

**Borough of Matawan
Public Session
April 4, 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 April 4, 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 7:01 PM requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn
 Councilman Steven Russell
 Councilwoman Stephanie Buckel
 Councilman Brian Livesey
 Councilwoman Melanie S. Wang

Absent: Councilman Charles Ross

Also present were Ryan L. 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.

Workshop Item

Mayor Altomonte introduced Councilman Livesey who related the possibility of updating current ordinance on the restriction of certain farm animals to allow residents to have chickens citing the recent adoption of such an ordinance by Aberdeen Township. Councilman Livesey has reached out to both the Environmental and Animal Welfare Advisory Commissions for their input. The Commissions agreed such an ordinance shall regulate the chickens to female only and no roosters. The number of animals will be based upon square footage of the property. A discussion about lot sizes occurred and Councilwoman Wang suggested that the ordinance specify the minimum square footage of the building, within the lot size, as assessed and not entire lot size. Councilman Livesey said he will have that clarified. Mayor Altomonte opened the floor for public comment.

Fran Bucco, 79 Freneau Avenue, Matawan. Ms. Bucco asked if the Borough was going to ban roosters because they make too much noise, and Council agreed.

Privilege of the Floor for Agenda Items Only

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

Hannah Watson, 92A Eatoncrest Drive, Eatontown. Ms. Watson stated she was speaking on behalf of Carmen Rivera, the owner of the business, Original Scarlet Reserve. She asked Council to rethink their zoning denial Scarlet Reserve to become a recreational cannabis dispensary noting the business is was collecting customer signatures of support and have received related telephone inquires about the business receiving approval from the Borough. She elaborated about the business and the passion the employees have for the products they sell noting they have been serving the community for a little over a year and are currently allowed to sell up to .3 THC.

William Rivera, Jr., 782 Route 34, Matawan. Mr. Rivera informed he is Carmen Rivera's son and respectfully asked for the Council to reconsider their decision to deny Ms. Rivera's business citing the owner's dedication to client and staff. It is disheartening to see denial despite efforts and submission of multiple documents to meet requirements. Mr. Rivera expressed his frustration that his mother was denied approval to become a cannabis dispensary.

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

Consent Agenda

Mayor Altomonte read by title Resolutions 23-04-01 through and including 23-04-04, requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

RESOLUTION 23-04-01

**AUTHORIZING THE WAIVER OF MUNICIPAL TEMPORARY FOOD HANDLING PERMIT FEES
MAIN STREET BLUES & CRUISE NIGHT FOOD VENDORS**

WHEREAS, the Borough of Matawan Economic Business Development & Redevelopment Commission (EBD) and the Matawan-Aberdeen Chamber of Commerce are sponsoring Main Street Blues & Cruise Night scheduled for May 24, 2023; and

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan does hereby waive 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 Borough of Matawan Main Street Blues & Cruise Night food vendors.

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

RESOLUTION 23-04-02

**FIXING RECREATION FEES AND USES
CHAIR YOGA
SENIOR STRENGTH & BALANCE**

BE IT RESOLVED, by the Council of the Borough of Matawan, based on the recommendation of the Recreation Commission that the fees of the following shall be fixed for the year 2023 and future years.

- *Chair Yoga Registration Fee*
Non-Matawan Residents *\$55.00 per session/per chair*
- *Chair Yoga/Senior Strength & Balance Joint Registration Fee*
Non-Matawan Residents *\$100.00 per series*
- *Senior Strength & Balance Registration Fee*
Matawan Residents *No Fee per 16-week session*
Non-Matawan Residents *\$55.00 per 16-week session*

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

RESOLUTION 23-04-03

**AUTHORIZING THE BOROUGH ADMINISTRATOR TO ADVERTISE FOR THE HIRING OF PART-TIME
2023 SEASONAL EMPLOYEE(S) FOR THE BOROUGH OF MATAWAN
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, there is a need for Part-Time Seasonal Employee(s) for the Borough of Matawan Department of Public Works from April to August 2023 to assist current staff for spring clean-up and summer maintenance of parks and other Borough-owned grounds at the hourly rate of \$18.00 per hour, not to exceed 20 to 25 hours per week.

