

**Borough of Matawan
Workshop Session
August 3, 2023**

A regular meeting of the Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on August 11, 2023, 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 6, 2023, by sending notice to the *Star Ledger*, 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
 Councilman Steven Russell
 Councilman Brian Livesey
 Councilwoman Melanie S. Wang
 Councilman Charles Ross

Absent: Councilwoman Stephanie Buckel

Also present were Ryan Michelson, 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 asking we keep in our thoughts the families of James Duffy, Sr. and Lt. Governor Sheila Oliver.

Mayor Altomonte announced, except for first responders, all members of the audience shall please silence their cell phones, and Council and members of the public, to properly record the meeting on our audio system, please speak clearly and directly into the microphone.

Workshop Item(s)

Borough Code Chapter 24 – Protection of Trees

Councilman Livesey announced this Item will be held until September in order for the Shade Tree Commission Chair to be present at the time of Council discussion. Our current Ordinance(s) and proposed changes were provided to Council to serve as background in anticipation of this discussion to be carried to September.

Lake Lefferts Aerator

Mr. Michelson related the estimate received from Solitude Lake Management on the cost of moving the Lake Lefferts aerator. Part of the cost includes two cables alone in the amount of \$13,686.00, with 4-5 hours of work to move and install, with labor at an additional \$1,500.00 to \$2,000. Councilwoman Buckel asked Mr. Michelson to summarize her comment stating should we do for one it sets a precedent that we need to do for all in any future project.

Mr. Michelson opened the dais for public comment on the move of the aerator at an approximate cost of \$15,000. Councilman Livesey clarified the location of the 240-volt circuit breaker is at the dock by the boat ramp underground into the lake as well as there will be a cost of moving that breaker to accommodate the move of the aerator. Mr. Michelson will contact our electrician to

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solicit the approximate cost of moving the breaker. Councilwoman Gunn questioned the funding of same adding should the cost need to come out of the Recreation Trust discussion should wait until Councilwoman Buckel can be present to participate. Mr. Michelson said there are no current line items for such an expenditure so the funding will have to be determined from other revenue or, most likely, the Trust. Councilman Russell questioned the proposed new location for the aerator and how will than change the situation. Mr. Michelson said the goal is to move it out of view of the dissatisfied residents over by the dock. Councilman Ross said moving the aerator closer to the dock and running the electric into the area where people are fishing, launching kayaks, canoes, etc., brings in safety/liability issues. It is Councilman Ross' contention that the issue and the cost, at a minimum of \$15,000.00, to satisfy a few is not a smart move. Councilman Russell said this move may annoy a different group of people. Mr. Menna said the Borough electrician should be included in the discussion on safety and cost. Mr. Michelson said the aerator is clogged and currently not operating. The Borough is entering into a monthly maintenance contract for Solitude which is part of the original proposal at an annual cost of approximately \$1,000. Mr. Michelson will reach out to MJ's for information on their fountain.

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 Councilman Russell. Council agreed. Motion passed.

Approval of Firefighters

Mayor Altomonte requested a motion to approve Borough of Matawan Volunteer Firefighter Thomas R. Granger. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve Borough of Matawan Volunteer Firefighter Josue D. Juarez. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve Borough of Matawan Volunteer Firefighter Daniel M. Richardson. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Council agreed. Motion passed.

Approval of Minutes

Mayor Altomonte requested a motion to approve the minutes of the January 17, 2023 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the February 7, 2023 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed with Councilwoman Wang abstaining. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the February 21, 2023 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Russell. Mayor Altomonte requested a voice vote. Council agreed with Councilwoman Wang abstaining. Motion passed.

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Mayor Altomonte requested a motion to approve the minutes of the March 7, 2023 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the March 21, 2023 Council Meeting. Councilwoman Gunn made a motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed with Councilwoman Wang abstaining. Motion passed.

Consent Agenda

Mayor Altomonte read by title Resolutions 23-08-01 through and including 23-08-11 requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-08-01
APPROVAL OF NEW TAXI DRIVER LICENSE
ROSALIA CASTRO**

WHEREAS Rosalia Castro, has passed the required Police Department background checks; and

WHEREAS Rosalia Castro, has filed the proper documentation with the Borough Clerk's office.

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

Applicant: Rosalia Castro

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following: Clerk, Police as well as Applicant.

**RESOLUTION 23-08-02
AUTHORIZING THE WAIVER OF MUNICIPAL TEMPORARY FOOD HANDLING PERMIT FEES
FARMERS MARKET FOOD VENDORS**

WHEREAS, Hear Here, LLC in association the Recreation Commission of the Borough of Matawan is sponsoring the 2023 Farmers' Market; and

WHEREAS, Hear Here, LLC and the Borough of Matawan Recreation Commission have requested that 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 Borough Code Board of Health Chapter BH3, Section BH3-4 Fees, (e) Food Handling Permits – Temporary, \$50.00 municipal Temporary Food Handling Permit fee for the 2023 Borough of Matawan Farmers' Market food vendors.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Borough Operations Coordinator, Clerk, Community Engagement Coordinator, Construction, Finance, Fire Department, Fire Prevention, Police, Public Works, Recreation, Recycling as well as Monmouth County Board of Health and Hear Here, LLC.

**RESOLUTION 23-08-03
AUTHORIZING THE WAIVER OF MUNICIPAL TEMPORARY FOOD HANDLING PERMIT FEES
MATAWAN DAY FOOD VENDORS**

WHEREAS, Matawan Day has been celebrated for many years in the Borough of Matawan; and,

WHEREAS, Matawan-Aberdeen Chamber of Commerce in association the Economic Development, Business & Redevelopment Commission of the Borough of Matawan is sponsoring this year's Matawan Day scheduled for October 7, 2023; and

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WHEREAS, the Matawan-Aberdeen Chamber of Commerce and the Economic Development, Business & Redevelopment Commission of the Borough of Matawan have requested the Council of the Borough of Matawan, as an expression of support and encouragement, waive municipal Temporary Food Handling Permit fee in the amount of \$50.00 for the event's food vendors meeting the following criteria:

- Restaurants and businesses who have a permanent location in Matawan.
- All businesses only providing samples (not selling anything for consumption).
- All businesses only providing consumable products as packaged goods meant to be consumed away from the event.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan do hereby waive the \$50.00 Health Department fee for the Matawan Day 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, Finance, Fire Prevention, Economic Development, Business & Redevelopment Commission as well as the Monmouth County Board of Health, and the Matawan-Aberdeen Chamber of Commerce.

RESOLUTION 23-08-04

RESOLUTION TEMPORARILY SUSPENDING THE PROVISIONS OF BOROUGH OF MATAWAN CODE CHAPTER 11 – PARKS AND RECREATIONAL AREAS, SECTION 11-1.2(A) – CONDUCT IN PARK OR RECREATION AREA FOR LAKE LEFFERTS “LAKESIDE DINING DESIGNATED AREA” ONLY

WHEREAS, the Borough of Matawan, its residents and commercial partners had experienced an extraordinary emergency in the period of the Pandemic by the consequences of COVID-19; and,

WHEREAS the Mayor and Council are sensitive to the economic hardships which our commercial community have experienced since and wish to join with the residents and businesses of Matawan in continuing to provide the vital commercial and social life of the Borough of Matawan; and

WHEREAS the Mayor and Council wish to continue a greater utilization of the lakefront recreation area in cooperation with food service establishments in continuing the successful Lakeside Dining Program that benefits the social and recreational well-being of all our residents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Matawan that the provisions of Ordinance 11-1.2 are suspended until December 31, 2023.

BE IT FURTHER RESOLVED that, notwithstanding the provisions of Ordinance 11-1.2, the Mayor and Council herewith adopt the attached “Rules and Regulations Concerning Lakeside Dining” to be applicable to the events at the designated Lakefront Dining Area.

BE IT FURTHER RESOLVED that activities that were prohibited in Ordinance 11-1.2 regarding persons “under the influence of intoxicating liquor” is still prohibited in all areas of the Parks, and those violations are enforced under the Borough of Matawan Code Chapter 3 Police Regulations, Section 3-8.1 General Disorderly Persons.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Community Engagement Coordinator, Construction, Finance, Fire Department, Fire Prevention, Police, Public Works, Recreation as well as the Economic Business Development & Redevelopment and Recreation Commissions.

Borough of Matawan



**Matawan Lakeside Dining
Restaurant Policies & Procedures**

Matawan Lakeside Dining is a comprehensive program developed by the Borough of Matawan to benefit local restaurants and residents during the COVID-19 pandemic. The program was designed to provide participating restaurants with increased capacity while their normal operating procedures are limited by restrictions related to COVID-19. Due to the success and popularity of the program, the Borough Mayor and Council will be continuing to provide this program annually in the summer months from June through September, and into October.

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Eligibility Requirements:

1. Applicants address of their establishment must be in Matawan.
2. Applicants must be a retail food establishment licensed to operate in Matawan.
3. Applicants must receive approval from the Monmouth County Health Department as part of the application process.

Scheduling:

1. Matawan Borough will set opening and closing dates for this program on an annual basis. The Borough will also establish an opening date each year to accept applications from eligible restaurants. Eligible restaurants submitting applications within the first 10 business days of the opening date will be considered "priority applicants".
2. All eligible restaurants will be invited to participate on an annual basis.
3. Permits will be provided to cover specific weeks. A week being Tuesday to Saturday. Sunday will only be used as a rain date option.
4. The permit is for 4:00 PM - 9:00 PM on permit days, inclusive of set-up and clean-up.
5. Eligible restaurants will be allowed to request multiple weeks. All "priority applicants" will have their first week scheduled before any applicants have a second (or 3rd, 4th...) week scheduled.
6. Eligible restaurants will be allowed to request specific weeks. If eligible restaurants consider any weeks to be a higher priority than others, this must be spelled out in application. Matawan Borough cannot commit to accommodating these requests.
7. The scheduled business and/or restaurant **MUST** notify the Borough no later than 12PM Tuesday through Friday prior to their scheduled use of the lakefront on either of those days and **MUST notify the Borough before 2:00 PM on Friday if canceling a Saturday date**. Only one restaurant can utilize the program per night.
8. The Borough will retain a master schedule.

