

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

The Reorganization meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on January 3, 2023 with Mayor Joseph Altomonte presiding. Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting had been provided by publishing notification in the *Asbury Park Press* on December 24, 2022, by sending notice to *The Independent*, and by posting. A copy of said notice is and has been made available to the public and is on file in the Office of the Borough Clerk. A copy of said notice has also been sent to such members of the public as have requested such information, in accordance with the Statute.

Mayor Altomonte called the meeting to order at 7:08 PM and requested a roll call to reconvene the December 20, 2022 Public Session Meeting.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn, virtually via GoToMeeting
 Councilman Brian Livesey
 Councilwoman Stephanie Buckel
 Councilwoman Melanie Wang
 Councilman Charles Ross

Absent: Councilman Brett Cannon

Also present were Thomas J. Falco, Jr., Interim Borough Administrator, and Pasquale Menna, Esq., Borough Attorney.

Mayor Altomonte asked that everyone to stand for a Salute to the Flag.

Mayor Altomonte asked everyone to stand for a Moment of Silence.

Invocation

Mayor Altomonte introduced Reverend Jeffrey Gray of the Second Baptist Church who gave the invocation.

Adjourn the December 20, 2022 Council Meeting

Mayor Altomonte requested a motion to adjourn the December 20, 2022 public session meeting. Councilman Livesey made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

Oaths of Office

Mr. Menna announced the Oaths of Office have been executed and acknowledged.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Mayor Altomonte introduced Judge Michael G. Celli, Jr. who administered the Oaths of Office to Councilman Brian Livesey, and virtually via GoToMeeting, to Councilman Steven Russell.

Roll Call of the January 3, 2023 Reorganization Meeting

Mayor Altomonte requested a roll call for the January 3, 2023 Reorganization Meeting, announcing Councilpersons Gunn and Russell are virtual due to Covid restrictions.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn, virtually via GoToMeeting
 Councilman Steven Russell, virtually via GoToMeeting
 Councilwoman Stephanie Buckel
 Councilman Brian Livesey
 Councilwoman Melanie S. Wang
 Councilman Charles Ross

Also present were Thomas J. Falco, Jr., Interim Borough Administrator, and Pasquale Menna, Esq., Borough Attorney.

Recognition and Presentation to Retiree

Mayor Altomonte presented a Proclamation and award to Kenneth (Kenny) Henderson for his retirement thanking him for over 40 years of service. Mr. Henderson thanked the Mayor and Council for the Proclamation and award.

2022 Citizen(s) of the Year Presentation

Mayor Altomonte presented an award to Lawrence (Larry) Magee for 2022 Citizen of the Year. Councilman Livesey spoke of Mr. Magee's dedication to our country with his service in our Armed Forces, his dedication to the Borough by offering his time as a volunteer for many years, and his positions with the Environmental and Shade Tree Commissions as well as the Conservation Officer. Mr. Magee thanked the Mayor and Council for the award.

Oaths of Office to Borough of Matawan Fire Chiefs

Mayor Altomonte administered the Oath of Office to Chief Timothy Clifton.

Mayor Altomonte administered the Oath of Office to 1st Assistant Chief Brian Kopf.

Mayor Altomonte administered the Oath of Office to 2nd Assistant Chief Ed Lee.

Mayor Altomonte thanked the Fire Chiefs and directed them to dismiss the members of the Borough of Matawan Volunteer Fire Department who left the meeting.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

The meeting recessed at 7:30 PM, reconvening at 7:33 PM.

New Business

Mayor Altomonte read by title Resolution 23-01-01: Council President Appointment – Deana Gunn. Mayor Altomonte requested a motion. Councilman Livesey made the motion, seconded by Councilman Russell. Mayor Altomonte requested a roll call. A roll call vote was taken.

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilman Brian Livesey
Councilman Charles Ross

No: Councilwoman Stephanie Buckel
Councilwoman Melanie S. Wang

**RESOLUTION 23-01-01
COUNCIL PRESIDENT APPOINTMENT
DEANA GUNN**

WHEREAS, it is necessary that a member of the Council be elected President of said Council to fulfill the duties of the Mayor during the absence of the Mayor, for the year ending December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that, Deana Gunn, a member of the Council, be elected as President of said Council.

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

Councilwoman Buckel explained her objection to Councilwoman Gunn’s appointment as Council President, stating that it was put on the Agenda without being presented to the Governing Body. In the past, though a Mayoral appointment, it was a joint Governing Body decision. Councilwoman Gunn is a past Council President and, she, Councilwoman Buckel, would have liked to have been appointed this year. Councilwoman Buckel described the work she has contributed to the Borough stating she felt this unfair, there should have been a discussion prior to this appointment, and this is a political decision based on who is up for election on the right side. She is here for the Borough, not for a particular political party.

Mayor Altomonte congratulated Councilwoman Gunn. Councilwoman Gunn thanked the Council and expressed that she looks forward to working with them this year, working on behalf of the residents of the Borough of Matawan justly and impartially. She thanked Councilman Brian Livesey for his service as Council President in 2022 and all of his contributions throughout the years. She congratulated Councilmen Livesey and Russell on their election win as well as the newly appointed Fire Chiefs. Councilwoman Gunn asked she not be mischaracterized as to what she can bring to the group this year.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Consent Agenda

Mr. Menna announced should any Council members wish to move any Resolution from the Consent Agenda to New Business to please do so at this time. There were no comments in that regard.

Councilwoman Wang asked for some technical changes be made to Resolution 23-01-24 noting that the Township of Marlboro still listed the former Borough Administrator in their cover letter as well as the listing the hours of operation for the Animal Control Officer incorrectly. Mr. Menna explained that those items were prepared by the Township of Marlboro and both items were not critical and could be amended, should they need to be. This will not affect the overall Resolution as those would be technical changes as it is an agreement between the municipalities and not with specific personnel. He further explained that this is a continuation of the agreement needed until the Borough adopts a TNR ordinance.

