

**Borough of Matawan  
Workshop Session  
February 7, 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 February 7, 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 7:00 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  
Councilman Charles Ross (7:10 PM Arrival)

Absent: Councilwoman Melanie S. Wang

Also present were Thomas J. Falco, Jr., Interim 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.

**Presentation to Matawan Police Department Retirees**

Police Chief Thomas J. Falco, Jr. presented plaques to Sergeant Brian J. Murphy and Patrolman Eric J. Budelmann informing both officers will be receiving their retirement badges and identification. Patrolman Jonathan Borsari thanked both officers and presented plaques on behalf of the PBA Local #179.

**Police Department Appointment and Oaths of Office**

Mayor Altomonte presented Officer Ibarra's biography and read by title Resolution 23-02-01: Authorizing the Hiring of Christopher A. Ibarra as a Police Officer with the Matawan Police Department. Mayor Altomonte requested a motion. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-01**

**AUTHORIZING THE HIRING OF CHRISTOPHER A. IBARRA AS A POLICE OFFICER  
WITH THE MATAWAN POLICE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Matawan have been advised that there is a need for a Police Officer within the Borough of Matawan's Police Department; and

**WHEREAS**, Christopher A. Ibarra has met the requirements as set forth in current Borough Ordinances governing the Initial Hiring of Police Officers and has graduated from a Police Academy certified by the New Jersey Police Training Commission and;

**WHEREAS**, Chief of Police Thomas J. Falco Jr. has recommended that Christopher A. Ibarra be hired as a Police Officer to fill a current vacancy within the Police Department;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan authorizes the hiring of Christopher A. Ibarra as a Police Officer, at a rate of compensation per annum of Thirty-Seven Thousand Five Hundred Thirty Eight Dollars and No cents (\$37,538.00) effective February 8, 2023, in accordance with the current collective bargaining agreement between the Matawan Policeman's Benevolent Association #179 and the Borough of Matawan.

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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, Payroll, Police as well as Ptl. Christopher Ibarra.

**CERTIFICATION AS TO AVAILABLE FUNDING**

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-25-240-180 Budget of the Borough of Matawan to Patrolman Christopher Ibarra, at a rate of compensation per annum of Thirty-Seven Thousand, Five Hundred Thirty Eight Dollars and No Cents (\$37,538.00) effective February 8, 2023, in accordance with the current collective bargaining agreement between the Matawan Policeman’s Benevolent Association #179 and the Borough of Matawan.

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

Chief Financial Officer

(Signature on file)

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Nicole Horvath, CMFO

Dated: February 7, 2023

Mayor Altomonte presented Officer Cinquemani’s biography and read by title Resolution 23-02-02: Authorizing the Hiring of Justin M. Cinquemani as a Police Officer with the Matawan Police Department. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-02**

**AUTHORIZING THE HIRING OF JUSTIN M. CINQUEMANI AS A POLICE OFFICER WITH THE MATAWAN POLICE DEPARTMENT**

**WHEREAS**, the Mayor and Council of the Borough of Matawan have been advised that there is a need for a Police Officer within the Borough of Matawan’s Police Department; and

**WHEREAS**, Justin M. Cinquemani has graduated from a Police Academy certified by the New Jersey Police Training Commission and has met all of the requirements as set forth in current Borough Ordinances governing the Initial Hiring of Police Officers; with the exception of attaining a total of sixty (60) college credits or an Associate’s degree, and;

**WHEREAS**, Cinquemani currently possesses fifty-four (54) college credits and is currently enrolled in the remaining two courses at Brookdale Community College, Lincroft, NJ, to obtain the six (6) remaining required credits and;

**WHEREAS**, Cinquemani understands and agrees that as a condition of his employment, he must successfully obtain the remaining six (6) college credits prior to the end of his probationary period (1 year from date of hire) and;

**WHEREAS**, Chief of Police Thomas J. Falco Jr. has recommended that Justin M. Cinquemani be hired as a Police Officer to fill an immediate vacancy within the Police Department;

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan authorizes the hiring of Justin M. Cinquemani as a Police Officer, at a rate of compensation per annum of Thirty-Seven Thousand Five Hundred Thirty-Eight Dollars and No cents (\$37,538.00) effective February 8, 2023, in accordance with the current collective bargaining agreement between the Matawan Policeman’s Benevolent Association #179 and 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, Payroll, Police as well as Justin M. Cinquemani.

**CERTIFICATION AS TO AVAILABLE FUNDING**

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-25-240-180 Budget of the Borough of Matawan to Patrolman Justin Cinquemani, at a rate of compensation per annum of Thirty-Seven Thousand, Five Hundred Thirty Eight Dollars and No Cents (\$37,538.00) effective February 8, 2023, in accordance with the current collective bargaining agreement between the Matawan Policeman’s Benevolent Association #179 and the Borough of Matawan.

This certification is based solely on the information encumbered into the financial records of the borough by the appropriate using division as of this date and relies on the completeness of financial records.

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*Chief Financial Officer*

*(Signature on file)*

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*Nicole Horvath, CMFO*

*Dated: February 7, 2023*

Chief Falco thanked the Police Committee and the Governing Body for their support of the Department, noting that with older officers retiring the Department is sparse and young. He recognized the Mayor and Council, stating they have been very supportive in helping to make sure we have the personnel, resources, and equipment needed to provide a safe community for all residents. He wished the two new officers good luck and asked that everyone keep the men and women in the Department in their hopes and prayers.

Chief Falco dismissed the Police Department who left the meeting at 7:14 PM.

**Privilege of the Floor for Agenda Items Only**

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

Lisa Revel, 15 Colonial Drive, Matawan. Ms. Revel thanked the Governing Body and offered her gratitude for their attention and support on the issue of TNR within the Borough. She asked for clarification regarding how ACO services are provided. Mr. Menna said the understanding said should the number of animals sheltered needs to be amended it can be revisited.

Loretta Windas, 138 Aberdeen Road, Matawan. Ms. Windas asked if a representative from the MCSPCA could host a presentation to residents and explain the details of the arrangement the Borough now has with them. Mayor Altomonte said he will invite Mr. Licitra to a Council meeting. Mr. Menna stated that the organization's protocol is to send a representative to a Council meeting after an agreement is executed.

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

**Approval of Minutes**

Mayor Altomonte requested a motion to approve the minutes of the October 18, 2022 Council Meeting. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

Mayor Altomonte requested a motion to approve the minutes of the November 1, 2022 Council Meeting. Councilman Livesey made a motion, seconded by Councilman Ross. Councilwoman Gunn abstained. Council agreed. Motion passed.