Planning/Preparations:

1. The Borough is providing a specific area of Lake Lefferts Park that will be exclusive to the permit holder during their prescribed time. This includes:
 - A. Access to bathrooms on site.
 - B. Electrical outlets.
 - C. The BEST view in Matawan.
2. The Borough will provide folding tables and chairs with a maximum capacity of 80 people.
3. The Borough will also provide shade sails, citronella candles, and will have the area safely treated for mosquitos.
4. The Borough will provide trash and recycling receptacles.
5. Restaurants must prepare all food at their permanent establishment and deliver it to the site.
6. Restaurants must provide staff for waiting and bussing tables and designate a person in charge on site.
7. BYOB will be allowed for the dates and times that the permit is valid.

During Permitted Time:

1. Restaurants can make deliveries using the entrance nearest to the Lake Lefferts Boathouse.
2. Restaurant staff must park in parking lot on the corner of Ravine Drive and Matawan Avenue.
3. All ABC regulations are in effect.
4. Smoking remains prohibited anywhere in the Park.
5. Any warming/cooling equipment must be identified on application and pre-approved by the Monmouth County Board of Health and Matawan's Fire Official.
6. Restaurants are responsible for leaving the park each night the way they found it. Trash and recycling must be bagged and left near the bathroom entrances of the Boathouse.

**RESOLUTION 23-08-05
RESCINDING RESOLUTION 21-06-15
RENEWAL OF 2021-2022 ABC LIQUOR LICENSE FOR 111-113 MAIN STREET, LLC
LICENSE #1329-33-010-007
AND
AUTHORIZING RENEWAL OF
ABC INACTIVE PLENARY RETAIL CONSUMPTION LIQUOR LICENSE APPLICATION
ABC SPECIAL RULING PURSUANT TO NJSA 33:1-12.39 FOR THE 2021-2022 LICENSE TERM
111-113 MAIN STREET, LLC
LICENSE #1329-33-010-007**

WHEREAS, Borough of Matawan Resolution 21-06-15 authorized renewal of 111-113 Main Street, LLC, ABC License #1329-33-010-007; and

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WHEREAS, NJS ABC informs 111-113 Main Street, LLC, License #1329-33-010-007 required a Special Ruling to Permit Renewal of Inactive License pursuant to N.J.S.A. 33:1-12.39 for the 2021-2022 License Term; and

WHEREAS, on May 18, 2021, NJS ABC issued Special Ruling to Permit Renewal of Inactive License pursuant to N.J.S.A. 33:1-12.39 for the 2021-2022 License Term, Docket No. 05-21-196, therefore allowing the Borough of Matawan to authorize renewal of the 2021-2022 ABC Liquor License for 111-113 Main Street, LLC, License #1329-33-010-007.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby rescinds Resolution 21-06-15 for NJS ABC License #1329-33-010-007, 111-113 Main Street, LLC, for the 2021-2022 License Term.

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that it hereby authorizes renewal of NJS ABC License #1329-33-010-007, 111-113 Main Street, LLC, for the 2021-2022 License Term.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Police as well as NJS Alcohol Beverage Control and 111-113 Main Street, LLC.

**RESOLUTION 23-08-06
REAFFIRMING RESOLUTION 22-06-27
RESOLUTION GRANTING RENEWAL OF ABC INACTIVE
PLenary RETAIL CONSUMPTION LIQUOR LICENSE APPLICATION
ABC SPECIAL RULING PURSUANT TO NJSA 33:1-12.39 FOR THE 2022-2023 LICENSE TERM
111-113 MAIN STREET, LLC
LICENSE #1329-33-010-007**

WHEREAS, on June 21, 2022 Resolution 22-06-27 was adopted by the Governing Body of the Borough of Matawan authorizing the renewal of ABC Inactive Plenary Retail Consumption License #1329-33-010-007 prior to a Resolution authorizing renewal under NJS ABC Special Ruling 12.39; and

WHEREAS, Licensee did petition NJS ABC who issued Special Ruling 12.39 for License #1329-33-010-007, Docket No. 05-22-177, Job No. 513517 dated May 31, 2022, granting relief pursuant to NJSA 33:1-12.39, for the 2022-2023 License Term.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan does hereby reaffirm Resolution 22-06-07 authorizing the renewal of ABC Inactive Plenary Retail Consumption License #1329-33-010-007 in the name of 111-113 Main Street, LLC, 113 Main Street, Matawan, NJ 07747, subject however to the rules, regulations, statutes and ordinances affecting the same.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Police as well as 111-113 Main Street, LLC and NJS Division of Alcoholic Beverage Control.

**RESOLUTION 23-08-07
RESOLUTION GRANTING RENEWAL OF ABC INACTIVE PLenary RETAIL CONSUMPTION
LIQUOR LICENSE APPLICATION
ABC SPECIAL RULING PURSUANT TO NJSA 33:1-12.39 FOR THE 2023-2024 LICENSE TERM
111-113 MAIN STREET, LLC
LICENSE #1329-33-010-007**

WHEREAS, an application has been filed for the renewal of ABC Inactive Plenary Retail Consumption Liquor License #1329-33-010-007 by 111-113 Main Street, LLC; and

WHEREAS, the submitted application is complete in all respects, the required fees have been paid, and receipt of a Special Ruling dated July 13, 2023, Docket No. 06-23-482, Job No. 605352, from the Division of Alcoholic Beverage Control for a one (1) year term of 2023-2024 stating that good cause exists for consideration of renewal application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey does hereby grant, effective this date, the renewal of the aforesaid Inactive Plenary Retail Consumption License for the 2023-2024 License Term, July 1, 2023, to midnight, June 30, 2024.

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 as well as 111-113 Main Street, LLC and the Division of Alcoholic Beverage Control.

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**RESOLUTION 23-08-08
RESOLUTION GRANTING RENEWAL OF ABC INACTIVE PLENARY RETAIL DISTRIBUTION
LIQUOR LICENSE APPLICATION
ABC SPECIAL RULING PURSUANT TO NJSA 33:1-12.39 FOR THE 2023-2024 LICENSE TERM
VINCENT WILT
LICENSE #1329-44-008-007**

WHEREAS, an application has been filed for the renewal of ABC Inactive Plenary Retail Distribution Liquor License #1329-44-008-007 by Vincent Wilt; and

WHEREAS, the submitted application is complete in all respects, the required fees have been paid, and receipt of a Special Ruling dated May 1, 2023, Docket No. 04-23-108, Job No. 584011, from the Division of Alcoholic Beverage Control for a one (1) year term of 2023-2024 stating that good cause exists for consideration of renewal application.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey does hereby grant, effective this date, the renewal of the aforesaid Inactive Plenary Retail Distribution License for the 2023-2024 License Term, July 1, 2023 to midnight, June 30, 2024.

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 as well as the Division of Alcoholic Beverage Control.

**RESOLUTION 23-08-09
PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE FROM
MEDITERRANEAN CHATEAU CORP. TO PINEAPPLE BEVERAGES, LLC
#1329-33-016-010**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1329-33-016-010, heretofore issued to Mediterranean Chateau Corp. for premises located at 27 Freneau Avenue, Matawan, New Jersey 07747; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan does hereby approve, effective August 4, 2023, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License held by Mediterranean Chateau Corp. to Pineapple Beverages, LLC, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Pineapple Beverages, LLC, 27 Freneau Avenue, Matawan, New Jersey 07747, effective August 4, 2023."

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, as well as Mediterranean Chateau Corp., Pineapple Beverages, LLC, and the NJS Division of Alcohol Beverage Control.

**RESOLUTION 23-08-10
RESOLUTION DISSOLVING THE INTERLOCAL AGREEMENT BETWEEN THE
TOWNSHIP OF ABERDEEN AND THE BOROUGH OF MATAWAN FOR
SHARED COMMUNITY EMERGENCY RESPONSE TEAM (CERT) SERVICES**

WHEREAS, the Borough of Matawan Resolution 13-02-17 authorized an Interlocal Agreement between the Township of Aberdeen and the Borough of Matawan establishing a Community Emergency Response Team ("CERT") created to provide essential assistance in the event of a bona fide emergency, and to maximize efficiency as well as the benefits to be provided by the CERTs, and coordinate the efforts of each municipality's respective CERTs; and

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WHEREAS, on July 11, 2023, the Borough of Matawan Emergency Management Coordinator, Chief Thomas J. Falco, Jr., was informed by Aberdeen's Emergency Management Coordinator, Capt. Craig Hausmann, that due to dwindling volunteer participation and other issues with membership and leadership positions within the organization, the Township of Aberdeen plans to dissolve the joint team and transfer those members of Aberdeen CERT as volunteers within the Aberdeen Twp Office of Emergency Management.

WHEREAS, it is the recommendation of the Borough of Matawan OEM Coordinator Chief Thomas J. Falco, Jr. to have those remaining Borough of Matawan CERT members interested in becoming members of Matawan Fire Department's Fire Police, receive the required training and become members of the Borough of Matawan Fire Police.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan that it herewith acknowledges the dissolution of the Interlocal Agreement Between the Township of Aberdeen and the Borough of Matawan for shared Community Emergency Response Team (CERT) services effective immediately.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Matawan that it herewith accepts the recommendation of Borough of Matawan OEM Coordinator, Chief Thomas J. Falco, Jr., to have those interested members of the Borough of Matawan CERT receive the required training, and upon successful completion of said training become members of the Matawan Borough Fire Police.

BE IT FURTHER RESOLVED, the Code of the Borough of Matawan, Chapter 2 – Administration, Article IV – Boards, Committees and Commissions, Section 2-41 – Community Emergency Response Team (CERT) will remain within the Borough Code to allow for the possible return of a Borough of Matawan CERT at a later date.

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, Fire, OEM, Police, Public Works, Recreation as well as the Borough Auditor and the Township of Aberdeen.