Councilwoman Gunn noted Resolution 23-01-19 is presented for Chief Financial Officer Nicole Horvath who is up for tenure this year. It goes without saying that, as many of the Council and employees who have worked with her, she has done a wonderful job as the Borough's CFO. Mayor Altomonte agreed.

Mayor Altomonte read by title Resolutions 23-01-02 through and including 23-01-27 requesting a motion to approve en masse. Councilman Ross made the motion, seconded by Councilman Livesey. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-01-02
AUTHORIZING THE APPOINTMENT OF BOROUGH ATTORNEY UNDER FAIR AND OPEN
THE MENNA LAW FIRM, LLC**

WHEREAS, there exists the need for a Borough Attorney to render legal services for the Borough of Matawan, County of Monmouth; and

WHEREAS, the firm of The Menna Law Firm, LLC has submitted qualifications as part of a "Fair and Open Process" pursuant to the provisions of NJSA 40:44A-20.5 et seq. and the Borough Council finds this firm to be the most qualified for the legal services sought by the Borough of Matawan; and

WHEREAS, NJSA 19:44A-20.5 et seq. allows a municipality through a "Fair and Open Process" to seek and solicit qualifications by advertising for such qualifications and appointing the firm based on said contractor's qualifications and merit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby appoint Pasquale Menna, Esq. of the firm of The Menna Law Firm, LLC, as Borough Attorney for the Borough of Matawan for the year 2023, said term to expire December 31, 2023.

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, Police as well as Pasquale Menna, Esq. of The Menna Law Firm, LLC.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

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 3-01-20-155-210, 3-09-55-500-200, and 3-09-55-500-800 Budget of the Borough of Matawan to Pasquale Menna, Esq. as Borough Attorney for the Borough of Matawan in an amount not to exceed Thirty-Two Thousand, Four Hundred Dollars and No Cents (\$32,400.00).

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: January 3, 2023

**RESOLUTION 23-01-03
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 \$6,289,762.34.

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.

2023 Temporary Budget	Salary & Wages	Other Expenses
MAYOR & COUNCIL	-	2,008.13
MUNI CLERK	18,281.55	8,019.38
GENERAL ADMIN	42,674.63	25,462.51
FINANCE	27,411.83	6,790.88
TAX ASSES	16,480.80	5,184.38
TAX COLLECTOR	18,895.01	3,937.50

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

LEGAL SERVICES	-	62,500.00
ENGINEERING	-	27,562.50
BLDG & GROUNDS	10,420.81	20,895.00
PLAN/ZONING BD	5,252.89	2,401.88
SHADE TREE COMM	315.00	3,643.75
ENVIRON COMM	-	250.00
SOLID WASTE COLL	1,481.55	204,067.50
INSURANCE-GROUP HEALTH	-	282,814.88
INSURANCE-LIABILITY	-	96,070.17
INSURANCE-WORKERS COMP	-	82,641.92
FIRE	-	61,339.38
FIRE PREVENTION	27,948.56	1,895.27
POLICE	792,482.52	91,140.00
STREETS & ROADS	125,979.46	24,392.82
STREET LIGHTING	-	31,500.00
BD OF HEALTH	1,433.78	8,815.00
RECREATION	10,500.00	4,816.88
HISTORICAL SITES	315.00	8,578.76
VOL 1ST AID SQUAD	-	8,820.00
OEM	-	6,531.25
RR PARKING	40,556.23	18,872.01
DOWNTOWN REDEV	315.00	3,250.00
UTILITIES	-	90,037.50
VEHICLE MAINT	-	20,343.75
ACCUM SICK LEAVE	-	9,000.00
SOCIAL SECURITY	-	48,562.50
DCRP-EXPENSES		4,593.75
MUNICIPAL COURT	6,300.00	33,390.00
FREE PUBLIC LIBRARY	-	115,316.51
EMERGENCY 911	-	11,000.00
BOND PRINCIPAL		915,000.00
MCIA PRINCIPAL		379,000.00
INTEREST ON BONDS		200,000.00
MCIA LEASE INTEREST		45,000.00
 SUBTOTAL	 1,147,044.62	 2,975,445.76
 TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		 4,122,490.38
 WATER SEWER UTILITY		

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

OPERATING	251,636.06	413,063.96
PAYMENT ON BOND PRINCIPAL		515,000.00
ACQUISITION OF WATER/BULK WATER		111,562.50
BRSA		294,068.46
INTEREST ON BONDS(504-299)		200,000.00
WASTEWATER LOAN (507-299)		344,878.48
WASTEWATER LOAN INTEREST(504-205)		20,000.00
SOCIAL SECURITY		17,062.50
 SUBTOTAL	 251,636.06	 1,915,635.90
 TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS		 2,167,271.96

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.