**Old Business**

Mayor Altomonte read by title Ordinance 23-01: Amending and Supplementing Chapter V of the Revised General Ordinances of the Borough of Matawan Chapter 5-13: Animal Control Entitled "Permitting the Managed Care of Free Roaming Cats and Establishing a Municipal Community Cat Ordinance of the Borough of Matawan. Mayor Altomonte requested a motion to open the public hearing. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed. Mayor Altomonte requested comments. There were no comments. Mayor Altomonte requested a motion to close the public hearing. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed. Mayor Altomonte read by title Ordinance 23-01: Amending and Supplementing Chapter V of the Revised General Ordinances of the Borough of Matawan Chapter 5-13: Animal Control Entitled "Permitting the

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Managed Care of Free Roaming Cats and Establishing a Municipal Community Cat Ordinance of the Borough of Matawan requesting a motion to adopt. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. 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  
Councilman Charles Ross

Motion passed.

**ORDINANCE 23-01  
AMENDING AND SUPPLEMENTING CHAPTER V OF THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF MATAWAN  
CHAPTER 5-13: ANIMAL CONTROL ENTITLED  
"PERMITTING THE MANAGED CARE OF FREE ROAMING CATS AND ESTABLISHING A MUNICIPAL  
COMMUNITY CAT ORDINANCE OF THE BOROUGH OF MATAWAN**

*WHEREAS, the Mayor and Council of the Borough of Matawan is aware of the problems in the Borough caused by feral cat populations; and*

*WHEREAS, there are no existing facilities in Matawan or Monmouth County to comprehensively address issues created by feral cats; and*

*WHEREAS, studies that have been undertaken have determined that the practice of trapping and euthanizing feral cats is not effective in reducing their numbers; and*

*WHEREAS, it is the desire for of the Mayor and Council to adopt a humane and modern approach to the issue of management of the feral cat population that includes a Trap-Neuter-Return (TNR) program to decrease the number of cats in the environment and thereby reduce feral cat predation on wildlife; and*

*WHEREAS, TNR programs for the managed care of community cat populations and return neutered cats to their habitats have proven to be effective in reducing the number of feral cats and is more humane than trapping and euthanizing; and*

*WHEREAS, the Mayor and Council deems it in the public interest to amend its Ordinances in order to accomplish these stated goals:*

*NOW, THEREFORE, BE IT ORDAINED* by the MAYOR and COUNCIL of the Borough of Matawan, Monmouth County, New Jersey, hereby amends and supplements the Code of the Borough of Matawan Chapter 5 - 13 Animal Control, as follows:

*1. Chapter V of the Borough Code, "Animal Control" is hereby amended to add Chapter 5-13, an Ordinance "Permitting the Management of Free Roaming Cats and Establishing a Community Cat Ordinance".*

**SECTION 5-13 (1): TITLE: AN ORDINANCE PERMITTING THE MANAGEMENT OF FREE ROAMING CATS AND ESTABLISHING A COMMUNITY CAT ORDINANCE.**

**SECTION 5-13(2): DEFINITIONS:**

*ANIMAL: "Animal" means any live vertebrate creature including mammals, birds, reptiles, amphibians and fish, but not humans.*

*ANIMAL CONTROL OFFICER "Animal control officer" or "ACO" means a person 18 years of age or older who has satisfactorily completed the course of study approved by the Commissioner of Health and Senior Services of the State of New Jersey and the Police Training Commission as prescribed by paragraphs (1) through (3) of subsection a. of section 3 of N.J. P.L.1983, c. 525 (C.4:19-15.16a); or who has been employed in the State of New Jersey in the capacity of and with similar responsibilities to those required of, a certified animal control officer pursuant to the provisions of N.J. P.L.1983, c. 525 for a period of three years before January 17, 1987.*

*ANIMAL RESCUE ORGANIZATION "Animal rescue organization" means an individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.*

*ANIMAL RESCUE ORGANIZATION FACILITY "Animal rescue organization facility" means the home or other facility in which an animal rescue organization houses and cares for an animal.*

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*ANIMAL SHELTER: "Animal shelter" shall mean any recognized, established facility or organization where animals are received, housed and provided veterinary care (if required), adopted out or otherwise transported to other recognized animal care agencies; or any facility establishment where animals are received, housed, and distributed to care agencies which the Borough has contracted for such services but expressly does not include any pet store or retail establishment that sells animals.*

*AT-LARGE: "At-large" means that an animal that is off the property of its owner and (1) the animal has entered upon the property of another person without authorization of that person, or (ii) the animal has entered onto public property, street or right-of-way, unless that animal is restrained by its owner, or a person caring for the animal on behalf of the owner, with a physical control device, such that the animal is under the physical control of the owner or person caring for the animal on behalf of the owner.*

*CAT: "Cat" means a member of the species Felis catus.*

*CAT OF LICENSING AGE: "Cat of licensing age" shall mean any cat which is not a community cat which has attained the age of seven months or, if age cannot be determined, a cat which possesses a set of permanent teeth.*

*COMMUNITY CAT: "Community cat" means any free-roaming cat that may be cared for by one or more persons that is located within the boundaries of the Borough of Matawan. Community cats may or may not be feral or neutered.*

*COMMUNITY CAT CAREGIVER: "Community Cat Caregiver" means any person who, in accordance with a community cat management/TNR program entered into with the Borough of Matawan to trap, neuter, vaccinate for rabies, ear tip and return free-roaming cats or feral cats:*

1. *Neuters, vaccinates for rabies, ear tip and return free roaming or feral cats;*
2. *Provides care including but not limited to food, shelter, and medical care or other sustenance measures when reasonably required to the cat; or*
3. *Has temporary custody of the cat.*

*COMMUNITY CAT COLONY: "Community Cat Colony" means a single community cat or a group of community cats that congregate together outside as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed part of it.*

*EARTIPPING: "Ear tipping" means the straight-line cutting of the tip of one ear of a cat with a horizontal; "V" while the cat is anesthetized and performed by a Veterinarian licensed by the State of New Jersey. Ear tipping the left ear is the best and universally accepted practice; although in the past cats may have been ear-tipped on the right ear.*

*FERAL CAT: "Feral Cat" means a cat that is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans. Feral cats are included in the definition of "community cats" as community cats may or may not be feral. Feral cats are:*

1. *Born in the wild; or*
2. *Offspring of socialized or feral cats and not socialized; or*
3. *Formerly socialized cats that have been abandoned and have reverted to an unsocialized state.*

*FOSTER HOME "Foster home" means placement by an animal rescue organization of a cat or dog with an individual or group that is not an animal rescue organization for the purpose of temporarily caring for the cat or dog, without the individual or group assuming ownership, and with the intent of the individual or group relinquishing the cat or dog to the animal rescue organization or a suitable owner when one is located. A foster home may provide care to a cat or dog without the effect of the fostered cat or dog counting toward a municipality's household pct limit (should one exist); however, individuals or groups providing care in a foster home must comply with all other provisions of this ordinance.*

*HARBOR: "Harbor" means the act of caring for and keeping an animal or the act of providing a premise or residence to which the animal returns for food, shelter or care, where the caregiver is providing the primary source of sustenance for the animal for at least ten days, whichever time is shorter. Community cat caregivers do not harbor community cats for the purposes of this ordinance but are subject to the provisions of the ordinance pertaining to community cats.*

