the DPW and the Police Departments for their assistance during Matawan Day, noting that it was a wonderful event.

Recreation, Recyling & Sanitation, Recreation

Councilwoman Buckel stated that the Halloween Spooktacular was held on October 29 and that it was hugely successful. She thanked all the sponsors, noting that A Salute served wine and beer and DiBari's served pizza during the event. She mentioned that the Recreation Department was looking to host this event every year. Currently the Department is coordinating the annual Turkey Trot, which has 450+ runners registered, so far. She thanked the 17 sponsors of this event, naming specifically T & M Associates, Roadly Logistics, Town and Tire Service, Scarlett Reserve, Spring Valley Turkey Farm, Vallee Construction, Tim Clifton Insurance, Therapy Enlightens, Mullaney & Associates PT, Ross Maghan Insurance, NJ Spine and Wellness, Law Offices of Hanan A. Boulos, KP Edgestone Realty, Studio B Dance Company, the Matawan-Aberdeen Chamber of Commerce, and All Around Matawan-Aberdeen. The Annual Tree Lighting event is scheduled for December 2 with various activities scheduled for the event. Main Street has been decorated for the holiday season and the new evergreen tree planted in Terhune Park. Port-O-Potties were placed in various Borough parks this year. They will be removed soon, now that the sports season is coming to an end and will hopefully there will be funds in next year's budget to replace them before the season begins in 2023. On behalf of Matawan Clean Communities, Ms. Rainforth has once again coordinated the Fall Leaf Pick Up Partnership for all senior residents. She further explained how the seniors can sign up and offered information about the program. The Free Meals Program has returned to the Borough and pickups are once again scheduled for Friday evenings, until the end of December. She hopes to continue this program in 2023 as it's a wonderful program that helps families and individuals in the community.

Fire , Historic Sites, Personnel

No report.

ADA, Animal Welfare Advisory, Property Maintenance

Councilwoman Wang reported that the Animal Welfare Advisory Board met with the Borough Attorney this past Wednesday and their next meeting will be held on November 17 to consider animal control services with the AHS. She is hopeful that things will fall into place and that Council will agree for the Borough to use them for the TNR program. She mentioned that she's still working on setting up a meeting with Property Maintenance Officer Ken Marr. Since the Borough has shared services with Aberdeen, she will see if there is another individual she can meet with to review property maintenance statistics. Mr. Carew advised that she should speak

directly with Ken Marr, explaining his role as property maintenance officer. He said that the Council liaison to Construction is Councilman Ross and suggested that she speak with Ms. Klinger, asking her to set up the meeting with Mr. Marr. He also offered to attend the meeting, as well. The Disability Committee meets quarterly and the next meeting will be held December 12. She plans on attending since she hasn't heard from any of the members, to see if they are having any issues.

Construction, Environmental, Finance

No report.

Consent Agenda

Mayor Altomonte read by title Resolutions 22-11-09 through and including 22-11-11, requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 22-11-09 AUTHORIZING THE WAIVER OF BOROUGH OF MATAWAN CODE CHAPTER BH3-4(E) BOARD OF HEALTH MUNICIPAL TEMPORARY FOOD HANDLING PERMIT FEES BOROUGH OF MATAWAN 2022 ANNUAL TREE LIGHTING FOOD TRUCK VENDORS

WHEREAS, the Borough of Matawan's Annual Tree Lighting has been celebrated for many years in the Borough; and,

WHEREAS, the Recreation Department of the Borough of Matawan is sponsoring the Borough's Annual Tree Lighting on Friday, December 2, 2022; and

WHEREAS, the departments listed above request 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 Tree Lighting Food Truck 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 2022 Borough of Matawan's Annual Tree Lighting.

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

RESOLUTION 22-11-10 RELEASE OF ESCROW FUNDS FOR UNIFIED PLANNING ZONING BOARD OF ADJUSTMENT APPLICATION GRACE HINTENACH 8 EDGEWATER DRIVE – BLOCK 107, LOT 7

WHEREAS, Grace Hintenach posted escrow in association with a Planning Zoning Application No. 22-02 for site plan application for Block 107, Lot 7, otherwise known as 8 Edgewater Drive, Matawan, New Jersey; and

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

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of all remaining escrow to Grace Hintenach, 8 Edgewater Drive, Matawan, New Jersey 07747.