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

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

**RESOLUTION 23-04-04
RESCINDING RESOLUTION 22-09-11
AUTHORIZING THE PURCHASE OF ONE 2022 FORD ADMINISTRATIVE VEHICLE FOR
THE BOROUGH OF MATAWAN DEPARTMENT OF PUBLIC WORKS**

WHEREAS, Resolution 22-09-11 authorized the purchase of one (1) 2022 Ford Administrative Vehicle for the Borough of Matawan's Department of Public Works from Koch 33 Ford Specialized Upfitters through the Cranford Police Cooperative Pricing System; and

WHEREAS, due to the current unavailability of vehicles, Koch notified the Borough that the car is not available for purchase necessitating the cancellation of the Purchase Order; and

WHEREAS, upon the availability of vehicle(s), a future purchase will be required for an Administrative Vehicle for the Borough of Matawan's Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED that the Council of Borough of Matawan hereby rescinds Resolution 22-09-11 for the purchase of one (1) 2022 Ford Administrative Vehicle for the Borough of Matawan's Department of Public Works through the Cranford Police Cooperative Pricing System, Identifier No. 47CPCPS, from Koch 33 Ford Specialized Upfitters, 3810 Hecktown Road, Easton, Pennsylvania 18045, in the amount of Thirty-Six Thousand, Five Hundred Twenty-Four Dollars and No Cents (\$36,524.00).

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

New Business

Mayor Altomonte read by title Resolution 23-04-05: Borough of Matawan, County of Monmouth, State of New Jersey – Resolution Denying the Borough's Endorsement of the Retail Cannabis Application Filed July 7, 2022 By ACRx, LLC and Authorizing Refund of the Applicant's Registration Fee. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey
Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-05
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION DENYING THE BOROUGH'S ENDORSEMENT OF THE
RETAIL CANNABIS APPLICATION FILED JULY 7, 2022 BY ACRx, LLC AND
AUTHORIZING REFUND OF THE APPLICANT'S REGISTRATION FEE**

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

WHEREAS, on February 22, 2021, the State of New Jersey enacted the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, by Ordinance No. 21-13 adopted August 4, 2021, and by Ordinance No. 22-06 adopted June 9, 2022, the Borough of Matawan (the "Borough") permitted and established land use regulations, municipal licensing, and endorsement criteria for regulated cannabis businesses within the Borough in accordance with the Act; and

WHEREAS, on July 7, 2022, ACRx, LLC filed a Retail Cannabis Endorsement Application, seeking a Resolution of Support from the Borough to establish a retail cannabis business at 938 State Route 34, Matawan, NJ 07747; and

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WHEREAS, after reviewing and evaluating said Retail Cannabis Endorsement Application, the Borough has determined that the applicant's proposed location and submitted plans for a retail cannabis business do not satisfy the criteria set forth in the Borough Code.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey hereby denies endorsement of the Retail Cannabis Endorsement Application filed by ACRx, LLC on July 7, 2022.

BE IT FURTHER RESOLVED, that, given said denial of the Application, the Governing Body of the Borough of Matawan hereby authorizes the refund of the \$10,000.00 registration fee submitted with the Application, pursuant to Borough Code Section 4-16(c).

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 Prevention, Police as well as Pasquale Menna, Esq., Gregory J. Cannon, Esq., and ACRx, LLC.