**RESOLUTION 23-08-11
AUTHORIZING A MEMORANDUM OF AGREEMENT BETWEEN
THE MONMOUTH COUNTY BOARD OF HEALTH AND THE BOROUGH OF MATAWAN
FOR THE PROVISION OF LOCAL PUBLIC HEALTH SERVICES**

WHEREAS, the Monmouth County Board of Health provides State mandated local health services pursuant to the Local Health Services Act, NJSA 26:3A2-1 et seq. and the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, NJAC 8:52-1 et seq.; and

WHEREAS, the Borough of Matawan is in need of the provision of local health services, and the County desires to provide these health services to the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan, hereby authorizes the attached Memorandum of Agreement between the Monmouth County Board of Health and the Borough of Matawan for the Monmouth County Board of Health provision of Local Public Health Services to the Borough of Matawan.

BE IT FURTHER RESOLVED, the term of the Agreement shall be in effect for a five (5) year period commencing January 1, 2023. After participation for not less than two (2) years, the Borough may withdraw from this Agreement, provided that the Borough gives the County a minimum of six (6) months' notice in accordance with NJSA 26:3A2-12. This Agreement shall run on a calendar year basis, therefore notice of termination must be given by no later than July 1st to be effective for the following January 1st.

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, Borough Operations Coordinator, Clerk, Community Engagement Coordinator, Construction, Finance, Fire Department, Fire Prevention, Payroll, Police, Public Works, Recreation, Recycling as well as the Monmouth County Board of Health.

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**MEMORANDUM OF AGREEMENT
BETWEEN THE MONMOUTH COUNTY BOARD OF HEALTH
AND THE BOROUGH OF MATAWAN
FOR THE PROVISION OF LOCAL PUBLIC HEALTH
SERVICES**

WHEREAS, the Monmouth County Board of Health, through the Monmouth County Health Department (the "County"), provides State mandated local health services pursuant to the Local Health Services Act, *N.J.S.A. 26:3A2-1 et seq.* and the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, *N.J.A.C. 8:52-1 et seq.*; and

WHEREAS, there must be a Board of Health in every municipality in the State, whether through its own individual municipal local health agency or through another agency such as a county health department; and

WHEREAS, the County serves as the health department for various towns throughout Monmouth County by virtue of contractual agreements; and

WHEREAS, the Borough of Matawan (the "Municipality") is in need of the provision of local health services, and the County desires to provide these health services to the Municipality.

NOW, THEREFORE, in consideration of the terms and conditions hereinafter set forth, the County and the Municipality (collectively the "Parties") agree as follows:

A. ADMINISTRATION.

1. The County hereby accepts the Municipality as a member in the Monmouth County Board of Health system effective January 1, 2023. The County agrees to provide the Municipality with any and all current and future State mandated public health services required by statute, law, code regulation and/or directive which shall satisfy any and all health service obligations of the Municipality. The County further agrees that its employees, agents, and servants shall provide all aforesaid services in an efficient, timely manner.
2. The County's Health Department is designated as the statutorily recognized local health agency for the Municipality.
3. The County's Public Health Coordinator is designated as the full-time health officer for the Municipality for all public health services and activities.
4. The Public Health Coordinator shall provide technical and professional services to assure the provision of core public health services, along with any elected services, that meet the standards set forth in in the Public Health Practice Standards of Performance for Local Boards of Health in New Jersey, *N.J.A.C. 8:52-1 et seq.*
5. The Public Health Coordinator shall assess public health needs, plan, organize and implement public health activities within the Municipality.

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6. The Public Health Coordinator shall lead the investigation of, and response to, all public health emergencies, disasters and/or hazardous situations within the Municipality.
7. To fulfill the requirements of core public health activities, along with elected activities, the County may designate qualified and experienced representatives to assume responsibility for delegated activities as may be required, necessary and/or prudent to carry out and discharge public health activities.
8. The Public Health Coordinator may delegate activities to customary personnel, such as nurses, registered environmental health specialists, health educators and any others as may be required to carry out core activities. Personnel that have been delegated activities shall satisfy the requirements set forth in *N.J.A.C. 8:52-1 et seq.* and *N.J.A.C. 8:7-1 et seq.*, regarding licensure of persons for public health positions.

B. COST. As per *N.J.S.A. 26:3A2-19*, payment by the Municipality to the County shall be determined based upon the County's annual budget adopted by the County Board of County Commissioners. The County Board of Taxation shall adjust and apportion the annual levy between participating municipalities in accordance with *N.J.S.A. 54:4-49*. The total amount will be assessed, levied and collected in the same manner and at the same time as other County taxes. Such cost also includes the provision of public health nursing services. There shall be no surcharges for legal fees, overtime or emergency events.

C. TERM. This Agreement shall be in effect for a five (5) year period commencing January 1, 2023. After participation for not less than two (2) years, the Municipality may withdraw from this Agreement, provided that the Municipality gives the County a minimum of six (6) months' notice in accordance with *N.J.S.A. 26:3A2-12*. This Agreement shall run on a calendar year basis, therefore notice of termination must be given by no later than July 1st in order to be effective for the following January 1st.

D. INDEMNIFICATION. The Municipality hereby agrees to indemnify and hold the County harmless at all times in respect to all liabilities in connection with any and all past, present and future claims, actions, proceedings, judgments or expenses arising from any and all health services provided by the Municipality, its employees, and/or the Monmouth County Regional Health Commission #1 [prior health services provider] at any time prior to the effective date of the within Agreement. The Municipality further agrees to indemnify, protect, and hold harmless the County, its officers, agents, and employees from and against any and all suits, claims, demands, or damages, arising out of any act, error, or omission of the Municipality, its employees, or its agents, including but not limited to expenditures for investigation, legal defense, judgments, and/or settlements.

E. COMPLIANCE WITH LAW. The Parties agree that the services covered by this Agreement shall be provided in full compliance with all federal, state and local laws, rules and regulations, including but not necessarily limited to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as amended and implemented. The Parties agree to execute such other documents as may be needed to ensure full legal compliance.

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F. AUTHORITY TO EXECUTE AGREEMENT. The execution of this Agreement has been duly authorized by the governing bodies of the County and the Municipality.

G. CHOICE OF LAW. This Agreement shall be governed by and be interpreted in accordance with the laws of the State of New Jersey. All disputes arising under this Contract shall be resolved exclusively in the Superior Court of New Jersey, Monmouth County.

H. 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.

I. COPY. Upon execution, this Agreement shall be submitted to the New Jersey Department of Health, Office of Local Public Health, P.O. Box 360, Trenton, NJ 08625-0360.

J. NOTICES. Any notices that are required pursuant to this Agreement shall be made in writing (including facsimile and electronic transmissions), and mailed or transmitted or delivered as follows:

To COUNTY:

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

And

Monmouth County Health Department
Address: 50 East Main Street, Freehold, NJ 07728
Attn: Christopher P. Merkel, M.P.H., H.O., Public Health Coordinator
Email: Christopher.Merkel@co.monmouth.nj.us
Fax: 732-409-7579

To MUNICIPALITY:

BOROUGH OF MATAWAN
Address: 201 Broad Street, Matawan, NJ 07747
Attn: Ryan Michelson, Borough Administrator
Email: Robin.Klinger@MatawanBorough.com
Fax: 732-290-7585

Or to such other address or individual as any party may from time to time notify the other.

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In WITNESS WHEREOF, the parties have executed this Agreement:

ATTEST:

COUNTY OF MONMOUTH

Name: Tamara Brown
Title: Clerk of the Board

By: _____
Name: THOMAS A. ARNONE
Title: Commissioner Director

WITNESS or ATTEST:

BOROUGH OF MATAWAN

Name:
Title: Municipal Clerk

By: _____
Name:
Title:

Mayor Altomonte read by title Resolutions 23-08-12 through and including 23-08-15 requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-08-12
2022 ROAD IMPROVEMENT PROGRAM
HARDING BOULEVARD RECONSTRUCTION PROJECT
S. BROTHERS, INC.
AUTHORIZING CHANGE ORDER NO. 3**

**Borough of Matawan
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WHEREAS, Remington & Vernick Engineers has informed the Council that the Various Items are Extra to reflect as-built quantities in the 2022 Road Improvement Program Harding Boulevard Reconstruction Project, for a total Extra this Project of Sixteen Thousand, Seven Hundred Thirty Dollars and Seventy Cents (\$16,730.70); and

WHEREAS, Remington & Vernick Engineers has informed the Council that Various Items are Supplemental to reflect as-built quantities in the 2022 Road Improvement Program Harding Boulevard Reconstruction Project, for a total Supplemental this Project of One Hundred Sixty Thousand, Eight Hundred Nine Dollars and Seventy Cents (\$160,809.70); and

WHEREAS, Remington & Vernick Engineers has informed the Council that Various Items are Reduced to reflect as-built quantities in the 2022 Road Improvement Program Harding Boulevard Reconstruction Project, for a total Reduction this Project of Seventy-One Thousand, Nine Hundred Seventeen Dollars and Sixty-Two Cents (\$71,917.62).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of Remington & Vernick Engineers, that they hereby authorize the attached contract modification proposal, for the 2022 Road Improvement Program Harding Boulevard Reconstruction Project, a Net Change Increase Total This Project, in an amount of One Hundred Five Thousand, Six Hundred Twenty-Two Dollars and Seventy-Eight Cents (\$105,622.78).

BE IT FURTHER RESOLVED this amount reflects a Total Net Increase Change in Contract of One Hundred Five Thousand, Six Hundred Twenty-Two Dollars and Seventy-Eight Cents (\$105,622.78) from the Original Contract Amount of Six Hundred Sixty-Four Thousand, Three Hundred Eighty-Seven Dollars and Seventy-Seven Cents (\$664,387.77).

BE IT FURTHER RESOLVED the Mayor of the Borough of Matawan is hereby authorized to execute the attached contract modification proposal and acceptance.

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, Public Works as well as Remington & Vernick Engineers and S. Brothers, Inc.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicola Trasente, Deputy 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 W-06-55-522-101 Budget of the Borough of Matawan to S. Brothers, Inc. (RVE Project No. 1331-T-005) for the Borough of Matawan 2022 Road Improvement Program Harding Boulevard Reconstruction Project in an amount not to exceed One Hundred Five Thousand, Six Hundred Twenty-Two Dollars and Seventy-Eight Cents (\$105,622.78).