**RESOLUTION 23-01-04
RESOLUTION CONFIRMING 2023 APPOINTMENTS BY THE MAYOR
WITH CONFIRMATION OF COUNCIL**

NOW, THEREFORE, BE IT RESOLVED, that the appointments listed below made by the Mayor be and the same are hereby confirmed and the following officials are appointed for a term of one year said term to expire December 31, 2023, unless otherwise specified or provided for by statute:

<u>BOARD/COMMISSION</u>	<u>NAME</u>	<u>TERM OF OFFICE</u>
<u>Animal Welfare Advisory Committee</u>		
Member	Nadine Hemy	12/31/2023
Member	Suzanne Reynolds	12/31/2023
Member	Loretta Windas	12/31/2023
<u>Borough Offices</u>		
ADA Coordinator	Melanie S. Wang	12/31/2023
Assessment Search Officer	Karen Wynne	12/31/2023
Certified Recycling Coordinator	Grace Rainforth	12/31/2023
Certified Clean Communities Coordinator	Grace Rainforth	12/31/2023
Chief Financial Officer & Treasurer	Nicole Horvath	
Deputy Borough Administrator	Nicole Horvath	12/31/2023
Deputy Borough Clerk	Robin Klinger	12/31/2023
HIPAA Privacy & Contact Person	Grace Rainforth	12/31/2023
Local Historian	Kurtis Roinestad	12/31/2023
Personnel Administrator	Thomas J. Falco, Jr. (interim)	12/31/2023
Tax Search Officer	Michael Schnurr	12/31/2023
<u>Disability Accessibility Commission</u>		
Public Works Representative	Eric Frye	12/31/2023
Representative-at-Large	Vacant	12/31/2023
Governing Body Representative	Stephanie Buckel	12/31/2023
Governing Body Representative	Melanie S. Wang	12/31/2023

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Economic Development, Business & Redevelopment Commission

Mayor's Representative	Deana Gunn	12/31/2023
Councilperson	Brian Livesey	12/31/2023
Councilperson	Steven Russell	12/31/2023
Member	Dean Fazio	12/31/2023
Member	Jeff Kagan	12/31/2023
Member	Jay LoBosco	12/31/2023
Member	James McCue	12/31/2023
Member	Joel Pascua	12/31/2023
Member	Joseph Rizzuto	12/31/2023
Recording Secretary	Linda Martin	12/31/2023

Office on the Aging

Delegate	Vacant	12/31/2023
Alternate Delegate	Vacant	12/31/2023

Public Safety

First Deputy OEM Coordinator (Operations/Planning)	Richard Michitsch	12/31/2023
Second Deputy OEM Coordinator (Resources/Logistics)	Timothy Clifton	12/31/2023
CERT Coordinator	Vacant	12/31/2023
CERT Captain	Steven Reed	12/31/2023

Recreation Commission

Director	Daria Dieterle	12/31/2023
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Safety Committee

DPW/Water/Sewer Department Representative	Eric Frye	12/31/2023
Board of Health Representative	Larry Kasica	12/31/2023
Public Safety Committee Commissioner's Representative	Deana Gunn	12/31/2023
Member-at-Large Representative	Kathleen Sporer	12/31/2023

Unified Planning/Zoning Board of Adjustments

Class III	Deana Gunn	12/31/2023
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Crossing Guards and Police Matron

Crossing Guard(s)

June Berliner	12/31/2023
Leslie Gillman	12/31/2023
Erin Haluska	12/31/2023
Jean Kelahan	12/31/2023
Diane Monroe (retiring August 1, 2023)	08/01/2023
Melanie Murphy	12/31/2023
Linda Smith	12/31/2023

Substitute Crossing Guard(s)

Anne DiBernardo	12/31/2023
Denise Pennipede	12/31/2023

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Police Matron(s)

Cristen Sjoholm

12/31/2023

**RESOLUTION 23-01-05
AUTHORIZING THE AWARD OF FAIR AND OPEN CONTRACTS FOR
THE BOROUGH OF MATAWAN 2023 PROFESSIONAL SERVICES**

WHEREAS, the Borough of Matawan has solicited proposals through a fair and open process in accordance with NJSA 19:44A-20.5 et seq., which requires that award of contract for “Professional Services” through the fair and open process must be made by resolution authorizing the award of said contract and must be publicly advertised; and

WHEREAS, the following firms have submitted qualifications as part of a “Fair and Open Process” pursuant to the provisions of NJSA 40:44A-20.5 et seq. and the Borough Council finds these firms to be the most qualified for the services sought by the Borough of Matawan:

Borough Appraiser – Associated Appraisal Group

Borough Architect – Netta Architects

Borough Auditor – Suplee, Clooney & Co.

To provide auditing and accounting services will be as follows, but not limited to:

- *Perform the audit of the Borough’s financial statements for the year ended December 31, 2022 and prepare the 2022 Annual Debt Statement and Unaudited Annual Financial Statement*
- *Review and assist in the preparation of the Borough’s 2023 Budget*
- *LOSAP Audit*

Borough Bond Attorney – Waters, McPherson, McNeill, PC

Borough COAH Attorney – Rainone, Coughlin, Minchello, LLC

Borough Computer Consultant – Veneratus Corporation

Borough Conflict Attorney – Rainone, Coughlin, Minchello, LLC

Borough Conflict Engineer

- *CME Associates*
- *Morgan Engineering & Surveying*
- *T&M Associates*

Borough Engineer – T&M Associates

Borough Financial Advisor – NW Financial Group, LLC

Borough Grant Consultant – The Aubrey Group

Borough Labor Attorney

- *Marmero Law, LLC*
- *Rainone, Coughlin, Minchello, LLC*

Borough Planner – T&M Associates

Borough Property & Casualty Insurance Broker – Acrisure

Borough Prosecutor – William McGuinn, Esq., Hoagland Longo Moran Dunst & Doukas, LLP

Borough Public Defender -Raymond Albert Raya, Esq., The Raya Law Firm

Borough Redevelopment Attorney – Rainone, Coughlin, Minchello, LLC

Borough Redevelopment Engineer – T&M Associates

Borough Redevelopment Planner – T&M Associates

Special Counsel Pool

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

- *Rainone, Coughlin, Minchello, LLC*
- *Sobel, Han & Cannon*

Special Projects Engineering Pool:

- *CME Associates*
- *Colliers Engineering & Design, Inc.*
- *Morgan Engineering & Surveying*
- *Prestige Environmental, Inc. (PEI)*
- *Remington & Vernick Engineers*
- *T&M Associates*

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby appoint these firms as outlined above for the Borough of Matawan for the calendar year 2023, said term to expire December 31, 2023.