Mayor Altomonte read by title Resolution 23-04-06: Borough of Matawan, County of Monmouth, State of New Jersey – Resolution Denying the Borough's Endorsement of the Retail Cannabis Application Filed July 11, 2022 by Mr. Green Jeans Dispensary, LLC and Authorizing Refund of the Applicant's Registration Fee. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey
Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-06
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION DENYING THE BOROUGH'S ENDORSEMENT OF THE
RETAIL CANNABIS APPLICATION FILED JULY 11, 2022 BY
MR. GREEN JEANS DISPENSARY, LLC AND
AUTHORIZING REFUND OF THE APPLICANT'S REGISTRATION FEE**

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

WHEREAS, on February 22, 2021, the State of New Jersey enacted the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, by Ordinance No. 21-13 adopted August 4, 2021, and by Ordinance No. 22-06 adopted June 9, 2022, the Borough of Matawan (the "Borough") permitted and established land use regulations, municipal licensing, and endorsement criteria for regulated cannabis businesses within the Borough in accordance with the Act; and

WHEREAS, on July 11, 2022, Mr. Green Jeans Dispensary, LLC filed a Retail Cannabis Endorsement Application, seeking a Resolution of Support from the Borough to establish a retail cannabis business at 39 Mill Road, Suite A, Matawan, NJ 07747; and

WHEREAS, after reviewing and evaluating said Retail Cannabis Endorsement Application, the Borough has determined that the applicant's proposed location and submitted plans for a retail cannabis business do not satisfy the criteria set forth in the Borough Code.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey hereby denies endorsement of the Retail Cannabis Endorsement Application filed by Mr. Green Jeans Dispensary, LLC on July 11, 2022.

BE IT FURTHER RESOLVED, that, given said denial of the Application, the Governing Body of the Borough of Matawan hereby authorizes the refund of the \$10,000.00 registration fee submitted with the Application, pursuant to Borough Code Section 4-16(c).

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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, Clerk, Finance, Fire Prevention, Police as well as Pasquale Menna, Esq., Gregory J. Cannon, Esq., and Mr. Green Jeans Dispensary, LLC.

Mayor Altomonte read by title Resolution 23-04-07: Borough of Matawan, County of Monmouth, State of New Jersey – Resolution Denying the Borough’s Endorsement of the Retail Cannabis Application Filed July 12, 2022 by Green Wave Couture, LLC and Authorizing Refund of the Applicant’s Registration Fee. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey
Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-07
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION DENYING THE BOROUGH’S ENDORSEMENT OF THE
RETAIL CANNABIS APPLICATION FILED JULY 12, 2022 BY GREEN WAVE COUTURE, LLC AND
AUTHORIZING REFUND OF THE APPLICANT’S REGISTRATION FEE**

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

WHEREAS, on February 22, 2021, the State of New Jersey enacted the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, by Ordinance No. 21-13 adopted August 4, 2021, and by Ordinance No. 22-06 adopted June 9, 2022, the Borough of Matawan (the “Borough”) permitted and established land use regulations, municipal licensing, and endorsement criteria for regulated cannabis businesses within the Borough in accordance with the Act; and

WHEREAS, on July 12, 2022, Green Wave Couture, LLC filed a Retail Cannabis Endorsement Application, seeking a Resolution of Support from the Borough to establish a retail cannabis business at 32 Main Street, Unit 2, Matawan, NJ 07747; and

WHEREAS, after reviewing and evaluating said Retail Cannabis Endorsement Application, the Borough has determined that the applicant’s proposed location and submitted plans for a retail cannabis business do not satisfy the criteria set forth in the Borough Code.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey hereby denies endorsement of the Retail Cannabis Endorsement Application filed by Green Wave Couture, LLC on July 12, 2022.

BE IT FURTHER RESOLVED, that, given said denial of the Application, the Governing Body of the Borough of Matawan hereby authorizes the refund of the \$10,000.00 registration fee submitted with the Application, pursuant to Borough Code Section 4-16(c).

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 Prevention, Police as well as Pasquale Menna, Esq., Gregory J. Cannon, Esq., and Green Wave Couture, LLC.