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.

Deputy Chief Financial Officer

(Signature on File)

Nicola Trasente, CMFO

Dated: August 3, 2023

**Borough of Matawan
Workshop Session
August 3, 2023**



429 Route 79, Suite 21
Morganville, NJ 07751
O: (732) 955-8000
F: (732) 591-2815

July 26, 2023

Ryan Michelson, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

**Re: Borough of Matawan
Reconstruction of Harding Blvd.
Change Order #3
Our File: 1331-T-005**

Dear Mr. Michelson:

Please find enclosed Change Order #3 submitted by S Brothers, Inc., for the above referenced project which is detailed as follows:

Original Contract Amount:	\$664,387.77
Total Increase Amount:	\$ 16,730.70
Total Decrease Amount:	\$ (71,917.62)
Supplemental Amount:	\$160,809.70
Net Contract Change Order Amount:	<u>\$105,622.78</u>
Amended Contract Amount:	\$770,010.55

The total amended contract amount is below what was previously budgeted for the additional work requested by the Borough.

Should you have any questions regarding this matter, please do not hesitate to contact our Morganville office at (732) 955-8000.

Very truly yours,
REMINGTON & VERNICK ENGINEERS

Terence M. Vogt, PE, PP, CME
Principal, Regional Manager

Enclosures

cc: Karen Wynne, Borough Clerk, w/enc.
Robin Klinger, Executive Assistant
S Brothers, Inc., w/enc.
George Allan, Chief Inspector, w/enc.

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Remington & Vernick Engineers
CHANGE ORDER NUMBER - NO. 3 DATED 7-25-23

Project	Reconstruction of Harding Blvd
Municipality	Borough of Matawan
County	Monmouth
Contractor	S. Brothers Inc.

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required) -

As-Built Quantities

BASE BID

1	Inlet Filter, Type 2, 4' x 4'	(6)	UN	\$30.00	(\$180.00)
2	Silt Fence	(1,600)	LF	\$0.01	(\$16.00)
4	Drums	(60)	UN	\$0.01	(\$0.60)
6	Traffic Directors, Flaggers	(152)	HR	\$0.01	(\$1.52)
7	Police Officers and Vehicles	(0,8457)	Allowance	\$38,000.00	(\$32,135.59)
8	Asphalt Adjustment	(12,782.07)	Dollar	\$1.00	(\$12,782.07)
9	Fuel Adjustment	(6,485.39)	Dollar	\$1.00	(\$6,485.39)
11	Roadway Excavation, Unclassified	(955)	CY	\$0.01	(\$9.55)
13	Hot Mix Asphalt, Mix 19M64 Base Course, 4" Thick	42.55	TNS	\$110.00	\$4,680.50
14	Dense Graded Aggregate, 6" Thick	(2,950)	SY	\$0.01	(\$29.50)
16	Polymerized Joint Adhesive	(260)	LF	\$0.01	(\$2.60)
17	9" x 18" Concrete Curb complete with all items per plan detail	37	LF	\$31.00	\$1,147.00
18	Asphalt Driveway Repair (As Directed)	(44)	SY	\$0.01	(\$0.44)
19	Concrete Driveway Repair (As Directed)	14.42	SY	\$110.00	\$1,586.20
20	Paver Driveway Repair (As Directed)	3.8	SY	\$80.00	\$304.00
23	Watermain Abandon 6" ACP and Replacement - 8" DIP Class 52 Cement Line	33	LF	\$133.00	\$4,389.00
24	1" Water Service Replacement - 1" Services & Connections to Existing Water Services, complete with all items per plan detail	1	UN	\$3,800.00	\$3,800.00
27	DIP Fittings (As Directed)	(600)	LB	\$0.01	(\$6.00)
30	Unmarked Sewer Service Repair (As Directed)	(5)	UN	\$1.00	(\$5.00)
31	Removal and Disposal of Regulated Material (As Directed)	(900)	CY	\$0.01	(\$9.00)
32	Test Pit	(7)	UN	\$1.00	(\$7.00)
33	Extension Ring for Existing Manhole, 4' Diameter	(3)	UN	\$1.00	(\$3.00)
34	Reset Water Valve Box	(2)	UN	\$20.00	(\$40.00)
35	Traffic Markings, Thermoplastic	(74)	SF	\$8.00	(\$592.00)
36	Traffic Stripes 4" Wide, Reflective Epoxy	68	LF	\$3.00	\$204.00
A1	Inlet Filter, Type 2, 4' x 4'	(1)	UN	\$0.01	(\$0.01)
A2	Silt Fence	(265)	LF	\$0.01	(\$2.65)
A3	Traffic Cones	(20)	UN	\$0.01	(\$0.20)
A4	Drums	(20)	UN	\$0.01	(\$0.20)
A5	Construction Signs	(3)	SF	\$0.01	(\$0.03)

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A6	Traffic Directors, Flaggers	(48)	HR	\$0.01	(\$0.48)
A7	Police Officers and Vehicles	(1)	Allowance	\$12,000.00	(\$12,000.00)
A8	Asphalt Adjustment	(1,000)	Dollar	\$1.00	(\$1,000.00)
A9	Fuel Adjustment	(1,000)	Dollar	\$1.00	(\$1,000.00)
A11	Roadway Excavation, Unclassified	(150)	CY	\$0.01	(\$1.50)
A14	Dense Graded Aggregate, 6" Thick	(450)	SY	\$0.01	(\$4.50)
A15	Tack Coat	(50)	GAL	\$6.00	(\$300.00)
A16	Polymerized Joint Adhesive	(60)	LF	\$0.01	(\$0.60)
A17	9" x 18" Concrete Curb complete with all items per plan detail	20	LF	\$31.00	\$620.00
A18	Asphalt Driveway Repair (As Directed)	(18)	SY	\$0.01	(\$0.18)
A19	Paver Driveway Repair (As Directed)	(5)	SY	\$85.00	(\$425.00)
A20	Watermain Abandon 6" ACP and Replacement - 8" DIP Class 52 Cement Line	(8)	LF	\$133.00	(\$1,064.00)
A21	Water Service Replacement - 1" Services, complete with all items per plan detail	(1)	UN	\$3,800.00	(\$3,800.00)
A24	DIP Fittings (As Directed)	(300)	LB	\$0.01	(\$3.00)
A26	Unmarked Sewer Service Repair (As Directed)	(1)	UN	\$0.01	(\$0.01)
A27	Removal and Disposal of Regulated Material (As Directed)	(200)	CY	\$0.01	(\$2.00)
A28	Test Pit	(3)	UN	\$1.00	(\$3.00)
A29	Extension Ring for Existing Manhole, 4' Diameter	(3)	UN	\$1.00	(\$3.00)
A30	Reset Water Valve Box	(2)	UN	\$1.00	(\$2.00)
S1	Repair & Replace Inlet Type B Walls & Inverts	2	UN	\$2,800.00	\$5,600.00
S2	Investigating & Repairing Water Leak on Roberts Rd & Harding Blvd	1	LS	\$5,300.00	\$5,300.00
S3	Harding Underdrain System	1	LS	\$114,712.00	\$114,712.00
S4	Additional Milling & Paving on Roberts Road	1	LS	\$35,197.70	\$35,197.70

Amount of Original Contract: \$664,387.77

Extra: \$16,730.70

Supplemental: \$160,809.70

Adjusted Amount Based on Change
Orders: No. 3 \$770,010.55

Reduction: (\$71,917.62)

Total Change: \$105,622.78

% Change in Contract
[(+) Increase] 16%

[Signature] 7/26/23
(Engineer) (Date)

(Presiding Officer) (Date)

[Signature] 7/26/23
(Contractor) Paulo Santos Resident (Date)

**RESOLUTION 23-08-13
2022 ROAD IMPROVEMENT PROGRAM
WASHINGTON AVENUE RECONSTRUCTION PROJECT
S. BROTHERS, INC.
AUTHORIZING CHANGE ORDER NO. 3**

WHEREAS, Remington & Vernick Engineers has informed the Council that Various Items are Extra to reflect as-built quantities in the 2022 Road Improvement Program Washington Avenue Reconstruction Project, for a total Extra this Project of Two Thousand, One Hundred Ninety-Five Dollars and Fifty Cents (\$2,195.50); and

WHEREAS, Remington & Vernick Engineers has informed the Council that Various Items are Supplemental to reflect as-built quantities in the 2022 Road Improvement Program Washington Avenue Reconstruction Project, for a total Supplemental this Project of One Hundred Three Thousand, Five Hundred Seventy-One Dollars and No Cents (\$103,571.00); and

**Borough of Matawan
Workshop Session
August 3, 2023**

WHEREAS, Remington & Vernick Engineers has informed the Council that Various Items are Reduced to reflect as-built quantities in the 2022 Road Improvement Program Washington Avenue Reconstruction Project, for a total Reduction this Project of Forty-One Thousand, Eight Hundred Seventy-Six Dollars and Fifty-One Cents (\$41,876.51).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of Remington & Vernick Engineers, that they hereby authorize the attached contract modification proposal, for the 2022 Road Improvement Program Washington Avenue Reconstruction Project, a Net Change Increase Total This Project, in an amount of Sixty-Three Thousand, Eight Hundred Eighty-Nine Dollars and Ninety-Nine Cents (\$63,889.99).

BE IT FURTHER RESOLVED this amount reflects a Total Net Change Increase in Contract of Sixty-Three Thousand, Eight Hundred Eighty-Nine Dollars and Ninety-Nine Cents (\$63,889.99) from the Original Contract Amount of Four Hundred Nineteen Thousand, Three Hundred Ninety-Eight Dollars and Seventy Cents (\$419,398.70).

BE IT FURTHER RESOLVED the Mayor of the Borough of Matawan is hereby authorized to execute the attached contract modification proposal and acceptance.

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, Public Works as well as Remington & Vernick Engineers and S. Brothers, Inc.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicola Trasente, Deputy 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 W-06-55-522-101 Budget of the Borough of Matawan to S. Brothers, Inc. (RVE Project No. 1331-T-006) for the Borough of Matawan 2022 Road Improvement Program Washington Avenue Reconstruction Project in an amount not to exceed Sixty-Three Thousand, Eight Hundred Eighty-Nine Dollars and Ninety-Nine Cents (\$63,889.99).