*MICROCHIP: "Microchip" means an electronic animal identification device that is inserted into an animal, typically on the back between the shoulder blades, by a veterinarian in accordance with professional medical standards.*

*MUNICIPALITY: Borough of Matawan*

*NEUTER: To neuter an animal means to have a licensed veterinarian surgically sterilize the animal. For the purposes of this ordinance, neuter shall mean to neuter a male animal or spay a female animal.*

*NUISANCE: "Nuisance" means disturbing the peace by:*

1. *Habitual or continuous screaming or such other sounds made by a cat that lasts in excess of fifteen*

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*(15) continuous minutes which results in a serious annoyance to the hearer of the noise or continuous sound.*

2. *For the purpose of this ordinance, "habitually" means occurring on at least two separate occasions within a time period of one month; except that the screaming habitually, means making the sound persistently or continuously for at least 15 minutes occurring at least three separate times within a period of eight hours. For the purposes of this ordinance, "persistently" or "continuously" shall mean non-stop utterances for 30 consecutive minutes with interruption of less than 30 seconds at a time.*

**OWNER:** *"Owner" means any person, household, firm, corporation, or other organization who:*

1. *Possesses, harbors, keeps, has control of a legal title to, a property interest in, or permanent custody of any animal regulated by this ordinance; or*
2. *For three days or more has temporary custody of: keeps, possesses, or exercises control over any animal.*

*A person must be age 18 or older to be considered the legal owner of an animal. If a person under age 18 is considered the custodian or caretaker of the animal, the parent or legal guardian shall be considered the legal owner of the animal.*

*A community cat caregiver is not an owner of community cats for the purposes of this ordinance but is subject to the provisions pertaining to community cat caregivers.*

**PET SHOP:** *"Pet shop" shall mean any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.*

**PHYSICAL CONTROL:** *"Physical control" means adequate ability to reasonably manage the actions of the animal to prevent the animal from engaging in biting, physical aggression towards people or animals, straying, or being at-large or other behavior regulated by this ordinance or state law.*

**POUND:** *"Pound" shall mean an establishment for the confinement of animals seized or captured by a municipality or the agent of a municipality under the provisions of this ordinance, or otherwise.*

**PROPER SHELTER:** *"Proper shelter" means a structure that is designed to protect cats in a reasonably close location to the area where the colony is being fed.*

*It will be designed and built according to accepted designs with materials that protects an animal from weather and is sufficiently ventilated and insulated to provide refuge from precipitation, wind, extreme temperature and direct sunlight; and*

1. *is fully enclosed with sturdy materials on three sides, with a fourth wall having an entranceway large enough to allow the animal to enter and exit comfortably, but not so large as to allow all heat to escape in cold temperatures; and*
2. *has a solid, waterproof roof; and*
3. *has a solid floor that does not sag under the animal's weight; and*
4. *has a door or flap covering the entranceway during temperatures of 40 degrees or below;*
5. *is positioned at a sufficient elevation to prevent water from running into the structure; and*
6. *is small enough to retain the animal's body heat in cold weather and large enough for the animal to stand, turn around and lay down in comfortably; and*
7. *is sturdy and structurally sound and in good repair; and*
8. *if it contains straw and such bedding shall be clean and dry; and*
9. *is surrounded by an area that is clear of debris, feces, and urine.*
10. *The materials that constitute the structure shall be periodically replaced to ensure cleanliness and that the insulation is sufficient for the needs of the colony.*

**SEVERE INJURY** *"Severe injury" means any physical injury that results in one or more broken bones or one or more lacerations requiring sutures, or an injury requiring reconstructive or plastic surgery.*

**SHELTER** *"Shelter" means any establishment where dogs or other animals are received, housed and distributed.*

**SPONSOR** *-an individual or entity qualified and approved by the Board of Health, if required. Borough Council to provide the services, and undertake the responsibilities of a TNR Program Sponsor, as set forth more fully in this Article.*

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*STRAY: "Stray" means any animal that is found to be at-large, whether lost by its owner or otherwise, or that is on the common areas of apartments, condominiums, trailer parks or other multi-residential premises, and that does not have identification tag and for which there is no identifiable owner. The term "stray" shall not be applied to community cats managed in accordance with this ordinance.*

*SUFFICIENT FOOD: "Sufficient food" means access to uncontaminated, palatable food, appropriate for the species of animal, on a regular, ongoing basis in quantities sufficient to maintain a regular body weight as determined by Purina Body Score System or a veterinarian.*

*SUFFICIENT WATER: "Sufficient water" means access to clean, potable water on a regular, ongoing basis in quantities sufficient to prevent the animal from experiencing dehydration.*

*TNR: "TNR" means Trap-Neuter-Return.*

*TNR PROGRAM: "TNR Program" means a program pursuant to which community feral and stray cats are humanely trapped, spayed or neutered, vaccinated against rabies, and returned to the location at which they were trapped. A cat may receive a microchip as part of a TNR Program.*

*TRAP/HUMANE TRAP: "Trap" or "Humane Trap" means any trap used to capture stray dogs or cats that is constructed so that it does not harm the animal.*

*VETERINARIAN: "Veterinarian" means an individual who is licensed to engage in the practice of veterinary medicine in the State of New Jersey.*

**SECTION 5-13 (3): GENERAL PROVISIONS:**

1. *No person shall maintain, feed or keep a cat on private property without the written consent of the owner. No cat shall be maintained in a manner on any property that causes unsanitary conditions; infestation of insects or rodents; or any physical condition that endanger the health or safety of humans.*
2. *Community cat colonies shall be permitted, and caregivers shall be entitled to maintain them, in accordance with the terms and conditions of this chapter.*

**SECTION 5-13 (4): RESPONSIBILITIES OF CAT OWNERS OR CAREGIVERS OF COMMUNITY CAT COLONIES:**

1. *Owners of cats and Caregivers of Cat Colonies shall provide the cat (s) sufficient food; water; proper shelter and protection from weather; veterinary care as needed; grooming as required to prevent suffering; grooming as needed to prevent suffering; and other generally accepted standards of humane care and treatment.*
2. *The owner of a domesticated cat and Caregivers of Cat Colonies shall exercise reasonable care to prevent the cat from becoming a nuisance as defined herein.*
3. *The owner of a sexually intact (unneutered) domesticated cat shall not permit his/her cat to roam unsupervised.*
4. *An owner shall not abandon a domesticated animal in any private or public place. Engaging in Trap-Neuter-Return of feral cats in a manner consistent with the tenets of this Ordinance shall not be considered abandonment.*
5. *An owner of a domesticated cat (or other animal) shall ensure that the animal does not run or roam at-large.*

**SECTION 5-13 (5): COMMUNITY CAT MANAGEMENT Initiative's/TNR PROGRAM:**

*Matawan believes that the safest place for pet cats is indoors. Matawan also recognizes that feral and community cats, as defined in this chapter, are not, in the vast majority of cases, suitable to be taken indoors as pets, and their home is outdoors. The Borough further recognizes the need for innovation in addressing the issues presented by community cats.*