BE IT FURTHER RESOLVED, that any professional appointments are contingent upon the negotiation, execution and award of a final contract between the appointee and the Borough to the extent necessary, under the laws of the Borough and the State of New Jersey as well as subject to Certification As To Available Funding by the Chief Financial Officer.

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 those firms listed above.

**RESOLUTION 23-01-06
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT
FOR THE BOROUGH OF MATAWAN ARBORIST
GARY LOVALLO**

WHEREAS, the Borough of Matawan has a need to acquire the services of a Certified Arborist as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and,

WHEREAS, the anticipated term of this contract is effective immediately, with said term to expire December 31, 2023; and

WHEREAS, Gary Lovallo has the qualifications and expertise as a Certified Arborist on an as-needed basis for the Borough of Matawan Shade Tree Commission; and

WHEREAS, the funding for said services shall be pending the certification of available funding from the Chief Financial Officer.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan that they hereby appoint the firm of Gary Lovallo on an as-needed basis as the Borough's Arborist, effectively immediately, said term to expire December 31, 2023, with an annual remuneration not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

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

CERTIFICATION AS TO AVAILABLE FUNDING

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, funds are available from the 3-01-26-300-200 Budget of the Borough of Matawan to Gary Lovallo on an as-needed basis as the Arborist for the Borough of Matawan in an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

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: January 3, 2023

**RESOLUTION 23-01-07
PAYMENT OF BILLS TO CLOSE OUT YEAR 2022**

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	\$218,294.00
Water & Sewer	\$83,707.28
Grant	\$232.02
Borough Trust	\$5,513.61
Total	\$307,746.91

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

**RESOLUTION 23-01-08
2023. REGULAR COUNCIL MEETINGS**

WHEREAS, the Open Public Meeting Law P.L. 1975, c. 231 requires that advanced public notice of the Council meeting be announced at the Annual Meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the meetings of the Mayor and Council of the Borough of Matawan be held in the year 2023 as follows:

January	3 rd	17 th
February	7 th	21 st
March	7 th	21 st
April	4 th	18 th
May	2 nd	16 th
June	8 th (Thursday)	20 th
July	6 th (Thursday)	18 th
August	3 rd (Thursday)	15 th
September	5 th	19 th
October	3 rd	17 th
November	9 th (Thursday)	21 st

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

December 5th 19th

The first meeting of each month will be a Workshop meeting, followed by a Regular Council meeting. The Workshop meeting will begin at 7:00 PM. The second meeting of each month will be a Regular Council meeting and will begin at 7:00 PM. Public Session meetings are open to the public. Official action may be taken.

All Executive Session meetings, if necessary, will be held at the conclusion of the Public Meetings, as publicly announced, and, if needed, following the Public Meeting. Executive Session meetings are not open to the public. No formal action will be taken at Executive Session meetings.

BE IT FURTHER RESOLVED the meetings will be held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey unless conditions exist within the Borough whereby in-person meetings are inadvisable under the State's public health guidelines. In such event, an electronic meeting will be scheduled with adequate notice sent to the official newspapers, posted on the Borough's website at www.matawanborough.com, and on file in the Office of the Borough Clerk. A copy of said Notice shall be sent to such members of the public who request such information in accordance with the Statute.

BE IT FURTHER RESOLVED that the Asbury Park Press and The Independent be named as the official newspapers to whom all notices of meetings shall be sent.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to all Borough of Matawan Departments Heads as well as the Borough Attorney and Borough Engineer.

**RESOLUTION 23-01-09
2023 ADMINISTRATIVE COMMITTEES OF THE BOROUGH OF MATAWAN**

WHEREAS, it is necessary and expedient for the proper administration of government in the Borough of Matawan, to divide the administration of government into committees and appoint on said committee members of the Council to facilitate the operations of the Borough between meetings of the Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the administration of government be divided as follows with the first name of each committee to serve as Chair:

Police, EBD, Planning and Zoning

Deana Gunn
Brian Livesey
Steven Russell

Historical Sites, Personnel

Steven Russell
Charlie Ross
Melanie Wang

Recreation, Recycling & Sanitation

Stephanie Buckel
Melanie Wang
Charlie Ross

DPW, Shade Tree, Fire

Brian Livesey
Stephanie Buckel
Deana Gunn

Finance, Construction, Environmental

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

*Charlie Ross
Deana Gunn
Brian Livesey*

Animal Welfare Advisory, Property Maintenance, ADA

*Melanie Wang
Charlie Ross
Stephanie Buckel*

Redevelopment Committee

*Joseph Altomonte
Steven Russell
Deana Gunn*

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall also be forwarded to all Borough of Matawan Department Heads.

**RESOLUTION 23-01-10
2023 DISABILITY ACCESSIBILITY COMMITTEE MEETINGS**

WHEREAS, Ordinance 12-18 established the Disability Accessibility Committee of the Borough of Matawan to ensure for continued compliance with the American’s with Disabilities Act (ADA) for all Borough public buildings and properties, and to make recommendations on any various policies, issues, needs and future of said buildings, properties and projects; and

WHEREAS, Ordinance 12-18 designates the second Monday in January for the Committee’s reorganization and at such time they may review the following dates and times for their quarterly meetings.

NOW, THEREFORE, BE IT RESOLVED that the following Disability Accessibility Committee meetings shall be named and held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey:

January	9 th	Reorganization Meeting
May	8 th	
September	11 th	
December	11 th	

BE IT FURTHER RESOLVED that the meeting dates shall be open to the public and advertised in a newspaper recognized by the Borough as the official newspapers to who all notices of meetings shall be sent.