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.

Deputy Chief Financial Officer

(Signature on File)

Nicola Trasente, CMFO

Dated: August 3, 2023

**Borough of Matawan
Workshop Session
August 3, 2023**



429 Route 79, Suite 21
Morganville, NJ 07751
O: (732) 955-8000
F: (732) 591-2815

July 26, 2023

Ryan Michelson, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

**Re: Borough of Matawan
Reconstruction of Washington Ave.
Change Order #3
Our File: 1331-T-006**

Dear Mr. Michelson:

Please find enclosed Change Order #3 submitted by S Brothers, Inc., for the above referenced project which is detailed as follows:

Original Contract Amount:	\$419,398.70
Total Increase Amount:	\$ 2,195.50
Total Decrease Amount:	\$ (41,876.51)
Supplemental Amount:	\$103,571.00
Net Contract Change Order Amount:	<u>\$ 63,889.99</u>
Amended Contract Amount:	\$483,288.69

The total amended contract amount is below what was previously budgeted for the additional work requested by the Borough.

Should you have any questions regarding this matter, please do not hesitate to contact our Morganville office at (732) 955-8000.

Very truly yours,
REMINGTON & VERNICK ENGINEERS

Terence M. Vogt, PE, PP, CME
Principal, Regional Manager

Enclosures

cc: Karen Wynne, Borough Clerk, w/enc.
Robin Klinger, Executive Assistant
S Brothers, Inc., w/enc.
George Allan, Chief Inspector, w/enc.

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Remington & Vernick Engineers
CHANGE ORDER NUMBER - NO. 3 DATED 7-25-23

Project	<u>Reconstruction of Washington Ave</u>
Municipality	<u>Borough of Matawan</u>
County	<u>Monmouth</u>
Contractor	<u>S. Brothers Inc.</u>

In accordance with the project Supplementary Specification, the following are changes in the contract.
Location and Reason for Change (Attach additional sheets if required) -
As-Built Quantities

BASE BID					
1	Inlet Filter, Type 2, 4' x 4'	(3)	UN	\$30.00	(\$90.00)
2	Silt Fence	(1,100)	LF	\$0.01	(\$11.00)
4	Drums	(30)	UN	\$0.01	(\$0.30)
6	Traffic Directors, Flaggers	(120)	HR	\$0.01	(\$1.20)
7	Police Officers and Vehicles	(0.8494)	Allowance	\$30,000.00	(\$25,481.99)
8	Asphalt Adjustment	(1.8154)	Dollar	\$4,000.00	(\$7,261.64)
9	Fuel Adjustment	(1.2196)	Dollar	\$3,000.00	(\$3,658.68)
11	Roadway Excavation, Unclassified	(650)	CY	\$0.01	(\$6.50)
13	Hot Mix Asphalt, Mix 19M64 Base Course, 4" Thick	(27.85)	TNS	\$130.00	(\$3,620.50)
14	Dense Graded Aggregate, 6" Thick	(1,900)	SY	\$0.01	(\$19.00)
16	Polymerized Joint Adhesive	(160)	LF	\$0.01	(\$1.60)
17	9" x 18" Concrete Curb complete with all items per plan detail	(12)	LF	\$34.00	(\$408.00)
18	Asphalt Driveway Repair (As Directed)	(50)	SY	\$0.01	(\$0.50)
19	Concrete Driveway Repair (As Directed)	7.7	SY	\$110.00	\$847.00
20	Paver Driveway Repair (As Directed)	14.3	SY	\$85.00	\$1,215.50
23	Watermain Abandon 6" ACP and Replacement - 8" DIP Class 52 Cement Line	1	LF	\$133.00	\$133.00
29	Install 6" DIP Pipe	(10)	LF	\$130.00	(\$1,300.00)
30	DIP Fittings (As Directed)	(600)	LB	\$0.01	(\$6.00)
31	Unmarked Sewer Service Repair (As Directed)	(5)	UN	\$0.01	(\$0.05)
32	Removal and Disposal of Regulated Material (As Directed)	(650)	CY	\$0.01	(\$6.50)
33	Test Pit	(5)	UN	\$0.01	(\$0.05)
34	Extension Ring for Existing Manhole, 4' Diameter	(1)	UN	\$1.00	(\$1.00)
35	Reset Water Valve Box	(2)	UN	\$1.00	(\$2.00)
S1	Repair & Replace Inlet Type B Walls & Inverts	2	UN	\$2,800.00	\$5,600.00
S2	Install New Driveway Backplate	1	UN	\$972.00	\$972.00

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S3	Locating Missing Water Service Connection on 4/5/23 & 4/6/23	1	LS	\$5,052.00	\$5,052.00
S4	Washington Underdrain System	1	LS	\$91,947.00	\$91,947.00

Amount of Original Contract: \$419,398.70

Extra: \$2,195.50

Supplemental: \$103,571.00

Adjusted Amount Based on Change

Reduction: (\$41,876.51)

Orders: No. 3 \$483,288.69

Total Change: \$63,889.99

% Change in Contract

[(+) Increase] 15%

[Signature] 7/26/23
(Engineer) (Date)

(Presiding Officer) (Date)

[Signature] 7/25/23
(Contractor) Raulo Santos
President

**RESOLUTION 23-08-14
2022 ROAD IMPROVEMENT PROGRAM
S. BROTHERS, INC.
AUTHORIZING CHANGE ORDER NO. 4**

WHEREAS, T&M Associates has informed the Council that Various Items are reduced to reflect current as-built quantities in the 2022 Road Improvement Program, for a reduction this Change Order No. 4 of Twenty-Eight Thousand, Thirty-Seven Dollars and Thirty-Two Cents (\$28,037.32); and

WHEREAS, T&M Associates has informed the Council that Extra Items are increased to reflect current as-built quantities in the 2022 Road Improvement Program, for an increase this Change Order No. 4 of Thirty-Seven Thousand, Nine Hundred Eighty-Seven Dollars and Ten Cents (\$37,987.10); and

**Borough of Matawan
Workshop Session
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WHEREAS, T&M Associates has informed the Council that Item S-12 through and including S20 are Supplemental for the 2022 Road Improvement Program, for an increase this Change Order No. 4 of Forty-Eight Thousand, Two Hundred Fifty-Nine Dollars and Fifty Cents (\$48,259.50).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of Robert Keady, T&M Associates, that they hereby authorize the attached contract modification proposal, 2022 Road Improvement Program, Change Order No. 4, a Net Change Increase this Change Order in the amount of Fifty-Eight Thousand, Two Hundred Nine Dollars and Twenty-Eight Cents (\$58,209.28).

BE IT FURTHER RESOLVED this amount reflects a total Net Change Increase in Contract of Two Hundred Forty-Five Thousand, Eighty-Five Dollars and Sixty-Two Cents (\$245,085.62).

BE IT FURTHER RESOLVED the Mayor of the Borough of Matawan is hereby authorized to execute the attached contract modification proposal and acceptance.

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 T&M Associates and S. Brothers, Inc.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicola Trasente, Deputy 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 W-06-55-522-100 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 Fifty-Eight Thousand, Two Hundred Nine Dollars and Twenty-Eight Cents (\$58,209.28).

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.

Deputy Chief Financial Officer

(Signature on File)

Nicola Trasente, CMFO

Dated: August 3, 2023

**Borough of Matawan
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August 3, 2023**

June 18, 2023
2022 Program
Borough of Matawan
S. Brothers, Inc

DESCRIPTION

REDUCTIONS:

EXTRA:

SUPPLEMENTARY:

		XXXXXXXXXX

APPROVA
Juan A. Altomonte
Mayor J. n Altomonte
Borough Matawan

\$245,085.02
\$1,476,637.82

Borough of Matawan Workshop Session August 3, 2023

T&M ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS
ELEVEN TINDALL ROAD
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2
PROJECT NO. MATN-04163

CHANGE ORDER NO. 4

DATE: June 28, 2023

PROJECT: 2022 Road Program

OWNER: Borough of Matawan

CONTRACTOR: S. Brothers, Inc.

DESCRIPTION OF CHANGE:	
REDUCTIONS:	
Various items are reduced to reflect current as-built quantities.	
EXTRA:	
Various items are increased to reflect current as-built quantities.	
SUPPLEMENTARY:	
S-12	Reconstruct Inlet with Existing Casting
S-13	Hydroseed
S-14	Bollards
S-15	Supply and Install Red Decorative Landscaping Stone, weed barrier and 10 Boxwoods at PD Parking Lot
S-16	Additional excavation to remove unsuitable subbase material, installation of RCA, grading and resetting of Inlet in PD parking lot area that was expanded beyond original limits of work.
S-17	Crack Sealing on Washington Avenue, Grant Street, Forest Avenue and Poet Drive
S-18	Mobilization and Demobization of Milling Machine and other Equipment for Municipal Building "Horseshoe" Area
S-19	Guiderail Reflectors
S-20	Center Street ADA Compliancy Repairs

APPROVAL RECOMMENDED:

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

ACCEPTED:

CONTRACTOR:
S. Brothers, Inc.

OWNER'S APPROVALS:

NOTE: All work to be done according to Contract Specifications.