*To that end, Matawan finds that properly managed community cats are part of the solution to reducing the numbers of feral cats in the Borough of Matawan and the rate of euthanasia of cats in area shelters.*

*Community Cat Colonies shall be permitted in Matawan as part of a Community Cat Management/TNR Program in accordance with the following provisions:*

1. *Community Cat Caregivers - Community Cat Caregivers must ensure community cats are sterilized, vaccinated against the threat of rabies, and ear-tipped, and must cooperate with the Municipality to abate any nuisance.*
2. *Location of Community Cat Colonies - All managed community cat colonies must be maintained in compliance with trespassing and property laws.*
3. *Requirements for exemptions from certain provisions of this chapter - All cats that are part of an approved TNR/community cat program pursuant to this Chapter must be sterilized, vaccinated*

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*against the threat of rabies, and ear-tipped for easy identification. If these requirements are met the community cat is exempted from licensing, stray and at-large provisions of this and other ordinances.*

4. *The Provisions and terms of this Ordinance as it concerns Community Cat Colonies, and their protections shall supersede any inconsistency between the terms of the within Ordinance and the terms of any agreement with the Agency or Entity that is contracted to administer the Animal welfare regulations of the Borough of Matawan; the inconsistent terms of the Animal Control Service Agreement and/or Agreement on the administration of the TNR Program in the Borough of Matawan.*

**SECTION 5-13 (6): TRAPPING OF CATS BY NON COMMUNITY CAT CAREGIVERS:**

1. *A person who is not a community cat caregivers as defined in this ordinance, or who is not an Animal Control Officer employed by the Matawan, or a members of law enforcement, who traps a free roaming cat(s) for the purpose of providing medical attention to a sick or injured cat; or for the purpose of TNR, shall notify the Matawan ACO within 24 hours of the trapping of the cat(s); who will thereupon take possession of the cat. The ACO shall then make all reasonable efforts to determine if the cat is privately owned or belongs to an existing colony. The ACO or the contracted facility where the animal is taken shall contact the owner or colony caregiver as soon as possible by documented phone call or written notice. If the owner or community caretaker is unreachable within a reasonable period, and the cat is in need of medical attention, said treatment shall be provided without regard to contact the owner or caregiver. Medically necessary decisions shall include the opinion of a Veterinarian that the cat is suffering and should be humanely euthanized. All the costs of medical treatment provided to a privately owned cat, inclusive of euthanasia, shall be the responsibility of the owner.*
2. *The ACO shall undertake all reasonable measures to determine if the cat is privately owned or a member of an existing Cat Colony. The ACO shall undertake all reasonable measures to notify the owner of the cat in writing or the Cat Colony caregiver what medical and other actions will be undertaken to safeguard the condition of the cat. The ACO shall be authorized to undertake needed medical attention on behalf of the cat if the owner and Caregiver cannot be located to assist the cat. All care expenses of a privately owned cat shall be borne by the owner.*

**SECTION 5-13 (7): DISPOSITION OF EAR TIPPED COMMUNITY CATS:**

1. *An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall transport the cat to contracted municipal shelter, where the cat will be scanned of a microchip. If a registered microchip is found, the registered owner or colony caregiver will be contacted and advised the cat is located at the facility under contract by the Borough to provide shelter services.*

*The owner or colony caregiver shall be responsible for retrieving the cat from the shelter facility within 7 calendar days or advising the shelter if the owner or caregiver does not intend to retrieve the cat.*

**SECTION 5-13 (8): COMMUNITY CATS SUSPECTED OF BEING RABID:**

*If a trapped Community Cat is suspected of being rabid, the animal shall be immediately reported to the ACO and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid, or as required by the Department of Health.*

**SECTION 5-13 (9): PROCEDURES FOR THE RESOLUTION OF COMPLAINTS:**

1. *The requirements of this article notwithstanding, animal control officers may investigate any nuisance complaint. If an animal control officer determines that an ear-tipped community cat is causing a nuisance as defined by this article, the animal control officer shall attempt to contact the caregiver or owner. The caregiver or owner shall begin nuisance abatement procedures within 48 hours and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed 60 days. If the caregiver or owner fails to resolve the nuisance, the animal control officer may remove the cat. If an animal control officer removes a community cat, the facility contracted by Matawan must notify the Community Cat caregiver and allow the caregiver to retrieve the cat from the facility for adoption or relocation. If an animal control officer reasonably determines that a cat is injured or poses a significant threat to public health, the officer may reduce the time that the owner or caregiver has to resolve the complaint, as necessary to protect the cat and public health, before taking further action. In the case of an emergency, the animal control officer may remove the cat, but within 24 hours the animal control officer must provide the caregiver or owner with notice of the cat's whereabouts and allow the caregiver or owner an opportunity to retrieve the cat for treatment, return, or relocation.*



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2. *Factors to be considered during the nuisance abatement process shall include:*
  - a) *Recognition of the value of wildlife;*
  - b) *Recognition of the value of TNR in managing community cat colonies;*
  - c) *The availability of devices and strategies to minimize nuisance behavior by community cats that may have caused the complaint.*

**SECTION 5-13 (10): ENFORCEMENT OF THE TNR PROGRAM OF THE BOROUGH OF MATAWAN:**

*Enforcement of Community Cat Management Initiative/TNR Program of the Borough of Matawan shall have the following rights:*

1. *The right to seize or remove cats from a colony which have not been vaccinated against rabies and which are demonstrating signs of the disease.*
2. *The right to seize or remove a cat from a colony which is creating a nuisance as defined in this ordinance, after the community cat caregiver has been given 60 days to abate the nuisance or remove and relocate the cat and have failed to do so. The caregiver must begin nuisance abatement procedures within 48 hours after being notified of a nuisance by an animal control officer and must take all reasonable steps to resolve the nuisance in as short a time as possible, not to exceed 60 days.*

**SECTION 5-13 (11): TRAPPING REQUIREMENTS:** *It shall be unlawful and inhumane for any person to use inhumane methods to capture dogs, fowl, cats or any other animal. The trapping of any cat or any animal for any reason must meet the following requirements:*

1. *Traps shall not be left unattended for more than two hours;*
2. *Traps shall not be left set overnight;*
3. *In no event shall a trap be placed directly in the sun during the late spring or summer months. At no time shall a trap be left unattended in temperatures above 65 degrees F. or below 55 degrees F, or in snow, rain, or other extreme weather conditions.*
4. *Traps used to capture cats or any animals shall be of the type that is universally recognized as Humane Traps.*
5. *Any person who is found to be in violation of the provisions of this TNR Ordinance subsection for a Trapping violation shall be subject to a fine not to exceed \$150.00 for each offense.*