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

The meetings will be held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey unless conditions exist within the Borough whereby in-person meetings are inadvisable under the State’s public health guidelines. In such event, an electronic meeting will be scheduled with adequate notice sent to the official newspapers, posted on the Borough’s website at www.matawanborough.com, and on file in the Office of the Borough Clerk. A copy of said Notice shall be sent to such members of the public who request such information in accordance with the Statute.

**RESOLUTION 23-01-11
BOROUGH OF MATAWAN DESIGNATED DEPOSITORY OF 2023 FUNDS**

BE IT RESOLVED by the Council of the Borough of Matawan that the following Banks and Trust Companies be the official depositories wherein all of the accounts for the Borough of Matawan be kept:

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

*Amboy National Bank
Bank of America
Chase
Columbia Bank
Garden State Community Bank
M&T Bank
Investors Savings Bank
Kearny Federal Savings Bank
MBIA*

*New Jersey Cash Management
Ocean First Bank
Penn Federal Savings
PNC Bank
Provident Bank
Santander Bank
Sun National Bank
TD Bank
Valley National Bank
Wells Fargo*

BE IT FURTHER RESOLVED that disbursements of the following accounts be made by checks signed by Mayor Joseph Altomonte and the Borough CFO/Treasurer Nicole Horvath:

*Borough Capital Account
Borough Trust
Current Fund
Developers Escrow Account
Matawan Law Enforcement Trust
Dog Tax Trust
Railroad Parking*

*Recreation Trust
Tax Collector's Trust Fund
Water Capital Account
Water-Sewer Operating
Unemployment
Payroll Account
Asset Forfeiture Program Account*

BE IT FURTHER RESOLVED that disbursements of the following accounts be made by checks signed by Michele T. Wieczoreck, Court Administrator or Janice Nolan, Deputy Court Administrator:

Municipal Court General Account

Municipal Court Bail Account

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

**RESOLUTION 23-01-12
2023 CASH MANAGEMENT PLAN**

WHEREAS, N.J.S.A. 40A:5-14 requires that every local unit adopt a Cash Management Plan; and

WHEREAS, the primary objectives of the plan are to preserve the safety of Public funds, seek investment instruments that offer liquidity and maximize interest revenue through use of authorized legal depositories and approved investment instruments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey the following Cash Management Plan for the Borough of Matawan be adopted.

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 Auditor.

BOROUGH OF MATAWAN CASH MANAGEMENT PLAN

INTRODUCTION

The New Jersey "Local Fiscal Affairs Law", N.J.S.A. 40A:5-14 requires that every local unit adopt a Cash Management Plan and shall deposit its funds pursuant to that plan. The primary objectives of the plan are to preserve

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

the safety of public funds, seek investment instruments that offer liquidity and maximize interest revenue through the use of authorized legal depositories and approved investment instruments.

I. AUTHORITY

- a. *Borough Council of the Borough of Matawan, County of Monmouth.*
- b. *Delegation of Authority – Authority to implement the investment program is granted to the Chief Financial Officer. The Chief Financial Officer shall act in accordance with the requirements of the Cash Management Plan, New Jersey Statutes and proper use of internal controls. No other persons may engage in investment transactions except for those subordinate officials of the Chief Financial Officer.*

II. STATEMENTS OF POLICY

It shall be the policy of the Borough of Matawan, County of Monmouth to adopt a Cash Management Plan, and to authorize the Chief Financial Officer to administer said Plan, for the purpose of deposit and investment of the maximum of available funds in interest bearing instruments. The investment instruments shall be safe, liquid and offer market yields.

Safety of principal is the foremost objective of the Cash Management Plan. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital.

The utilized investment instruments shall remain sufficiently liquid to meet all operating cash requirements that may be reasonably anticipated.

Investments shall be planned with the objective of attaining a market rate, while taking into account legal restriction, risk and liquidity. Return on investment is secondary importance compared to safety.

III. DEFINITIONS

“Arbitrage” *refers to the rules and regulation governing the issuance of Bond or Notes and the reinvestment of the proceeds at a higher yield. These regulations are promulgated by the Internal Revenue Service, regulation 1.103.*

“Cash Management Fund” *is the New Jersey Cash Management Fund. The Fund is one of a number of funds invested by the New Jersey Division of Investments of the Department of Treasury under the jurisdiction of the State of Investment Council. The Fund is authorized to receive and invest local unit funds pursuant to N.J.S.A. 40A:5-14.*

“Certificate of Eligibility” *is the certification issued by the New Jersey Department of Banking, Division of Banking that a public depository is eligible to act as a depository for public funds and qualifies as a participant in the New Jersey Governmental Unit Deposit Protection Act, GUDPA.*

“Compensating Balance Account” *is a bank account at an eligible depository which pays no interest or interest lower than ½ of 1 percent of maximum, in return for specific services, for example check sorting, payroll services, wire transfers and other services.*

“Eligible Public Depositories” *is a Banking or Savings and Loan Association with a current certificate of eligibility from the State Banking Department. The Borough of Matawan shall designate said depositories, by resolution of the governing body on January 1st of each year in accordance with N.J.S.A. 40A:5-14.*

“Eligible Securities” *are those investment instruments authorized by N.J.S.A. 40A:5-15.1.*

“Interest Bearing Account” *is an account or time deposit in an eligible public depository, earning interest, or any deposit in the State of New Jersey Cash Management Fund.*