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$28,037.32
B. TOTAL EXTRAS THIS C.O.	\$37,987.10	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$48,259.50	XXXXXXXXXX
TOTALS THIS C.O.	\$86,246.60	\$28,037.32
NET CHANGE THIS CHANGE ORDER	\$58,209.28	\$0.00
PREVIOUS CHANGE ORDERS	\$307,920.83	\$121,044.49
TOTAL CHANGE ORDERS TO DATE	\$394,167.43	\$149,081.81
NET CHANGE IN CONTRACT	\$245,085.62	\$0.00

ORIGINAL CONTRACT BID PRICE \$1,231,552.20

CHANGE ORDERS TO DATE \$245,085.62

REVISED CONTRACT PRICE \$1,476,637.82

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CHANGE ORDER NO. 4

SHEET NO. 2 OF 2
PROJECT NO. MATN-04163

PROJECT:
 OWNER:
 CONTRACTOR:

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	
				PRICE	AMOUNT
15	Tack Coat	364.00	GAL	\$8.00	\$2,912.00
17	HMA 19M64, Base Course, 4" Thick	74.08	TON	\$104.00	\$7,704.32
49	Traffic Marking Lines, 4" Thick	4910.00	LF	\$1.00	\$4,910.00
50	Traffic Marking Lines, 6" Thick	168.00	LF	\$1.50	\$252.00
51	Traffic Marking Lines, 12" Thick	344.00	LF	\$4.00	\$1,376.00
53	Traffic Striping at Various Locations, 4" Equivalent (As Directed)	10000.00	LF	\$1.00	\$10,000.00
54	Traffic Markings	85.00	SF	\$8.00	\$680.00
56	Regulatory and Warning Sign	3.50	SF	\$58.00	\$203.00

A. TOTAL REDUCTIONS \$28,037.32

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	
				PRICE	AMOUNT
7	Police Traffic Directors	6053.84	DOL	\$1.00	\$6,053.84
8	Fuel Price Adjustment	345.27	DOL	\$1.00	\$345.27
9	Asphalt Price Adjustment	2992.11	DOL	\$1.00	\$2,992.11
13	HMA Milling, 3" or Less	543.60	SY	\$4.00	\$2,174.40
16	HMA 9.5M64, Surface Course, 2" Thick	154.22	TON	\$104.00	\$16,038.88
19	Concrete Sidewalk, 4" Thick	11.76	SY	\$110.00	\$1,293.60
42	6"x18" Concrete Vertical Curb	38.00	LF	\$38.00	\$1,444.00

			UN		
			LS		
			UN		
	Supply and Install Red Decorative Landscaping Stone, weed barrier and 10 Boxwoods at PD Parking Lot		LS		
	Additional excavation to remove unsuitable subbase material, installation of RCA, grading and resetting of Inlet in PD parking lot area that was expanded beyond original limits of work.		LS		
	Crack Sealing on Washington Avenue, Grant Street, Forest Avenue and Poet Drive		LS		
	Mobilization and Demobilization of Milling Machine and other Equipment for Municipal Building "Horseshoe" Area		LS		
			UN		
	Center Street ADA Compliancy Repairs		LS		

RESOLUTION 23-08-15
AWARDING 2023-2024 BIENNIAL MAINTENANCE CONTRACT FOR WELLS AND HIGH SERVICE PUMPS AND SANITARY SEWER PUMP MAINTENANCE
A.C. SCHULTES, INC.

WHEREAS the Borough of Matawan previously authorized the receipt of bids for the 2023-2024 Biennial Maintenance Contract for Wells and High Service Pumps and Sanitary Sewer Pump Maintenance; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Wells and High Service Pumps and Sanitary Sewer Pump Maintenance; and

WHEREAS, the Borough of Matawan received one (1) bid from A.C. Schultes, Inc., 664 S. Evergreen Avenue, Woodbury Heights, New Jersey 08097 for the Wells and High Service Pumps and Sanitary Sewer Pump Maintenance.

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***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, upon recommendation of T&M Associates, Borough Engineer, hereby awards the 2023-2024 Biennial Maintenance Contract for the Wells and High Service Pumps and Sanitary Sewer Pump Maintenance to A.C. Schultes, Inc. in an amount not to exceed One Hundred Thirty-Three Thousand Dollars and No Cents (\$133,000.00), and in accordance with all bid specifications, contracts and documents, subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney, as well as approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, commencing twenty (20) days after publication.*

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

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Public Works as well as the Borough Engineer and A.C. Schultes, Inc.*

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicola Trasente, Deputy 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 3-09-55-500-200 Budget of the Borough of Matawan to A.C. Schultes, Inc. associated with the 2023-2024 Biennial Maintenance Contract for the Borough of Matawan Wells and High Service Pumps and Sanitary Sewer Pump Maintenance Contract to fund the first year of the contract; and the continuation of the contract for any subsequent year shall be dependent upon the further appropriation of funds for that contract period and the contract shall so provide; and

Upon the adoption of the budget for the subsequent years of the contract which provides an appropriation of funds for this contract the Chief Financial Officer shall provide a certification, to be affixed to this Resolution, as to the availability of funds for that contract year.

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.

Deputy Chief Financial Officer

(Signature on File)

Nicola Trasente, CMFO

Dated: August 3, 2023



YOUR GOALS. OUR MISSION.

MATN-04172

July 28, 2023

Ryan Michelson, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

Re: Recommendation of Award
2023 Biennial Contract for Wells and High Service Pumps

Dear Mr. Michelson:

On Thursday, July 27, 2023, bids were received for the above referenced project. A detailed bid summary is attached for your reference. There was one (1) contractor that submitted a bid on the project; the following are the results:

Bidder		Base Bid
Bidder	Base Bid	
A.C. Schultes, Inc.	\$133,000.00	\$133,000.00
Engineer's Estimate	\$171,000.00	
Engineer's Estimate		\$171,000.00

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The apparent low bidder is A.C. Schultes, Inc., 664 S. Evergreen Avenue, Woodbury Heights, NJ 08097. Their bid total amount is below the Engineer's Estimate. T&M has had experience with A.C. Schultes in the past and found their work to be satisfactory.

Our office also conducted a review of the bid documents submitted, and we noted that A.C. Schultes did not initialize the last page of the "Statement of Experience and Qualifications" form (Page 74 of 88) where requested. This should be reviewed with the Borough Attorney, and if found to be a non-fatal flaw then we recommend that the Borough award the contract to A.C. Schultes, Inc, in the amount of \$133,000.00.

Award of the contract should be subject to availability of funds, review and approval of the bid documents by the Borough Attorney for conformance to the contract documents and applicable law, and approval of the N.J. Department of Labor, and the Office of Wage and Hour Compliance. If you have any questions or desire additional information, please call.

Very truly yours,

T&MASSOCIATES



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

RRK:RRS

Enclosures

cc: Karen Wynne, Clerk, via email
Pasquale Menna, Attorney, via email
Nicole Horvath, CFO via email

Mayor Altomonte read by title Resolution 23-08-16: Rejection of All Bids for the 2023-2024 Biennial Electrical Maintenance Contract and Authorize T&M Associates to Undertake Any Necessary Steps for the Public Re-Advertisement and Accept Bids for the 2023-2024 Biennial Electrical Maintenance Contract requesting a motion. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 23-08-16

REJECTION OF ALL BIDS FOR THE 2023-2024 BIENNIAL ELECTRICAL MAINTENANCE CONTRACT AND AUTHORIZE T&M ASSOCIATES TO UNDERTAKE ANY NECESSARY STEPS FOR THE PUBLIC RE-ADVERTISEMENT AND ACCEPT BIDS FOR THE 2023-2024 BIENNIAL ELECTRICAL MAINTENANCE CONTRACT

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the Borough of Matawan 2023-2024 Biennial Electrical Maintenance Contract ("Contract"); and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Contract; and

WHEREAS, the Borough of Matawan received one (1) bid for the aforesaid Contract; and

WHEREAS, the one lowest bid contained discrepancies between the unit amount, and the bid amount listed in the submitted bid proposal, resulting in the total bid amount exceeding the Engineer's Estimate.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that pursuant to NJSA 40A:11-13.2a as the lowest bid substantially exceeds the cost estimates for services, all bids for 2023-2024 Biennial Electrical Maintenance Contract be and are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the Borough of Matawan that it herewith authorizes T&M Associates to undertake any necessary steps for the public re-advertisement and acceptance of bids for the 2023-2024 Biennial Electrical Maintenance Contract at no additional cost.

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 Robert R. Keady, Jr. of T&M Associates, the Borough Engineer and all bidder(s).

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Mayor Altomonte read by title Resolution 23-08-17: Rejection of All Bids for the 2023-2024 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage and Authorizing T&M Associates to Undertake Any Necessary Steps for the Public Re-Advertisement and Accept Bids for the 2023-2024 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage requesting a motion. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 23-08-17

REJECTION OF ALL BIDS FOR THE 2023-2024 BIENNIAL MAINTENANCE CONTRACT FOR EMERGENCY AND MAINTENANCE REPAIR SERVICES FOR WATER, SANITARY SEWER AND DRAINAGE AND AUTHORIZING T&M ASSOCIATES TO UNDERTAKE ANY NECESSARY STEPS FOR THE PUBLIC RE-ADVERTISEMENT AND ACCEPT BIDS FOR THE 2023-2024 BIENNIAL MAINTENANCE CONTRACT FOR EMERGENCY AND MAINTENANCE REPAIR SERVICES FOR WATER, SANITARY SEWER AND DRAINAGE

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the Borough of Matawan 2023-2024 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage ("Contract"); and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Contract; and

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

WHEREAS, the lowest bid contained a defect in documentation, and according to NJSA 40A:11-13.2a the lowest bid substantially exceeds the cost estimates for services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that all bids for 2023-2024 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage be and are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the Borough of Matawan that it herewith authorizes T&M Associates to undertake any necessary steps for the public re-advertisement and acceptance of bids for the 2023-2024 Biennial Maintenance Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer and Drainage at no additional cost.

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 Robert R. Keady, Jr. of T&M Associates, the Borough Engineer and all bidder(s).

Mayor Altomonte read by title Resolution 23-08-18: Authorizing the Appointment of Class II Special Law Enforcement Officer for the Matawan Police Department Jessica Berliner requesting a motion. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 23-08-18

**AUTHORIZING THE APPOINTMENT OF CLASS II SPECIAL LAW ENFORCEMENT OFFICER FOR THE MATAWAN POLICE DEPARTMENT
JESSICA BERLINER**

WHEREAS, the Mayor and Council has been advised that there is a need for a Class II Special Law Enforcement Officer within the Borough of Matawan Police Department; and

WHEREAS, Chief Thomas J. Falco Jr. has recommended the appointment of Jessica Berliner as a Class II Special Law Enforcement Officer (SLEO) recruit entering into the 53rd Basic Course for Class II SLEO (Night Class) at the Ocean County Police Academy on September 22, 2023; and

WHEREAS, Jessica Berliner must attend and successfully complete the 53rd Basic Course for Class II SLEO (Night Class) at the Ocean County Police Academy prior to beginning her part-time hourly compensation at the rate of \$18.00/hour for a max of twenty (20) hours per week in May 2024.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan authorizes the appointment of Jessica Berliner as a Class II Special Law Enforcement Officer (Class II SLEO) for the Matawan Police Department, effective September 15, 2023.