**SECTION 5-13 (12): ANIMALS AT LARGE PROHIBITED:**

*It shall be an offense under this section for any person having temporary possession/ custody of any cat under this provision to negligently or intentionally permit a sterilized or unsterilized cat to run at large. If the cat is trapped or retrieved while running at large, the owner shall be responsible for the cat under the provisions of this Chapter.*

**SECTION 5-13 (13): EXEMPTIONS:**

1. *A cat shall be considered exempt from these provisions if:*
  - a. *The ear tipped cat is part of a community cat management/TNR program in accordance with this ordinance; or if the ear tipped cat is part of a maintained colony but has not yet been trapped to be sterilized, vaccinated or ear tipped; in which case those cats shall not be considered cats roaming at large.*

**SECTION 5-13 (14): DESERTION/ABANDONMENT OF AN ANIMAL:**

1. *No person shall desert or abandon any cat or other animal at any public or private location, including at or in close proximity to a known community cat colony location.*
2. *The practice of TNR and the provision of care to a community cat in accordance with the provisions of this ordinance do not constitute desertion or abandonment of the community cat. However, the placement of a cat at a community cat colony by a person other than the community cat caregiver, constitutes abandonment.*
3. *Any person who is found to be in violation of the provisions of this section shall be subject to a fine of \$350.00 for a first offense. For a Second offense, the Court may impose a fine not less than \$350.00 and up to the sum of \$700.00. The Court shall double the amount paid by an offender for the second offense for a Third offense.*
4. *The Fines set forth in this Ordinance are in addition to and are separate from any fines that may be imposed by a Court for violations of defendants charged for violation of the New Jersey Animal Cruelty Statute for abandonment.*

**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.*

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*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.

**Consent Agenda**

Mayor Altomonte read by title Resolutions 23-02-03 through and including 23-02-11, requesting a motion to approve en masse. Councilwoman Gunn made the motion, seconded by Councilwoman Buckel. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-03  
APPROVAL OF TOWING & STORAGE LICENSE  
JOE'S TOWING AND RECOVERY, LLC**

*WHEREAS, Joe's Towing and Recovery, LLC* (towing & storage contractor services) has submitted an application to be added to the Matawan Police Department tow call list; and

*WHEREAS, on the condition that, Joe's Towing and Recovery, LLC* (towing & storage contractor services) has certified that the requirements of Chapter 4 of the Code of the Borough of Matawan and all other Statutes have been met and that the independent investigation by the Police Department reveals no nonconformity.

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that they hereby approve the following towing & storage license:

*Business: Joe's Towing and Recovery, LLC  
57 Winged Foot Drive  
Manalapan, New Jersey 07726*

*Applicant: Joseph J. Campagna*

*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 Applicant.

**RESOLUTION 23-02-04  
APPROVAL OF TAXI DRIVER LICENSE  
HUMBERTO SORIANO CASTRO**

*WHEREAS, Humberto Soriano Castro, has passed the required Police Department background checks; and*

*WHEREAS, Humberto Soriano 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: Humberto Soriano 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 23-02-05  
APPROVAL OF SOLICITORS PERMIT  
TRINITY SOLAR, INC.**

*WHEREAS, Robert T. Keller, on behalf of Trinity Solar, Inc. (solar energy), has passed the required Police Department background checks; and*

*WHEREAS, Robert T. Keller, on behalf of Trinity Solar, Inc. (solar energy), has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.*

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that they hereby approve the following solicitors permit renewal:

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*Business:* Trinity Solar, Inc.  
2211 Allenwood Road  
Wall, NJ 07719

*Applicants:* Robert T. Keller

**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 Trinity Solar, Inc.

**RESOLUTION 23-02-06  
AUTHORIZING SHARED SERVICE AGREEMENT BETWEEN  
THE COUNTY OF MONMOUTH THROUGH THE  
MONMOUTH COUNTY SHERIFF'S OFFICE  
COMMUNICATIONS DIVISION AND THE BOROUGH OF MATAWAN FOR DISPATCH SERVICES FOR  
POLICE, FIRE AND EMS**

**WHEREAS**, the Borough of Matawan and the Monmouth County Sheriff's Office currently have a full-time dispatch shared service agreement for Police, Fire, and Emergency Medical Services and is desirous of continuing said agreement with the County of Monmouth to provide said services; and

**WHEREAS**, the attached agreement is in compliance with the Shared Service Agreement Act;

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Matawan that the Borough of Matawan enter into the attached Shared Service Agreement with the County of Monmouth and hereby authorizes the Mayor to execute this Agreement 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, Fire, Police as well as the Monmouth County Board of Chosen Freeholders and the Monmouth County Sheriff's Office.

**CERTIFICATION AS TO AVAILABLE FUNDING**

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 3-01-25-240-200 and 3-01-25-250-200 Budget of the Borough of Matawan to County of Monmouth for the Borough of Matawan in an amount not to exceed Seventy Eight Thousand, and Ninety-Nine Dollars and No Cents (\$78,099.00). The annual fee for the 2<sup>nd</sup> and 3<sup>rd</sup> years of the Agreement shall be subject to a 2% increase for each 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.

Chief Financial Officer

(Signature on file)

Nicole Horvath, CMFO

Dated: February 7, 2023

**SHARED SERVICE AGREEMENT FOR THE PROVISION OF EMERGENCY DISPATCH  
SERVICES BY THE COUNTY OF MONMOUTH, THROUGH THE MONMOUTH COUNTY  
SHERIFF'S OFFICE, COMMUNICATIONS DIVISION**

*THIS SHARED SERVICE AGREEMENT (the "Agreement") is made this 7<sup>th</sup> day of February 2023 by and between the COUNTY OF MONMOUTH, a body politic of the state of New Jersey, having its principal offices located at the Hall of Records, I E. Main Street, Freehold, New Jersey 07728 and the MONMOUTH COUNTY SHERIFF'S OFFICE with its principal offices located at 2500 Kozloski Road, Freehold, New Jersey 07728 (hereinafter jointly referred to as the "County"), and BOROUGH OF MATAWAN, in the County of Monmouth, a municipal corporation of the State of New Jersey, (referred to as the "Municipality").*

*IT IS AGREED:*

*l. Services.*

- *The County, under the auspices of the Monmouth County Sheriff's Office, Communications Division, will serve as the Public Safety Answering Point (PSAP) for the Municipality, in accordance with the participation plan previously submitted by the Municipality. The County will provide all calls to the Municipality by call relay, transfer, or direct emergency dispatch, in accordance with the Municipality's participation plan. The system will meet the technical*

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requirements and operational standards set forth in N.J.A.C. 17:24- 1 , et seq. The County will provide direct emergency dispatch services for Police, Fire and Emergency Medical Services (EMS) for the Municipality.