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

IV. STANDARDS OF CARE

1. *The standard of prudence to be used by those delegated to effect investment transactions on behalf of the Borough of Matawan shall be the “prudent person” standard. Investments shall be made with judgement and care, under circumstances the prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs. Investments shall not be for speculation.*
2. *Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their eligibility to make impartial decisions. Employees shall disclose any material interest in financial institutions with which business is conducted and they shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the Borough of Matawan.*
3. *The Chief Financial Officer is responsible for establishing and maintaining internal controls. The controls should ensure that the assets of the Borough of Matawan are protected from loss, theft or misuse.*

V. PROCEDURES FOR RECEIPT OF MONIES

1. Department Procedures

- a. *Department Directors will ensure that a receipt is issued in duplicate for all transactions. A copy of the receipt shall be given to the paying party and the duplicate maintained by the issuing department. The receipts shall be pre-numbered, or sequentially numbered if computer generated.*
- b. *All monies collected or received from any source by or on behalf of the Borough, Department, or any Board thereof, shall be forwarded to the Division of Accounts and Control within forty-eight (48) hours of receipt.*
- c. *The Division of Accounts and Control will prepare collected revenues for deposit to the designated legal depository.*
- d. *All monies received shall be placed in a secure place until forwarded for deposit.*
- e. *The Department/Division Director shall file with the Chief Financial Officer a monthly report of all monies received in the manner prescribed. The report also will include year to date amounts received.*
- f. *No department, division, or agencies shall engage in the practice of cashing checks with public funds. Cashing of employee pay checks is included in this prohibition.*

2. Chief Financial Officer

- a. *All monies collected or received from any source by or on behalf of the Borough shall be deposited within forty-eight (48) hours of receipt to designated banks.*
- b. *Ensure that all monies deposited are in an interest bearing account(s).*
- c. *Where compensating balances are used to offset bank expenses, an agreement between the bank(s) and the Borough shall be executed and reviewed annually.*

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

- d. *The Chief Financial Officer shall make recommendations of legal public depositories to the Matawan Borough Council who shall by resolution designate said depositories at the annual reorganization meeting of the Council. The list of authorized depositories may be amended at any time during the year.*
- e. *Maturity of Investments – Investments shall be limited to maturity not to exceed one year on all operating funds unless a longer maturity is permitted within the provision of the State Statute or promulgated regulations.*
- f. *Investment Securities – The Chief Financial Officer has the responsibility to determine which investment instruments are best suited for the Borough. However, the Chief Financial Officer shall be authorized only to invest in securities permitted by New Jersey State Statute. No investment shall be made in any depository that does not meet current Federal minimum standard for Leverage Ratio, Tier 1 Capital Ratio.*

Presently, a local unit may permit investments in such institutions as permitted in Section 4 of P.L. 1970, Chapter 235 (6.17:19:44 and other instruments specified as follows:

*Mutual Funds backed by the United States Government Obligations
United States Treasury Bills (T-Bills)
Municipal Bonds or Notes
Commercial Bank Deposits and Certificates of Deposit
Repurchase Agreements
Investment in Savings and Loan Associations
United States Government Agency and Instrumentality Obligations
State of New Jersey Cash Management Fund
School District Obligations*

All designated depositories must conform to all applicable State statutes concerning depositories of public funds, and all depositories shall obtain the highest amount possible F.D.I.C. and/or F.S.L.I.C. coverage for all municipal assets.

VI. FUNDS EXCLUDED FROM INVESTING

The following types of funds are not required to be placed in interest bearing accounts:

- 1. *Petty cash funds.*
- 2. *Cash drawn from a Federal Agency under a letter of credit which has to be paid out within five (5) working days to a vendor.*
- 3. *Deposit retainage or amounts posted by way of bond, held by the local unit for such things as faithful performance, if the local unit would be required by law to pay back any interest earned to the provider of the deposit, except where the local unit is required by law or court decision to invest in funds.*
- 4. *Amounts derived from the sale of bonds or notes, only to the extent that a specific written opinion of bond counsel states that the earning of (full) interest would result in the bonds or notes being classified as a arbitrage (not federally tax exempt) issued pursuant to Federal regulations to the extent that sum interest is allowable, it shall be deposited at such a rate if such rate is obtainable.*

VII. BOROUGH AUDITOR

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

The Borough investment practices and the agreement of banking services and compensation thereof shall be reviewed by the Borough Auditor as part of the annual audit, as required by the N.J.S.A. 40A:5-4. Where a conflict exists between this Cash Management Plan and State statute the applicable statute shall govern.

VIII. SURETY BONDS

1. *The Chief Financial Officer shall be covered by a surety bond. During the annual audit the Municipal Auditor shall examine said bond to determine that proper coverage is in effect.*
2. *Staff members of the Division of Accounts and Control shall be covered by a Public Employee Faithful Performance Bond (blanket bond) in the minimum of \$10,000.00*

IX. REPORTING

The Chief Financial Officer in accordance with N.J.S.A. 40A:5-14 shall prepare a written monthly investment report and submit same to the Borough Council. The summary report will be prepared in the manner which will allow the Borough Council and the administration to ascertain whether investment activities during the reporting period have conformed to the Cash Management Plan. The report shall set forth each organization holding local unit funds, the amount of securities purchased or sold, class or type of securities purchased, book value, earned income, fee incurred, and market value of all investments as of the report date. Such written report shall be included in the minutes of a regular Borough Council meeting.