Mayor Altomonte read by title Resolution 23-04-08: Borough of Matawan, County of Monmouth, State of New Jersey – Resolution Denying the Borough’s Endorsement of the Retail Cannabis Application Filed July 14, 2022 by Original Scarlet Reserve NJ, LLC and Authorizing Refund of the Applicant’s Registration Fee. Councilwoman Gunn made the motion, seconded by Councilman Livesey. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel

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Councilman Brian Livesey

Abstain: Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-08
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION DENYING THE BOROUGH'S ENDORSEMENT OF THE RETAIL CANNABIS
APPLICATION FILED JULY 14, 2022 BY ORIGINAL SCARLET RESERVE NJ, LLC AND
AUTHORIZING REFUND OF THE APPLICANT'S REGISTRATION FEE**

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

WHEREAS, on February 22, 2021, the State of New Jersey enacted the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, by Ordinance No. 21-13 adopted August 4, 2021, and by Ordinance No. 22-06 adopted June 9, 2022, the Borough of Matawan (the "Borough") permitted and established land use regulations, municipal licensing, and endorsement criteria for regulated cannabis businesses within the Borough in accordance with the Act; and

WHEREAS, on July 14, 2022, Original Scarlet Reserve NJ, LLC filed a Retail Cannabis Endorsement Application, seeking a Resolution of Support from the Borough to establish a retail cannabis business at 782 State Route 34, Matawan, NJ 07747; and

WHEREAS, after reviewing and evaluating said Retail Cannabis Endorsement Application, the Borough has determined that the applicant's proposed location and submitted plans for a retail cannabis business do not satisfy the criteria set forth in the Borough Code.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey hereby denies endorsement of the Retail Cannabis Endorsement Application filed by Original Scarlet Reserve NJ, LLC on July 14, 2022.

BE IT FURTHER RESOLVED, that, given said denial of the Application, the Governing Body of the Borough of Matawan hereby authorizes the refund of the \$10,000.00 registration fee submitted with the Application, pursuant to Borough Code Section 4-16(c).

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 Prevention, Police as well as Pasquale Menna, Esq., Gregory J. Cannon, Esq., and Original Scarlet Reserve NJ, LLC.

Mayor Altomonte read by title Resolution 23-04-09: Borough of Matawan, County of Monmouth, State of New Jersey – Resolution of Support and Endorsement of the Retail Cannabis Application Filed August 10, 2022 by Vigor Dispensary, LLC for a Retail Cannabis Business to be Located at 1082 State Route 34, Matawan, NJ 07747. Councilwoman Gunn made the motion, seconded by Councilman Russell. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey

Abstain: Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-09
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
RESOLUTION OF SUPPORT AND ENDORSEMENT OF THE
RETAIL CANNABIS APPLICATION FILED AUGUST 10, 2022 BY
VIGOR DISPENSARY, LLC FOR A RETAIL CANNABIS BUSINESS TO BE LOCATED AT
1082 STATE ROUTE 34, MATAWAN, NJ 07747**

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

WHEREAS, on February 22, 2021, the State of New Jersey enacted the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a regulatory and licensing scheme for commercial cannabis operations, use and possession; and

WHEREAS, by Ordinance No. 21-13 adopted August 4, 2021, and by Ordinance No. 22-06 adopted June 9, 2022, the Borough of Matawan (the “Borough”) permitted and established land use regulations, municipal licensing, and endorsement criteria for regulated cannabis businesses within the Borough in accordance with the Act; and

WHEREAS, on August 10, 2022, Vigor Dispensary, LLC filed a Retail Cannabis Endorsement Application, seeking a Resolution of Support from the Borough to establish a retail cannabis business at 1082 State Route 34, Matawan, NJ 07747; and

WHEREAS, after reviewing and evaluating said Retail Cannabis Endorsement Application, the Borough has determined that the applicant’s proposed location and submitted plans for a retail cannabis business satisfy the criteria set forth in the Borough Code.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey hereby adopts this Resolution of Support, evidencing its endorsement of the Retail Cannabis Endorsement Application filed by Vigor Dispensary, LLC on August 10, 2022, and further finds that the Borough has indeed authorized the type of cannabis business license being sought by the applicant, and the issuance of a license to the applicant by the New Jersey Cannabis Regulatory Commission would not exceed any municipally-imposed limit.