- The County will provide computer related services to support any call taking and dispatching functions for the Municipality as may be required. Public safety software and related features/capabilities may include, but are not limited to, mobile client, field reporting, Computer Aided Dispatch (CAD) and records management.
  - The Municipality will maintain and support all local hardware, routers and air cards.
  - The County will maintain and support all core infrastructure equipment and systems located at the Communications Division, which includes all routers and servers.
  - If the Municipality decides to procure and utilize an Automatic License Plate Recognition (ALPR) system, then the County will physically store and maintain a server environment to host a regional ALPR system, subject to the following provisions:
    - i. The Municipality shall procure and maintain all local equipment to operate an ALPR system, including all recurring costs associated with setting up the local ALPR system. This equipment shall include, but not be limited to client computers, local servers, cameras, network infrastructure to connect to the regional ALPR network.
    - ii. The County shall have the Municipality's ALPR data available 24/7 or for the maximum uptime, given routine server service and unplanned outages.
    - iii. The regional server environment shall be redundant, to minimize downtime and to ensure the highest level of system availability.
    - iv. Both parties shall employ the same data security practices when utilizing the local ALPR system as is required when accessing and utilizing the National Crime Information Center (NCIC) system.
2. *Term.* The County shall provide said services for a three (3) year period commencing January 1, 2023, or as soon thereafter as the services begin, through December 31, 2025.
3. *Compensation.* The full 2023 fee to be paid by the Municipality shall be \$78,099.00. The annual fee for the 2<sup>nd</sup> and 3<sup>rd</sup> years of the Agreement shall be subject to a 2.0% increase for each year. Upon receipt of a proper invoice from the County, the Municipality shall pay the annual fee on or about April 1<sup>st</sup> of each year.
- Municipality contact person who handles billing:*  
 Name: Nicole Horvath  
 Title: CFO & Treasurer  
 Phone & Email: 732-566-3898, x 606 / [nicole.horvath@matawanborough.com](mailto:nicole.horvath@matawanborough.com)
4. *Authorization.* This Agreement is permitted under the New Jersey Uniform Shared Services and Consolidation Act pursuant to N.J.S.A. 40A:65-1, et seq.
5. *Indemnification.* The County shall defend, indemnify and save harmless the Municipality, its officers, agents and employees from and against all suits, costs (including attorney fees and costs), claims, expenses, liabilities, and judgments of every kind to which the Municipality may be subjected by reason of any actions or inactions by the County or its officers, agents or employees. The Municipality shall defend, indemnify and save harmless the County, its officers, agents and employees from and against all suits, costs (including attorney fees and costs), claims, expenses, liabilities, and judgments of every kind to which the County may be subjected by reason of any actions or inactions by the Municipality or its officers, agents or employees.
6. *Termination.* Either party may terminate this Agreement with a minimum of ninety (90) days written notice, with or without cause. The County explicitly reserves the right to terminate this Agreement upon immediate written notice for the following reasons:
  - (a) The Municipality has failed to make timely payment for services rendered, in response to the County's invoice.
  - (b) The Municipality has failed to comply with the State and County system guidelines, provided that the Municipality has been notified of the failure(s) and not cured the failure(s) within a reasonable time following such notice.
7. *Filing of Agreement.* The Clerk of the County's Board of County Commissioners shall file a fully executed copy of this Agreement with the Division of Local Government Services, New Jersey Department of Community Affairs.
8. *Authority to Execute.* Each party to this Agreement represents to the other party that its governing body has duly adopted a resolution or ordinance authorizing the execution of this Agreement.

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- 9. *Choice of Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of New Jersey.*
- 10. *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.*
- 11. *Notices. Any notices that are provided pursuant to this Agreement shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:*

To the County:

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

To the Municipality:

Borough of Matawan  
201 Broad Street  
Matawan, NJ 07747  
C/O Karen Wynne, Borough Clerk  
[732-566-3898, x 602 / karen.wynne@matawanborough.com

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

**\*SIGNATURE PAGE TO FOLLOW\***

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed, attested and sealed by their respective and duly authorized officials.

COUNTY OF MONMOUTH

Borough of Matawan

By: Thomas Arnone  
Title: Commissioner Director  
MONMOUTH COUNTY SHERIFF'S OFFICE

By:  
Title:

Date •

Date:

ATTEST

ATTEST

Clerk of the Board

Municipal Clerk

By: Shaun Golden Title: Sheriff

Date:

WITNESS/ATTEST:

Clerk of the Board

**RESOLUTION 23-02-07  
AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT  
AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF MATAWAN**

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and



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*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that the Asbury Park Press and the Star Ledger are named as the official newspapers to whom all notices of meetings shall be sent.

**RESOLUTION 23-02-10  
RESCINDING RESOLUTION 23-01-31  
APPROVAL OF TOWING & STORAGE LICENSE RENEWAL  
DAWN'S AUTO BODY**

*WHEREAS*, Dawn's Auto Body submitted an application to be receive a 2023 Towing and Storage License; and

*WHEREAS*, Resolution 22-12-12 was approved at the December 20, 2022 Council Meeting and a 2023 Towing and Storage License was already issued to Dawn's Auto; and

*WHEREAS*, at the January 17, 2023 Council Meeting, another resolution for Dawn's Auto Body was improvidently duplicated.

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that Resolution 23-01-31 is unnecessary and hereby rescinded.

**RESOLUTION 23-02-11  
AMENDING RESOLUTION 22-12-24  
A RESOLUTION TO FIX AND DETERMINE THE 2023 SALARIES AND WAGES OF OFFICERS,  
MANAGEMENT, SUPERVISORY PERSONNEL AND GENERAL EMPLOYEES NOT REPRESENTED BY  
AN ORGANIZED BARGAINING UNIT AND EMPLOYED BY THE BOROUGH OF MATAWAN,  
MONMOUTH COUNTY, NEW JERSEY**

*WHEREAS*, Resolution 22-12-24, which was adopted at the December 20, 2022 Council Meeting, needs to be technically amended to reflect changes in administrative structure, as per a Shared Services Agreement with Aberdeen Township; and

*WHEREAS*, Resolution 22-12-24 will remain the same except as follows:

- 1) The removal of Construction, Inspections, and Property Maintenance Departments, as these are now part of the Shared Service Agreement with Aberdeen Township.
- 2) The title of Clerk/Typist-Construction/Zoning/Fire be changed to correspond with Resolution 22-04-12, which changed the official job title to Fire Prevention Office Assistant.

**From:**

<u>DEPARTMENT</u>		<u>2023</u>
<u>TITLE</u>	<u>EMPLOYEE</u>	<u>SALARY</u>
<b>Construction, Inspections, Fire Prevention and Property Maintenance Offices</b>		
Fire Prevention Official	J. Pujols	\$35,700.00
Fire Prevention Inspector	P. Morris	\$10,200.00
P/T Fire Prevention Inspector	E. Lee	\$25.50 Per Hour
Clerk/Typist-Construction/Zoning/Fire	L. Kramer	\$60,292.16

**To:**

<u>DEPARTMENT</u>		
<u>TITLE</u>	<u>EMPLOYEE</u>	
<b>Fire Prevention</b>		
Fire Prevention Official	J. Pujols	\$35,700.00
Fire Prevention Inspector	P. Morris	\$10,200.00
P/T Fire Prevention Inspector	E. Lee	\$25.50 Per Hour
Fire Prevention Office Assistant	L. Kramer	\$60,292.16

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that they hereby approve the changes reflected above.