**RESOLUTION 23-01-13
AUTHORIZING THE MAINTENANCE OF PETTY CASH FUNDS
BOROUGH CLERK**

WHEREAS, the Borough Clerk and the Recreation Department require a certain amount of cash as a Petty Cash Fund; and

WHEREAS, the Petty Cash Fund is permitted by the State of New Jersey, by Statute; and

WHEREAS, as of December 31, 2022, the Petty Cash Fund balance was accounted for and turned over to the Chief Financial Officer and redeposited; and

WHEREAS, the Petty Cash Fund now needs to be replenished for the current year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the proper officers are hereby authorized to draw the following check for the aforementioned purposes:

Karen Wynne Borough Clerk Petty Cash Fund \$250.00

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

**RESOLUTION 23-01-14
AUTHORIZING THE CHIEF FINANCIAL OFFICER
TO CONDUCT FINANCIAL MATTERS BETWEEN MEETINGS DURING
THE 2023 CALENDAR YEAR**

WHEREAS, bills will need to be authorized for payment prior to the next regular business meeting of the Borough Council; and

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

WHEREAS, outstanding bills may only be paid with funds that have already been budgeted for and encumbered by purchase orders.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes and directs the Borough's Chief Financial Officer to pay bills budgeted for and encumbered between meetings for the 2023 calendar year.

BE IT FURTHER RESOLVED the Mayor and Council shall be provided with its regular report relating to any bills authorized for payment during this period by the Chief Financial officer.

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

**RESOLUTION 23-01-15
TAX GRACE PERIOD AND INTEREST ON DELINQUENT TAXES**

WHEREAS, NJSA 54:4-66 provides that taxes shall be payable in quarterly installments due on February 1st, May 1st, August 1st, and November 1st, after which dates, if unpaid, shall become delinquent; and that a period of ten calendar days grace for the payment of taxes following said date be fixed and established; and

WHEREAS, if the above dates occur on a Saturday, Sunday, or holiday when the Borough is closed then the due date will be established as Monday following the Saturday, or Sunday, and the day after a holiday.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that is payment is not made by the tenth calendar day of the month on which the installment becomes payable, an interest charge of eight (8%) percent per annum will be assessed on the first \$1,500 of the delinquency and eighteen (18%) percent per annum on any amount in excess of \$1,500, to be calculated from the date the tax was payable until the date of actual payment.

BE IT FURTHER RESOLVED, that a taxpayer who has a delinquency in excess of \$10,000, who fails to pay that delinquency prior to the end of a calendar year will be charged a penalty of six (6%) percent of the amount of the delinquency plus interest calculate to December 31st.

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

**RESOLUTION 23-01-16
AUTHORIZATION TO SIGN FEDERAL, STATE & COUNTY APPLICATIONS
ON BEHALF OF THE BOROUGH OF MATAWAN**

WHEREAS, The Borough of Matawan from time to time prepare Applications for Federal, State and County Permits, Grants and Loans; and

WHEREAS, the Borough of Matawan is required on certain Federal, State and County Applications to designate an individual to sign said Applications on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Mayor be and is hereby authorized to sign any and all Federal, State and County Applications 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 Mayor, Borough Attorney, Borough Engineer, and Borough Auditor.

**RESOLUTION 23-01-17
AUTHORIZING TAX ASSESSOR OR MUNICIPAL ATTORNEY**

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

TO ACT AS AGENT FOR THE TAXING DISTRICT

WHEREAS, from time to time, the Tax Assessor discovers an error in calculation, transposing, measurement, or typographical errors in the tax assessments on the tax list after the time the County Board of Taxation has certified the tax rates for tax year or a property becomes subject to a roll-back assessment; and

WHEREAS, the governing body of the Taxing District of the Borough of Matawan is desirous that every taxpayer pays his fair share of taxes; and

WHEREAS, if the above discovered errors are not corrected or a roll-back assessment not applied, the taxpayers affected would not be paying their fair share of taxes; and

WHEREAS, the method for correcting such errors is to file a Petition of Appeal or Complaint with the Monmouth County Board of Taxation.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Taxing District of the Borough of Matawan that the Tax Assessor, Municipal Attorney or Conflict Attorney is hereby authorized to act as the agent for the Taxing District during the year of 2023 and file a Petition of Appeal or Complaint with the Monmouth County Board of Taxation to correct such assessments to the proper Value and that a copy of any Petition of Appeal or Complaint filed with the Monmouth County Board of Taxation under this Resolution be filed with the Municipal Clerk.

BE IT FURTHER RESOLVED, that the Tax Assessor, Municipal Attorney or Conflict Attorney is hereby authorized to execute stipulations of settlement on any tax appeal or complaint filed by the taxing district or by a taxpayer in the year 2023.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following Borough of Matawan Monmouth County Board of Taxation with any such Petition of Appeal.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance, Tax Assessor as well as the Borough Attorney and Borough Auditor.

**RESOLUTION 23-01-18
APPOINTMENT OF MUNICIPAL REPRESENTATIVES TO
THE MONMOUTH COUNTY AREA 12 WATERSHED SUB-DISTRICT
KNOWN AS BAYSHORE AND NAVESINK**

WHEREAS, the Borough of Matawan wishes to participate in the Monmouth County Watershed Program;
and

WHEREAS, in order to implement this program the Borough has been requested to appoint two (2) representatives and two (2) alternates to each of the subdistricts listed above, to work toward and develop goals for watershed management.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that Councilman Deana Gunn, primary and Robert R. Keady, Jr., PE, CME of T&M Associates, Borough Engineer, alternate are appointed to the Bayshore District, and Councilwoman Deana Gunn, primary, and Robert R. Keady, Jr., PE, CME of T&M Associates, Borough Engineer, alternate are appointed to the Navesink District, and are to represent the Borough of Matawan.