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

RESOLUTION 22-11-11 AUTHORIZATION TO EXECUTE 2023 SCAT AGREEMENT

WHEREAS, the Borough of Matawan has heretofore entered into an agreement with the Monmouth County Board of Chosen Freeholders, specifically the office of Special Citizens Area Transportation (SCAT), to provide certain services to senior citizens and challenged individual among others, residing within the Borough of Matawan; and

WHEREAS, the Council of the Borough of Matawan wishes to continue said service.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough enter into the attached Agreement with the Board of Chosen Freeholders of the County of Monmouth.

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 Monmouth County Board of County Commissioners.

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, and contingent upon adoption of the 2023 Budget appropriation, funds are available from the 3-01-28-370-200 Budget of the Borough of Matawan to Monmouth County for the 2023 Foodshopping Agreement (SCAT) for the Borough of Matawan in an amount not to exceed Three Thousand Eight Hundred Dollars and No Cents (\$3,800.00).

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: November 14, 2022

THIS AGREEMENT entered into January 1, 2023 by and between the COUNTY OF MONMOUTH (hereinafter referred to as the COUNTY) and BOROUGH OF MATAWAN here inafter referred to as the MUNICIPALITY/AGENCY).

WHEREAS, the Monmouth County Board of County Commissioners has established the Special Citizens Area Transportation System (hereinafter referred to as SCAT); and

WHEREAS, the MUNICIPALITY has requested that the COUNTY provide service to eligible residents; and

WHEREAS, it is necessary to set forth the responsibilities of both parties in this agreement.

NOW, THEREFORE, in consideration of the mutual covenants and conditions herein contained and for other good and valuable considerations, it is mutually agreed between the parties as follows: Services to be provided under this Agreement will include transportation to and from local food markets. Destinations and pick-up sites will be determined at the discretion of the SCAT coordinator. Ridership on SCAT vehicles shall include those persons 60 years of age and older, in accordance with the rules and regulations set forth in Title III of the Older Americans Act of 1965, as amended in 1978. Service will be provided without regard to disability, in compliance with the provisions of Section 504 of the Rehabilitation Act of 1973. Ridership will also be extended to disabled persons under 60 years of age as vehicle space and time is available. "Disabled" is defined, as per Title 17 of the New Jersey Administrative Code, as a person who may be classified as having a physical impairment which manifests itself in one or more of the following ways: non-ambulatory, semi-ambulatory, visually impaired, deaf or hearing impaired, having faulty coordination, or having reduced mobility, flexibility, coordination or perceptiveness due to age, physical or mental conditions.

1. Vehicles used to provide services under this agreement will be owned, operated, insured and maintained by the COUNTY. All vehicle drivers will have current Operator's and Commercial Driver's License (CDL).

2. Vehicles shall be housed at the COUNTY garage, Freehold Township, or at location agreed to by the parties concerned. The SCAT coordinator will attempt to schedule maintenance work at a time which will afford the least interruption to the normally established service schedules. The provision of auxiliary transportation in the event of major maintenance or accident will be at the discretion of the coordinator of the SCAT Program or his/her designee.

3. Service will be provided for either a half or a full day as specified in Appendix A to this agreement. The COUNTY reserves the right to re-schedule the days of services based upon the availability of vehicles. The days of operation may be re-scheduled by the SCAT coordinator as needed.

4. Additional days of extended service may be provided under this agreement with authorization of the MUNICIPALITY contingent upon the availability of drivers and vehicles and approval of the SCAT coordinator. The MUNICIPALITY will be charged at the rate of a full day of service, plus \$.18 per mile, door to door.

5. The SCAT coordinator may establish routes which would serve two or more MUNICIPALITIES on a given day as long as the existing level of service in the MUNICIPALITY is maintained or improved.

6. A local coordinator will be supplied by the contracting party, either municipal or private, to aid the SCAT coordinator in daily operations.