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 Prevention, Police as well as Pasquale Menna, Esq., Gregory J. Cannon, Esq., and Vigor Dispensary, LLC.

Mayor Altomonte read by Ordinance 23-06: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan – Chapter 9 – Personnel, Section 9-8 – Longevity Payments. Mayor Altomonte requested a motion to introduce. Councilwoman Gunn made the motion, seconded by Councilman Russell. Council agreed. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey
Councilwoman Melanie S. Wang

Motion passed.

ORDINANCE 23-06

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN CHAPTER 9 – PERSONNEL, SECTION 9-8 – LONGEVITY PAYMENTS

NOW, THEREFORE, BE IT ORDAINED, Chapter 9, Section 9-8 be amended as follows:

9-8 Longevity Payments.
[1971 Code § 3-9]

- In addition to the salaries provided by the Salary Ordinance,^[1] all full-time employees of the Borough of Matawan hired prior to May 16, 2023 shall receive a longevity payment as hereinafter fixed and determined. Employees hired with a start date of May 16, 2023 or after are not eligible for longevity payments. Such longevity payment is to be considered as additional compensation based upon the length of service of the employee according to the following schedule:*

| Years of Service | Additional Compensation Per Annum (Percentage of Annual Salary) |
|-------------------------|--|
| 5 years | 2 1/2 percent |
| 10 years | 5 percent |
| 15 years | 7 1/2 percent |
| 20 years | 10 percent |
| 25 years | 12 1/2 percent |
| 30 years or more | 15 percent |

[1]

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Editor's Note: A copy of the current Salary Ordinance can be found on file in the Office of the Borough Clerk.

- *Such additional compensation shall be based upon the annual salary of each employee. No employee who works less than the average hours per week determined for the employee's department in any one year shall be eligible for the additional compensation. In calculating the additional compensation, the base salary in effect on the anniversary date of permanent employment by the Borough of Matawan shall be used for such purpose.*
- *Any interruption of service due to a cause beyond the control of the employee such as military service, injury in line of duty or illness, shall be considered as service for the purpose of determining the longevity periods. Leaves of absence granted at the request of any employee will not be considered in determining length of service.*
- *All periods of employment shall be computed from the anniversary date of permanent employment by the Borough of Matawan.*
- *Additional compensation of any nature including overtime will not be considered in computing longevity payments.*

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

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.

The Clerk stated the Public Hearing is scheduled for 7:00 PM, April 18.

Mayor Altomonte read by title Resolution 23-04-10: Emergency Temporary Appropriation. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel
Councilman Brian Livesey
Councilwoman Melanie S. Wang

Motion passed.

***RESOLUTION 2304-10
EMERGENCY TEMPORARY APPROPRIATION***

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2023 temporary budget for the aforesaid purposes; and

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2023 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$8,872,855.80.

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

1. *An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
2. *That said emergency temporary appropriations will be provided for in the 2023 budget under the appropriate titles.*
3. *That one certified copy of this resolution be filed with the Director of Local Government Services.*

BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2023 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.

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2023 Temporary Budget-for April 4, 2023 Meeting

| | Salary & Wages | Other Expenses | |
|--|-------------------|-------------------|---------------------|
| MUNI CLERK | 3,000.00 | | |
| HOSPITALIZATION | | 160,000.00 | |
| PUBLIC BLDGS | 8,000.00 | | |
| BD OF HEALTH | | 4,000.00 | |
| STREET LIGHTING | | 6,000.00 | |
| UTILITIES | | 37,000.00 | |
| | | | |
| SUBTOTAL | 11,000.00 | 207,000.00 | |
| | | | |
| TOTAL TEMPORARY EMERGENCY APPROPRIATIONS | | 218,000.00 | 6,038,253.58 |
| | | | |
| WATER SEWER UTILITY | | | |
| | | | |
| OPERATING | | 50,000.00 | |
| | | | |
| SUBTOTAL | - | 50,000.00 | |
| | | | |
| TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS | | 50,000.00 | 2,834,602.22 |

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

Mayor Altomonte read by title Resolution 23-04-11: Payment of Bills. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
 Councilman Steven Russell
 Councilwoman Stephanie Buckel
 Councilman Brian Livesey
 Councilwoman Melanie S. Wang

Motion passed.