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BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Borough Operations Coordinator, Clerk, Finance, Payroll, Police as well as Jessica Berliner.

Mayor Altomonte read by title Resolution 23-08-19: Appointing Registrar of Vital Statistics Grace Rainforth requesting a motion. Councilwoman Wang made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-08-19
APPOINTING REGISTRAR OF VITAL STATISTICS
GRACE RAINFORTH**

WHEREAS, the appointment of a Registrar of Vital Statistics pursuant to NJAC 26:8-11 in districts where there is no separate board of health, the appointment shall be made by the Governing Body; and

WHEREAS, funds have been set aside for the purpose of employing a Registrar of Vital Statistics to perform such services; and

WHEREAS, pursuant to NJAC 26:8-13 the term of office of a local Registrar of Vital Statistics shall be three (3) years.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes the appointment of Grace Rainforth as Registrar of Vital Statistics for a term of three (3) year term, effective August 3, 2023.

BE IT FURTHER RESOLVED that pursuant to NJAC 26:28-12 this appointment shall be immediately certified to the State Department.

BE IT FURTHER RESOLVED that pursuant to NJAC 26:28-22 an Oath of Office shall be administered to the Registrar within ten (10) days after the date of this Resolution.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Community Engagement Coordinator, Finance, Payroll as well as Grace Rainforth.

New Business

Mayor Altomonte read by title Resolution 23-08-20: Authorizing T&M Associates to Provide Professional Services Associated with the Design for the Construction of a Backup Well for the Borough's Existing Well No. 3 – Middlesex Road Water Treatment Plant. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Council President Livesey requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilwoman Steven Russell
Councilman Brian Livesey

No: Councilwoman Melanie S. Wang
Councilman Charles Ross

Motion passed.

**RESOLUTION 23-08-20
AUTHORIZING T&M ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH THE DESIGN FOR THE
CONSTRUCTION OF A BACKUP WELL FOR THE BOROUGH'S EXISTING WELL NO. 3
MIDDLESEX ROAD WATER TREATMENT PLANT**

WHEREAS, the Mayor and Council of the Borough of Matawan received the attached Scope and Fee Estimate from the Borough Engineer, T&M Associates, for professional engineering services associated with the

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design for the construction of a backup well for the Borough's existing Well No. 3 located in the Middlesex Road Water Treatment Plant to accommodate current committed and future redevelopment water demands; and

WHEREAS, *the funding for these services shall be monies available through the Borough of Matawan Ordinance 09-25: Bond Ordinance Providing an Appropriation of \$6,500,000 for Improvements to the Water Treatment Plant for and by the Borough of Matawan in the County of Monmouth, New Jersey and, Authorizing the Issuance of \$6,500,000 Bonds or Notes of the Borough for Financing Part of the Appropriation.*

NOW, THEREFORE BE IT RESOLVED *the Council of the Borough of Matawan hereby authorizes T&M Associates to perform Task 1: Preliminary and Final Design Services, Task 2: Permitting Services with Allowance for Additional Permitting, and Task 3: Bidding Services, as detailed in the attached proposal for professional services in an amount not to exceed One Hundred Thirty-Two Thousand, Two Hundred Dollars and No Cents (\$132,200.00).*

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

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicola Trasente, Deputy 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 W-06-55-559-202 Budget of the Borough of Matawan to T&M Associates (MATNOH-16002) for professional services associated with the design for the construction of a backup well for the Borough's existing Well No. 3 located at the Middlesex Road Water Treatment Plant as outlined in the attached Scope and Fee Estimate for the Borough of Matawan in an amount not to exceed One Hundred Thirty-Two Thousand, Two Hundred Dollars and No Cents (\$132,200.00).

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.

Deputy Chief Financial Officer

(Signature on File)

Nicola Trasente, CMFO

Dated: August 3, 2023

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MATNOH-16002

June 12, 2023
Revised July 20, 2023

Ryan Michelson, Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, New Jersey 07747

**Re: Middlesex Road Water Treatment Plant – Backup Well
Matawan Borough, Monmouth County
Proposal for Professional Engineering Services**

Dear Mr. Michelson,

As requested, T&M Associates (T&M) is pleased to submit this Scope of Services and Fee Estimate for Professional Services associated with the design for the construction of a backup well for the Borough's existing Well No. 3 located in the Middlesex Road Water Treatment Plant.

PROJECT UNDERSTANDING

The Borough of Matawan has two (2) existing water production wells each are currently permitted at 700 GPM. However, daily total capacity is limited to the amount available with the largest pump out of service. Therefore, the Borough's daily firm capacity is calculated at 1.008 MGD with the largest pump out of service. Based on the Borough's past 5-year daily peak demands, the Borough has exceeded the total approved limit and the New Jersey Department of Environmental Protection (NJDEP) has issued a temporary ban on additional water service connections until the firm capacity issue is resolved.

It is understood that the area near the train station is under development and new water service connections will be required in the near future. In 2021, T&M was authorized to conduct an analysis of the Borough's firm capacity and future build out projections. One option reviewed was the construction of a backup well to allow the Borough to operate their system running 2 wells in parallel while the backup well remains offline in the event of failure of their main well, Well #3. Once completed, the total daily firm capacity should be modified by the NJDEP to 1,400 GPM or 2.016 MGD. We will confirm this with the NJDEP during design of the proposed improvements. Please note that the installation of a backup well will not modify the Borough's current water allocation of 199.5 MGY (Yearly Firm Capacity). The Borough will still be required to purchase water from New Jersey American Water (NJAW) to meet its yearly water demand.

To comply with NJDEP requirements the backup well will need to be located within 100-feet of the existing well #3. Given the limited space available within this 100-foot area, our office will coordinate a pre-application meeting with the NJDEP upon authorization to finalize an acceptable well location and confirm the necessary permitting and testing requirements for the new backup well.

We estimate the overall construction for the backup well to be approximately \$1,200,000.

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SCOPE OF SERVICES

Task 1 – Preliminary and Final Design Services

In accordance with our understanding of the scope of work of the project, our office will perform the following services:

1. Upon receipt of notice to proceed, the T&M project team will schedule a meeting with representatives of the Borough to finalize detailed scope of the proposed improvements including the well location selection process, and proposed sequencing of construction of the improvements to minimize impact on the existing water supply system.
2. Basemaps for the proposed improvements will be prepared utilizing existing field survey completed during the Borough's water treatment plant upgrade in 2013. It is anticipated that one (1) additional day of field survey will be required to update the existing basemap to include any new unit, structure or other data point constructed or installed since the water plant improvements were last completed.
3. Due to limited exterior piping schematics, T&M will employ up to two (2) days of Ground Penetrating Radar to assist in the location of existing piping to facilitate the alignment of the new backup well piping layout. The information collected will be outlined in the basemaps prepared for the proposed improvements.
4. Detailed backup well design will include the following:
 - Preliminary design of the backup well will be developed after the initial meeting with Borough personnel. We will review the proposed well location, construction, and proposed appurtenances.
 - Selection of well casings and casing/screen intervals.
 - Selection of well screen and gravel pack based on existing hydrogeological and aquifer data. This information will be confirmed by the well driller during the installation of the pilot hole based on soil sampling and testing requirements which will be specified in the bid documents.
 - Supply well pump selection will be performed based on the performance characteristics of existing wells #3 and 4 relative to draw down and specific capacity.
 - Design of well appurtenances, including connections to existing piping, valving and sampling configuration and metering equipment, will be performed.
 - The proposed well and appurtenances noted above will be located outside on a concrete slab. We do not propose installing an enclosure over the well components to allow for easier access of the equipment and/or future maintenance.

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- Electrical design for supply of the new backup well will be prepared to provide power to the new facility. It is assumed the proposed well will be constructed in the vicinity of the existing Filter Building; however, the electrical well controls for the backup well will be located in an outdoor enclosure located just outside the Filter Building. As this is a backup of the existing well facility, we do not anticipate any upgrades will be required for the new well. However, this will be reviewed during design and should any upgrade to the existing electrical system or controls be necessary for the new well, we will advise the Borough accordingly.
5. Construction plans and specifications will be prepared for the project outlining the proposed improvements noted above. These documents will become the basis for the contract documents to be used in soliciting bids for the project after permit approvals have been issued.
 6. We will submit a copy of the preliminary plans, specifications, and cost estimate to the Borough for review and comment. A review meeting will be scheduled with Borough representatives to discuss questions and evaluate if any revisions are necessary.
 7. Final copies of the bid documents and cost estimate will be submitted to the Borough for final approval.

Task 2 – Permitting Services

1. It is anticipated that the proposed backup well will be similar in construction to the existing well #3 and will be expected to have similar operating characteristics. We will review existing data regarding the aquifer in the vicinity of the Borough well to ascertain if any additional hydrogeological investigations may be required.
2. Once the review of the well data is completed, T&M will coordinate a pre-application meeting with the NJDEP Division of Water Supply to review our findings and discuss the feasibility of expanding the location limits for the new backup well. As noted earlier, the 100-foot area from Well #3 is congested with existing structures and equipment that may limit our ability to install the backup well. We will review the feasibility of expanding the well location area to a more open space within the water plant fence perimeter, as well as discuss site-specific permitting and testing requirements necessary for the proposed work. If the NJDEP does not permit the expansion of the 100-foot installation area, we will re-evaluate options available for the provision of a backup well and advise the Borough accordingly.
3. It is anticipated that a Water Allocation Permit – Minor Modification submission will be required. This will be verified with the NJDEP. Additionally, at this time we do not anticipate a test well being required; however, we will advise the Borough of our discussions with the NJDEP and advise if any additional testing or hydrogeological reports may be necessary. If so, our office will submit a separate proposal for the additional work requested by the NJDEP.
4. Permit applications to the NJDEP Bureau of Safe Drinking Water and the Freehold Soil Conservation District (if deemed necessary) will be prepared and submitted for approval. The Borough will be responsible to provide the necessary application fees for these approvals.