7. The MUNICIPALITY will be billed on a <u>quarterly</u> basis for services provided at the per diem rate as set forth in Appendix A. The SCAT coordinator will detail the dates as to when services were provided during the quarter. The MUNICIPALITY will make payments within 30 days of the billing date, providing that the billing is in conformity with this agreement. Such payment shall be made by <u>check</u>, and be made <u>payable to the Treasurer</u>, <u>County of Monmouth</u>

- Provision of service by the COUNTY under this agreement is conditional upon continued availability of funding through Title III of the Older Americans Act.
- This contract will be in effect from January 1, 2023 to December 31, 2023 or until a subsequent contract is executed.
- 10. Tolls and other over-the -road parking charges incurred by the vehicle in normal operation of the vehicle will be borne by the MUNICIPALITY which requires the vehicle to traverse toll roads or incur parking or other over-the-road costs provided that the vehicle driver furnishes a receipt substantiating such out-of-pocket cost the MUNICIPALITY. A copy of such receipts and record of payment by the MUNICIPALITY shall be furnished to the SCAT coordinator within seven (7) days after use of the vehicle by either the MUNICIPALITY or contracting parties.
- 11. The COUNTY reserves the right to alter this agreement or to increase the per diem rate for vehicle operation based on increased costs subject to forty-five (45) days' notice.
- 12. Either party may terminate this agreement upon sixty (60) days written notice to the other party. Notice shall be sent by certified mail return receipt requested to the Monmouth County Board of County Commissioners in the case of the County and the Municipal Clerk in the case of the municipality.

APPENDIX A

MUNICIPALITY:

BOROUGH OF MATAWAN

Days of Service Per Week:

FULL DAYS _____.

HALF DAYS X

Charges:

RATE* FULL DAY _____.

RATE* HALF DAY _____ \$78.00 _____

*Rate is based on average daily passengers.

IN WITNESS WHEREOF, the parties hereto have caused those present to be signed by their respective authorized officers and their respective corporate seals to be hereunto affixed the day and year first above mentioned.

ATTEST:

COUNTY OF MONMOUTH (seal)

BY:_____ Tamara Brown, Clerk Board of County Commissioners BY:_

THOMAS A. ARNONE DIRECTOR, Monmouth County Board of County Commissioners

ATTEST:

MUNICIPALITY (seal)

BY bin Klinger Kare Municipal Clerk DEPATY CLERK

To eph Altomonte Mayor Borough of Matawan

New Business

Mayor Altomonte read by Ordinance 22-15: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan of Various Sections of Chapter 5 – Animal Control. Mayor Altomonte requested a motion to introduce. 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 Councilwoman Stephanie Buckel Councilman Brett Cannon Councilwoman Melanie S. Wang Councilman Charlie Ross

Motion passed.

ORDINANCE 22-15

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN OF VARIOUS SECTIONS OF CHAPTER 5 – ANIMAL CONTROL

WHEREAS, Chapter 5 of the Code of the Borough of Matawan governs Animal Control within the community; and

WHEREAS, the Council of the Borough of Matawan, recognizes that residents have a legal duty to take care of those animals, need to take reasonable steps to protect their welfare and prevent their suffering.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the following Chapter 5 – Animal Control, be amended and supplemented as follows:

5-2.3 Fees

e. There shall also be an additional fee of \$3.00 for any dog or cat of reproductive age which has not been spayed/neutered.

5-4.2 Disposition of Rabid Dogs

• All dogs or cats so noticeably infected with rabies, or displaying vicious propensities, shall be seized by the Animal Control Officer or other authorized persons, with written notice via first class mail to the owner's last known address. The owner shall be notified in writing via first class mail to the owner's last known address of actions to be undertaken pursuant to State law within three business days of the seizure of the animal.

5-4.3 Confinement and Observation of Rabid Animals

• The confinement and observation of rabid animals in the Borough of Matawan shall conform and be in accordance with the provisions of an Act of the Legislature of the State of New Jersey entitled, "Management of Domestic Animal Rabies Exposures" and also comprising N.J.S.A. 26:4 et seq., and in accordance with the rules and regulations of the New Jersey State Department of Health.

5-5.1 Causes for Impounding

It shall be the duty of the Animal Control Officer and/or Agency appointed by the Borough, to enforce the provisions of this chapter and to take into custody and impound, or cause to be taken into custody and impounded, the following:

5-5.2 Disposition of Unclaimed Cats or Dogs

The Animal Control Officer or designated Agency by the Borough, in accordance with State Law, is authorized and empowered to take control of any unclaimed cat or dog, in as humane a manner as possible, under the following contingencies:

When any cat or dog so seized has been detained for seven days after written notice of said detention via first class mail has been given to the owner's last known address, or has been detained for seven days after seizure, when notice cannot be given, in accordance with the laws of the State of New Jersey, and if the owner or person keeping or harboring the cat or dog has not claimed the cat or dog, and paid all expenses incurred by reason of its seizure and detention, and if the cat or dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the cat or dog has not produced a license or registration tag for the cat or dog, the Animal Control Officer or other designated authority may pursuant to NJ State law, dispose or house the animal humanely causing as little pain as possible pursuant to State Law.