**RESOLUTION 23-04-11
PAYMENT OF BILLS**

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

| | |
|------------------|-----------------------|
| Current | \$3,162,689.39 |
| Water/Sewer | \$176,498.89 |
| Borough Capital | \$47,469.58 |
| Water Capital | \$15,576.06 |
| Grant | \$9,848.33 |
| Borough Trust | \$22,317.33 |
| Recreation Trust | \$651.38 |
| | |
| Total | \$3,435,050.96 |

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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: Finance.

Privilege of the Floor

Mayor Altomonte opened the Privilege of the Floor.

Scott Jaitly, 53 Dickinson Lane, Old Bridge and Pervit Shah of Howell representing Mr. Green Jeans. Mr. Jaitly states the applicant has been in touch with members of the Governing Body and former Borough Administrator Scott Carew and feels the process is shadowed in a little bit of secrecy with special counsel and meetings. Mr. Jaitly is frustrated with the denial and feels it has been made without communication and the Borough's thought process on the determination of its decision asking if the Borough will be disclosing how it came to its decision.

Mr. Menna directed Messrs. Jaitley and Shah to contact the Borough's Special Counsel, Greg Cannon, or himself for further clarification of the process and recommends speaking with Mr. Cannon to discuss individual issues and provide documents, if any. Secondly, there is an appeal process by filing in Superior Court within 45 days of Council's action. Mr. Jaitley said the endorsement of the Council is a separate issue from a zoning issue. Mr. Menna said Council does not wish to support this location for cannabis use.

Mr. Shah said it was his understanding that any changes to the ordinance or results of the application were to be the special counsel's responsibility or their recommendation but today is being told it is the Council's decision. Mr. Menna requested clarification on the question. Mr. Shah asked if there was any particular due diligence that special counsel had to perform as to which application gets support. Mr. Menna informed special counsel is there to advise Council due to his expertise in this field.

Suzanne Reynolds, Elm Place, Matawan. There has been a social media report of incidents of "biking" and suggests as a police matter perhaps contact the Matawan-Aberdeen Board of Education that children are playing in traffic and videos getting posted creating a safety issue for both drivers and pedestrians.

Councilwoman Gunn states the Matawan and Aberdeen Police are working with the Board of Education, advising of issues and establish a social media campaign, and a "good behavior" program, as some recommendations. The public can call the non-emergency telephone number should they witness a "biking" incident but often times the people involved has dispersed by the time police arrive.

Councilwoman Wang suggested a police bicycle safety program for children to make them aware of the dangers and provide safety recommendations. Councilwoman Buckel commented on a cohesive response by the school and police.

Fran Bucco, 79 Freneau Ave, Matawan. Ms. Bucco said these children should not be rewarded and the parents should be brought into the discussion. Mr. Menna said there is very little that can be done with respect to juveniles with serious crimes let alone bikes, and when a child is return by police to the parents, the parents get upset with the police. At the end of the day it is parental responsibility.

Councilwoman Buckel said her son was driven home by police and was told the police said your son did nothing but the police rounded up all the kids and was told this is protocol, and agrees with it. Councilman Livesey said officers have a tremendous amount of discretion for each individual case. Councilwoman Gunn said she will contact Police Chief Falco to confirm that protocol. Councilwoman Wang suggested registering bicycles through the police department, go through a safety program, etc.

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.

**Borough of Matawan
Public Session
April 4, 2023**

Adjournment

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

Meeting adjourned at 7:43 PM.

Karen Wynne

Karen Wynne, RMC
Municipal Clerk