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5. Please note that there is also a tributary to the Matawan Creek that runs along the back end of the water treatment plant from the Ravine Drive Elementary School past the Tree Haven apartment complex and beyond. Depending on the final location of the backup well additional approval from the NJDEP Division of Resource Protection may be required. It is unknown at this time what additional permitting or investigations may be required; therefore, we are including an allowance as part of the overall fee to address any effort necessary to comply with NJDEP requirements. This will be reviewed with the NJDEP to make a final determination on what additional permitting may be required once a final back up well location has been selected. If additional permits are not necessary, then the allowance will not be utilized.

Task 3 – Bidding Services

1. Once bid documents are approved by the Borough and the permit approval is issued by the NJDEP, T&M will coordinate with Borough representatives and advertise the project accordingly. Bid documents will be made available to prospective bidders electronically.
2. Prospective bidders' inquiries will be addressed as needed and up to one (1) addendum will be issued as needed to address bidder inquiries.
3. T&M will attend the bid opening, conduct a review of bid packages received and prepare a Recommendation of Award letter to the Borough for action.

PROJECT SCHEDULE

We expect to initiate our services promptly after receiving your acceptance of this proposal. It is anticipated that the scope of design and permitting services listed above can be completed within 4 months from the date of authorization.

Bid documents will be advertised pending approval of the final bid documents from the Borough and receipt of NJDEP approved permits.

FEES FOR PROFESSIONAL SERVICES

T&M's fee to provide the design, permitting, and bidding services as outlined above is **\$132,200.00**. A breakdown of our fee is as noted below. Services for this contract will be billed to the Borough monthly utilizing the current billing rate schedule. Construction administration and field inspection services are not included in this proposal and can be submitted separately upon request from the Borough.

Engineering Fee Breakdown:

Task 1 – Preliminary and Final Design Services	\$ 79,400
Task 2 – Permitting Services	\$ 17,500
Allowance for Additional Permitting	\$ 26,000
Task 3 – Bidding Services	<u>\$ 9,300</u>
TOTAL	\$132,200

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On behalf of T&M Associates, I would like to thank you and the Governing Body for the opportunity to submit this scope of services and fee estimate. We look forward to our continued successful work with you and members of your staff.

Very truly yours,

T&M ASSOCIATES

A handwritten signature in blue ink, appearing to read 'Robert R. Keady, Jr.', written over a horizontal line.

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

RRK:RRS

cc: Karen Wynne, Borough Clerk
Nicole Horvath, Chief Financial Officer
Eric Frye, Director of Public Works

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Mayor Altomonte read by title Ordinance 23-16: Ordinance Authorizing the Leasing of Certain Capital Equipment by the Borough of Matawan, New Jersey from the Monmouth County Improvement Authority and the Execution of a Lease and Agreement Relating Thereto. 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 Steven Russell
Councilman Brian Livesey
Councilwoman Melanie S. Wang
Councilman Charles Ross

Motion passed.

**Borough of Matawan
Workshop Session
August 3, 2023**

ORDINANCE 23-16

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE BOROUGH OF MATAWAN, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Borough Council of the Borough of Matawan, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44, et seq., the Borough of Matawan (the "Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from The Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease"), a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payment of the Municipality under the Lease will be based, in part, on the amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,379,000 and the interest rate on said bonds shall not exceed five and fifty hundredths percent (5.50%) per annum;

(b) The items to be leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and

(c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

*Schedule A – Equipment List
Borough of Matawan*

<u>Equipment</u>	<u>Useful Life (Years)</u>	<u>Lease Term (Years)</u>	<u>Estimated Cost</u>
Motorola APX Dual Band Radios (2)	10	10	\$ 17,500
Motorola APX Dual Band Portable Radios (2)	40	10	17,500
Park Improvements/Equipment (Playground Equipment & Base)	15	10	200,000
Park Surveillance Equipment	10	10	18,724
International Dump Truck (with Stainless Steel Dump Body)	5	5	220,836
Leaf Vector Truck (Vacuum Leaf Collection Loader)	15	10	266,000
Door Access Controls	5	5	13,069
Panasonic Arbitrator In-Car Camera System with Printer	5	5	9,000
Panasonic CF-33RZ Tablet & Hardware	5	5	9,000
(8) Civil Unrest Helmets & Shields (non-ballistic)	5	5	6,000
2024 Ford F-150 Police Responder Pick-Up	5	5	55,000
2024 Ford Explorer Hybrid PIU	5	5	55,000
(25) Modern Materiel Patrol Rifles & Storage Locker	5	5	49,000
(2) Police Bicycles, Equipment, and Upfitting	5	5	5,000
Gas Detection Meters	15	10	20,000
Communication/Repeater Upgrades	10	10	75,000
(10) Full Sets of Gear – Fire Department	5	5	100,000
Rescue Boat	5	5	40,000
(25) SCBA Bottles	5	5	50,000
Air Bag Rescue System	5	5	26,500
Total			\$1,253,129

The Clerk announced the Public Hearing is scheduled for 7:00 PM on September 5, 2023.

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Mayor Altomonte read by title Resolution 23-08-21: Payment of Bills requesting a motion. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-08-21
PAYMENT OF BILLS**

***BE IT RESOLVED** by the Mayor and Council of the Borough of Matawan, New Jersey. That the following numbered vouchers be paid to the persons therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers and that warrants be issued therefore, directed to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.*

<i>Current</i>	\$1,387,902.79
<i>Water/Sewer</i>	\$312,347.45
<i>Borough Capital</i>	\$50,606.00
<i>Water Capital</i>	\$132,742.87
<i>Grant</i>	\$242.15
<i>Borough Trust</i>	\$167,923.82
<i>Developers Escrow Account</i>	\$156.00
<i>Dog Tax Trust</i>	\$2.40
<i>Recreation Trust</i>	\$14,855.62
Total	\$2,066,779.10

***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.

Margaret O'Connor, 11 Wyckoff Street, Matawan. Ms. O'Connor requested the grant dollar amount monies for the fountain and if the monies were spent from this year or last. Mr. Michelson informed there are monies leftover from several years and we are using some of those allotments this year. Ms. O'Connor asked what those monies had previously been used for. Mr. Michelson informed the Penniplede Park mural, rehabilitation of the Shade Tree Office and mural with the aerator recommendation forthcoming from the Chairs of the Recreation Commission and Department of Public Works Committee. Ms. O'Connor questioned the purpose of the Recreation Commission, its recommendations and activities. Mr. Menna stated the function of this specific Committee is to engage in creative elements to make recreation, active and passive, and enjoyable to the residents and it is an evolutionary Committee.

Ms. O'Connor stated the Clean Communities Grant guidelines specifically state the monies are to be used for stormwater management activities only as they relate to curbside leaf and grass collection, street sweeping, and stormwater catch basin clean out of which the fountain is none of these. If the fountain was to be considered for stormwater management, which it is not, no more than 25% of the funding can be used to offset these costs. Aerators do not assist with litter which is the goal of this grant. The \$17,400.00 exceeds 25% of the annual funding. Mr. Michelson said the Borough used portions of each annual allotments of grant monies which does not exceed the 25%. We have multiple if not all outfalls lead to the lake which does assist with stormwater. Ms. O'Connor informed she spoke with the NJ Clean Communities Executive Director said these monies are not to be used for a fountain and the monies need to be returned. Mr. Michelson said our Clean Communities Coordinator, Grace Rainforth, spoke to Clean Communities who informed this was a valid purchase and as always subject to an audit.

Ms. O'Connor said she looked on Facebook and identified a group called Hometown Aberdeen Matawan Facebook page. This group has inquired on numerous occasions about litter clean-up projects relating private citizens who personally pick up litter. Mr. Michelson informed of several

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groups who host clean up events, ie, DPW and Boy Scouts in coordination with Clean Communities Coordinator as well as other groups from time to time. Ms. O'Connor provided pictures she took of litter in catch basins near Lake Matawan and in the creek near Starbucks. Ms. O'Connor said this conversation is about the misuse of grant monies. Councilman Ross said that is of her opinion and she is welcome to an audit as the Borough undergoes audit each year. He said Ms. O'Connor is trying to penalize the town for other grant opportunities because she is of the belief that the Borough is mis-using funds. Ms. O'Connor said she is trying to hold the Borough accountable for putting in a vanity project for the July 4 fireworks that got put in so fast with no vote or transparency. The town should be held accountable when they do things that are nefarious. Councilman Ross agreed stating she should question government. The Borough is not hiding anything, and you are welcome to all documentation. Councilman Livesey asked if the Borough received the approval in writing. Mr. Michelson replied, the Clean Communities informed Ms. Rainforth they would not provide their approval in writing and that the only time it would be subject to something would be in the audit. By statute we are subject to an annual audit. Councilwoman Gunn thanked Ms. O'Connor for her pictures stating going forward it will be prudent to bring Clean Communities ideas to Council and finding a group to clean and do litter is an ongoing issue even with all our volunteers and Clean Communities funds it remains an ongoing battle as it is about changing people's behavior, but we should not stop trying. Ms. O'Connor asked if the Borough electrician was consulted with the project and how many quotes from electricians were received with Solitude. Mr. Michelson said Solitude has a State contract and as such we are not required to solicit additional quotes. Ms. O'Connor commented that we are on the hook to pay \$1K per year for a fountain we don't need. Mr. Michelson doesn't agree with the premise of her question.

Ms. O'Connor believes the reason for the fountain was for the July 4 during an election year and it seems like there was a dereliction of duties and a willingness to circumvent rules for a fountain. When a grant is supposed to be used for litter and opens the town to an audit and not getting a grant next year. It is her contention the fountain should be removed. As the lake naturally aerates the cost of \$17,400.00 and the subject cost of annual maintenance is unnecessary. The monies will be better spent to move the fountain rather than maintain one that you don't need.

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

Adjournment

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

The meeting adjourned at 7:53 PM.

(Signature on File)

Karen Wynne, RMC
Municipal Clerk