*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, Payroll, Police, Public Works, Recreation and Recycling.

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**New Business**

Mayor Altomonte read by title Resolution 23-02-12: Contribution to Bayshore EMS. Councilman Ross made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-12  
CONTRIBUTION TO BAYSHORE EMS**

*WHEREAS, in April 2015 the Matawan First Aid and Rescue Squad merged with the South Matawan Township First Aid Squad, Inc. and changed their name to Bayshore EMS, with the approval of both the Township of Aberdeen and the Borough of Matawan; and*

*WHEREAS, the Mayor and Council of the Borough of Matawan have in the past provided a contribution to Bayshore EMS so that the costs and expenses of the first aid and rescue squad would be adequately addressed, to provide much-needed services for the health and safety of the residents of the Borough of Matawan; and*

*WHEREAS, in calendar year 2022, the Borough of Matawan has not contributed to Bayshore EMS though such funds were included within that budget year; and*

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that it herewith authorizes the Chief Financial Officer to provide the 2022 stipend in the amount \$28,000.00 to Bayshore EMS; and

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

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 2-01-25-260-200 for the Borough of Matawan, in an amount not to exceed Twenty-Eight Thousand Dollars and No Cents (\$28,000.00).*

*This certification is based solely on the information encumbered into the financial records of the Borough by the appropriate using division as of this date and relies on the completeness of financial records.*

*Chief Financial Officer*

*(Signature on file)*

\_\_\_\_\_  
*Nicole Horvath, CMFO*

*Dated: February 7, 2023*

Mayor Altomonte read by title Resolution 23-02-13: Authorizing T&M Associates to Provide Professional Services Associated with the Well Testing and Sanitary Sewer Flow Metering for Matawan Junction. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-13  
AUTHORIZING T&M ASSOCIATES TO PROVIDE PROFESSIONAL SERVICES ASSOCIATED WITH  
THE WELL TESTING AND SANITARY SEWER FLOW METERING FOR MATAWAN JUNCTION**

*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 services associated with the well testing and sanitary sewer flow metering for Matawan Junction redevelopment; and*

*WHEREAS, the Borough wishes to conduct analyses to confirm capacity of the redevelopment area and determine what additional water and sanitary sewer system infrastructure improvements are necessary to meet the proposed demands from this area; and*

*WHEREAS, based on preliminary water demand calculations conducted, the Borough will be required to upsize their existing pumping capacity at both Wells No. 3 and No. 4; and*

*WHEREAS, in order to determine what sanitary sewer improvements may be necessary an accurate assessment must be completed.*



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***NOW, THEREFORE, BE IT RESOLVED*** that the Council of the Borough of Matawan does hereby award the contract for professional services to the Borough Engineer, T&M Associates, associated with the well testing and sanitary sewer flow metering for the redevelopment area associated with Matawan Junction, as outlined in the attached Proposal in an amount not to exceed One Hundred Twenty-Five Thousand, Nine Hundred Seventy Dollars and No Cents (\$125,970.00).

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

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

**CERTIFICATION AS TO AVAILABLE FUNDING**

*I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, and State of New Jersey, do hereby certify that as of the date of this certification funds are available from the 3-09-55-500-200 and 3-09-55-500-800 Budget of the Borough of Matawan to T&M Associates (T&M Project No. MATNOH-16002) for the Borough of Matawan Lake Lefferts and Lake Matawan Dams Tidelands License Renewals in an amount not to exceed One Hundred Twenty-Five Thousand, Nine Hundred Seventy Dollars and No Cents (\$125,970.00).*

*This certification is based solely on the information encumbered into the financial records of the Borough by the appropriate using division as of this date and relies on the completeness of financial records.*

*Chief Financial Officer*

*(Signature on file)*

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*Nicole Horvath, CMFO*

*Dated: February 7, 2023*

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MATNOH-16002

January 24, 2023

Thomas Falco, Interim Borough Administrator  
Borough of Matawan  
201 Broad Street  
Matawan, NJ 07747

Re: Well Testing and Sanitary Sewer Flow Metering  
Redevelopment Area — Wilt Development  
Scope and Fee Estimate -  
Borough of Matawan

Dear Mr. Falco:

T&M Associates is pleased to submit this Scope and Fee Estimate for Professional Services associated with the well testing and sanitary sewer flow metering. As you are aware, the Borough wishes to conduct these analyses to confirm capacity of the redevelopment area and determine what additional water and sanitary sewer system infrastructure improvements are necessary to meet the proposed demands from this area.

In order to achieve the Borough's objectives, we propose the following scope of services:

**A. WATER SYSTEM - WELL TESTING**

Based on preliminary water demand calculations conducted, the Borough will be required to upsize their existing pumping capacity at both Wells No. 3 and No. 4. In order to complete this work, approval from the New Jersey Department of Environmental Protection (NJDEP) will be required. The NJDEP has indicated that the Borough must submit a "Minor Modification" permit application to modify its existing Water Allocation Permit. This will require the completion of a pump test at each existing well.

As a result, we propose the following:

1. T&M will coordinate with Borough representatives and our subcontractor, A.C. Schultes, to conduct a 24-hour well test at both Wells No. 3 and No. 4.
2. A.C. Schultes will remove the existing vertical turbine well pumps at both wells and install a temporary submersible pump capable of up to 960 GPM in order to run the 24-hour well test. The wells will be temporarily removed from service during the testing period. In the event the flow rate does not hold during the 24-hour testing period, A.C. Schultes will decrease the pump rate to 800 GPM and

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continue to run the test period for a total of 72-hours at 800 GPM in compliance with NJDEP requirements.

3. All pumping test data will be recorded and submitted for T&M's review. At the conclusion of the test, the permanent pumping equipment will be re-installed "as is" and will be restarted to check for proper operation.

Please note that A.C. Schultes will attempt to re-use all existing materials and equipment when placing the system back into operation. However, they may need to replace or repair some of the materials or equipment following the removal. T&M will not be held liable should the wells not restart when placed back into service. Any additional repair or replacement work associated with restarting the well is not included in our proposal and will be an additional cost to be incurred by the Borough. Our office will coordinate with A.C. Schultes as needed and advise the Borough of any issues encountered.

4. T&M will be onsite for the initial 4-hours of each well test to coordinate with A.C. Schultes and Borough personnel as needed and address any inquiries necessary to implement and complete the well test.
5. Upon completion of the tests, T&M will review the data points collected and provide a summary of the test and results for inclusion in the Borough's "Minor Modification" permit application to the NJDEP.

Based on the results of the well testing for each well, T&M will provide a separate proposal for the design of the improvements needed to increase the pumping capacity to 800 GPM at each well, as well as submit the complete "Minor Modification" permit application to the NJDEP.