5-6.1 Control of Dogs and Cats; Barking; Disposal of Waste; Leash Requirements

- c. Injury to Persons; Damage to Property. No person owning, keeping or harboring a dog or cat shall permit or cause it to do any injury to any person, or to do any damage to any lawn, shrubbery, flowers, grounds or property of persons other than the owner or person having the care, custody or control of such dog or cat.
- e. Pet Waste Regulations. No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile or defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, school ground or any place where people congregate or walk, or upon any public or private property, without the permission of the owner of the property. The restriction shall not apply to the street right-of-way, except for sidewalk, from property line to property line which shall be used to curb such dog or cat provided that the person who curbs such dog or cat shall immediately remove all feces deposited by such dog or cat and dispose of same in a sanitary manner.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. Any owner or keeper who requires the use of a disability assistance animal or emotional service dog shall be exempt from the provisions of this section.

f. Number of Domestic Animals Permitted. No more than six cats and/or dogs of licensing age shall be kept, maintained or harbored at one time in any residential housing unit or on its grounds or in any business

establishment or on its grounds. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters. This provision on the number of animals shall not apply to instances where the animal that is properly licensed gives birth and the ACO may grant exemption for a period of time to enable the kitten or puppy to be cared by its mother until able to be released.

5-7 Enforcement Authority

- The Borough Council shall appoint a suitable person as Animal Control Officer or licensed Animal Welfare Agency for the Borough and such assistants as from time to time may be necessary, who shall possess and exercise the power and the authority described in this chapter. Such Animal Control Officer or Agency shall be paid compensation as the Borough Council shall deem suitable and proper.
- No person shall hinder, molest or interface with anyone authorized or empowered to perform any duty under this chapter.
- The hindering of the enforcement of this chapter by the Animal Control Officer shall be subject to a summons issued by the Animal Control Officer to the property owner of the property, or owner of the animal, and may be returnable as an ordinance violation in Municipal Court for hindering the exercise of its authority to control and protect animals by the Animal Control Officer. Upon conviction of the Ordinance, the fine to be imposed shall be no less than \$50.00 for a first offense and no greater than \$200.00 for a second offense, and be subject to enhanced fines for a third or subsequent offense at the discretion of the Municipal Court Judge, not to exceed \$1,250.00 for repeated subsequent offenses to deter the conduct prescribed in this Section.

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, December 6.

Mayor Altomonte read by title Resolution 22-11-12: Authorizing the Transfer of Funds from Current and Utility Accounts in the 2022 Budget. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 22-11-12 AUTHORIZING THE TRANSFER OF FUNDS FROM CURRENT AND UTILITY ACCOUNTS IN THE 2022 BUDGET

WHEREAS, NJSA 40A:4-58 provides for the transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year: and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Matawan that the need for certain transfers within the 2022 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2022 Municipal Budget:

Transfer From:		<u>Transfer To:</u>	
Account	Amount of	Account	Amount of
Number	Transfer	Number	Transfer
2-01-20-120-200	\$2,500.00	2-01-28-370-200	\$2,500.00
Borough Clerk		Recreation	
Other Expense		Other Expense	
2-01-20-130-200	\$500.00	2-01-28-370-200	\$500.00
Finance		Recreation	

Other Expense

Other Expense

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the Chief Financial Officer of the Borough of Matawan for the permanent records.

Mayor Altomonte read by title Resolution 22-11-13: Payment of Bills. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 22-11-13 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.

Current	\$390,972.17
Water/Sewer	\$59,338.02
Borough Capital	\$30,176.40
Water Capital	\$115,567.88
Grant	\$2,332.00
Borough Trust	\$24,578.68
Dog Tax Trust	\$1.20
Unemployment	\$2,685.64
Total	\$615,652.01

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 Cannon made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

Adjournment

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

Meeting adjourned at 8:31 PM.

(Signature on file)

Karen Wynne, RMC Municipal Clerk