**B. SANITARY SEWER SYSTEM - FLOW METERING**

As you are aware, we also conducted preliminary sewer capacity calculations along the existing sanitary sewer on Main Street from Atlantic Avenue up to the Bayshore Regional Sewage Authority's pump station located adjacent to the Borough's recycling center. However, our calculations were based on theoretical estimates and field observations of the existing flow depth. In order to determine what sanitary sewer improvements may be necessary, an accurate assessment must be completed. As a result, we propose the following:

1. T&M will coordinate with Borough representatives and our subcontractor, Flows Assessment Services (FAS), to conduct a 4-week metering program at three existing manhole locations along Main Street.
2. FAS will also install metering equipment at Manhole Nos. H1A, J1 and J4. A rain gauge will also be installed at the Borough's DPW facility to calculate rainfall during the metering period.

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3. Once the metering equipment is installed, FAS will return weekly throughout the metering period to check on the status of the metering installation and obtain weekly data. Manual depth measurements will also be taken and compared against the metering equipment. Differences detected will be corrected as needed.
4. As the 4-week metering program nears the end, T&M and FAS will evaluate the amount of rainfall experienced during the initial metering program. If necessary, an additional 2-week metering will be authorized in order to capture a significant rain event.
5. At the conclusion of the metering program, data collected will be submitted to T&M for further review and evaluation. Metered flow readings will be utilized to update the existing sanitary sewer pipe capacity calculations.
6. The new calculations will be utilized by T&M to provide a summary update to the Borough with respect to recommended improvements of the existing sanitary sewer system, anticipated construction cost estimates and an estimated timeline for completion of these improvements based on the timing of the new development connections.

Please note that an allowance has been included for payment of Uniformed Traffic Officers during the installation, monitoring and removal of the metering equipment. Payment will be based on actual invoices received from the Borough's traffic control representative. Our subconsultant will coordinate as needed to schedule traffic control assistance as needed during the metering period.

C. SCHEDULE AND COST FEE

We are prepared to proceed upon your authorization and suggest an estimated fee of \$125,970 as summarized below to be billed monthly utilizing current billing rate schedule:


Water System Well Testing:	
T&M Associates — 24 Hour Test Coordination	\$ 4,500.00
A.C. Schultes — 24 Hour Test (2 Wells)	\$ 66,930.00
Additional Work for 72 Hour Testing if needed (2 Wells)	<u>\$ 23,870.00</u>
Sanitary Sewer Flow Metering:	\$95,300.00

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T&M Associates — Metering Coordination	\$ 4,100.00
Flow Assessment Services — 4 Week Metering	\$ 14,550.00
Additional 2 Week Metering Services if needed	\$ 5,520.00
Uniformed Traffic Director Allowance	<u>\$ 6,500.00</u>
	\$ 30,670.00

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




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

RRK:RRS  
cc: Nicole Horvath, CFO  
Karen Wynne, Borough Clerk

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Mayor Altomonte read by title Resolution 23-02-14: Authorizing the Transfer of Unexpended Balances in Certain 2022 Appropriation Reserve Accounts. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-14  
AUTHORIZING THE TRANSFER OF FUNDS FROM  
CURRENT AND UTILITY ACCOUNTS IN THE 2022 BUDGET**

**WHEREAS**, N.J.S.A. 40A:4-59 provides for the transfers within certain appropriations within the Municipal Budget during the first three months of the following year: and

**WHEREAS**, there are unexpended balances in certain 2022 appropriation reserve accounts; and

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*WHEREAS, additional funds are required in certain other 2022 appropriation reserve accounts.*

*NOW, THEREFORE, BE IT RESOLVED that the following transfers are authorized from and to the following accounts:*

<i>Transfer From</i>	<i>Amount Of</i>	<i>Transfer To</i>	<i>Amount Of</i>
<i>Account Number</i>	<i>Transfer</i>	<i>Account Number</i>	<i>Transfer</i>
2-01-20-165-200 Engineering Other Expenses	\$ 3,000.00	2-01-43-260-200 LOSAP Other Expense	\$ 3,000.00
2-01-26-290-100 Streets & Roads Salary & Wage	\$ 10,000.00	2-01-26-310-200 Public Buildings Other Expense	\$ 10,000.00
2-01-26-290-100 Streets & Roads Salary & Wage	\$ 9,000.00	2-01-26-290-200 Streets & Roads Other Expense	\$ 9,000.00
2-09-55-500-100 Water & Sewer Salary & Wages	\$ 40,000.00	2-09-55-508-200 Bulk Water Purchase Other Expenses	\$ 40,000.00

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

Mayor Altomonte read by title Resolution 23-02-15: Emergency Temporary Appropriation. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-15  
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 \$6,340,762.34.*

*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 February 7, 2023 Meeting**

	Salary & Wages	Other Expenses
FREE PUBLIC LIBRARY		1,000.00
<b>TOTAL TEMPORARY EMERGENCY APPROPRIATIONS</b>		<b>1,000.00</b>
WATER SEWER UTILITY		
OPERATING		50,000.00
BULK WATER PURCHASE/ACQUISITION OF WATER		
<b>SUBTOTAL</b>	-	<b>50,000.00</b>
<b>TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS</b>		<b>50,000.00</b>
		<b>2,217,271.96</b>

**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 23-02-16: Payment of Bills. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-02-16  
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	\$3,084,131.16
Water/Sewer	\$140,414.05
Borough Capital	\$65,831.58
Water Capital	\$3,930.00
Grant	\$2,036.37
Borough Trust	\$57,604.37
Recreation Trust	\$1,676.51
<b>Total</b>	<b>\$3,355,624.04</b>

**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.

Neil Mendelsohn, 97 Broad Street, Matawan. Mr. Mendelsohn related a situation he is having with his neighbor regarding what he believed were property maintenance issues, and he asked that the Borough assist him in rectifying the issue. He asked that the Borough adopt a property maintenance ordinance, like some other towns have, and Mayor Altomonte advised that the Borough does have ordinances and regulations regarding property maintenance. Councilman Livesey offered Mr. Mendelsohn and update on the progress made, so far, with reviewing and updating the Borough's property maintenance ordinances. Chief Falco said he will follow up with property maintenance regarding Mr. Mendelsohn's specific complaint. Councilwoman Gunn stated that residents can report to the property maintenance officer directly, should they have a complaint about a property.

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Chris Matey, Owner, Dawn's Autobody. Mr. Matey asked for clarification on Resolution 23-02-10. Ms. Klinger apologized for any confusion and explained that she inadvertently issued a duplicate resolution for his business for 2023.

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

**Adjourn to Executive Session**

Mayor Altomonte requested a motion to adjourn to Executive Session. Mr. Menna announced the purpose of the Council retiring into Executive Session is to discuss personnel matters only. No formal action will be taken. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

Meeting adjourned at 7:36 PM.

*Robin Klinger*

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Robin Klinger  
Acting Deputy Clerk