BE IT FURTHER RESOLVED that the Borough Clerk be and is authorized and directed to forward certified copies of this Resolution to the Monmouth County NJ DEP Region 12, Monmouth County Watershed Program, Monmouth County Planning Board, Hall of Records Annex, Second Floor, One East Main Street, Freehold, New Jersey 07728 and to the Borough of Matawan Environmental Commission.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall also be forwarded to the following Borough of Matawan Departments: Clerk, Public Works as well as Councilwoman Deana Gunn and the Borough Engineer.*

**RESOLUTION 23-01-19
REAPPOINTMENT OF CHIEF FINANCIAL OFFICER
NICOLE HORVATH**

***WHEREAS**, N.J.S.A. 40A:9-140.10 requires every municipality to have a Certified Municipal Chief Financial Officer appointed by the governing body of the municipality; and,*

***WHEREAS**, Nicole Horvath was appointed to a four-year term as Chief Financial Officer on June 5, 2019, retroactive to January 1, 2019 pursuant to N.J.S.A. 40A-9-140.13; and*

***WHEREAS**, Nicole Horvath has the necessary certifications, experience and skills necessary to competently discharge the duties of Chief Financial Officer, and has done so successfully since her date of hire; and*

***WHEREAS**, Nicole Horvath completed her four-year term on December 31, 2022 and, pursuant to N.J.S.A. 40A:9-140.8 which states that once a Chief Financial Officer has held the office for four (4) consecutive years and receives reappointment, should be recognized as having tenure of office; and*

***WHEREAS**, the Mayor and Council of the Borough of Matawan believe that Nicole Horvath has satisfactorily performed her duties as Chief Financial Officer during the prior four-year term and are confident that she will continue to do so, moving forward.*

***NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Matawan, in the County of Monmouth, that Nicole Horvath is hereby reappointed to the position as Chief Financial Officer for the Borough of Matawan and has attained tenure protection during her continued term of office, pursuant to N.J.S.A 40A:9-140.8.*

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

**RESOLUTION 23-01-20
TIME CAPSULE
BOROUGH OF MATAWAN
2023**

***WHEREAS**, the Tricentennial Committee of the Borough of Matawan in 1986 had reason to bury a time capsule; and*

***WHEREAS**, said Time Capsule having been buried in Memorial Park, Main and Broad Streets; and*

***WHEREAS**, instruction directing the said Time Capsule to be opened on January 1, 2086, or at an appropriate date during the Year 2086, determined by the then elected governing body, in conjunction with the appropriate body serving the preservation of Matawan's History, or the Quadcentennial Commission.*

***NOW, THEREFORE, BE IT RESOLVED** that this Resolution, adopted this 3rd Day of January 2023, be an ongoing resolution, and be a permanent resolution adopted at the first meeting of each year until the Year 2086, to serve as a reminder to all future governing bodies of the existence of the "Time Capsule".*

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall also be forwarded to the following Borough of Matawan Departments: Historical Sites Commission.

**RESOLUTION 23-01-21
ADOPTION OF BYLAWS FOR THE BOARD OF FIRE OFFICERS**

WHEREAS, the Board of Fire Officers for the Borough of Matawan has advised the Mayor and Council the need for amending and adopting a revised and updated Bylaws for the Borough of Matawan's Board of Fire Officers; and

WHEREAS, the Board of Fire Officers have recommended that these Bylaws will provide for a more efficient operation of the Borough of Matawan's Fire Department; and

WHEREAS, the Mayor and Council of the Borough of Matawan desires to maintain and continue a more efficient operation under the revised 2011 Bylaws as recommended by the Board of Fire Officers.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the revised 2011 Bylaws, on file in the Office of the Borough Clerk and made apart hereof, are hereby adopted and approved as recommended by the Board of Fire Officers.

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

**RESOLUTION 23-01-22
AUTHORIZATION TO ESTABLISH STANDARD PROCEDURES AND REQUIREMENTS
FOR PUBLIC COMMENTS MADE DURING REMOTE PUBLIC MEETINGS OF THE
GOVERNING BODY OF THE BOROUGH OF MATAWAN**

WHEREAS, the COVID-19 pandemic has forced local government entities throughout the State of New Jersey to hold public meetings remotely; and

WHEREAS, Section 8 of P.L. 2020, c.34 authorized the Director of the Division of Local Government Services ("Director") to promulgate regulations establishing standard protocols for remote public meetings held by a "local public body" during a Governor-declared emergency ("Regulations"); and

WHEREAS, the Director promulgated the Regulations, which are codified as N.J.A.C. 5:39-1.1 through 1.7; and

WHEREAS, the Mayor and Council of the Borough of Matawan, a "local public body" as defined in the Regulations and is therefore subject to the requirements thereof; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires a local public body to adopt a resolution establishing standard procedures and requirements for public comment made during a remote public meeting as well as for public comments submitted in writing ahead of the remote public meeting; and

WHEREAS, in order to comply with the requirements, set forth in N.J.A.C. 5:39-1.4(h), the procedures and requirements appearing below are hereby established by the Governing Body of the Borough of Matawan.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, hereby establishes the following procedures and requirements to satisfy the requirement set forth in N.J.A.C. 5:39-1.4(h):

- Members of the public wishing to make a comment during a remote meeting shall be permitted to do so using the audio and/or video technology under which the remote meeting is being held.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

- *Members of the public may also submit written comments to the Council, through the Borough Clerk, by either e-mail to karen.wynne@matawanborough.com or written letter to Borough Clerk, Borough of Matawan, 201 Broad Street, Matawan, New Jersey 07747. Written comments must be received by 9:00 AM the day of the remote meeting in order to be included in the meeting.*
- *Public comments shall be read into the record during the appropriate designated time during the portion of the meeting devoted to public comment.*
- *In accordance with N.J.A.C. 5:30-1.4(h), the Mayor and Council of the Borough of Matawan reserves the right to summarize duplicative written comments; however, each commenter shall be noted for the record with the content summarized.*
- *A member of the public wishing to speak during a remote meeting shall state their name and address for the record prior to making their comment.*
- *Members of the public commenting during a remote meeting shall not act in any manner to disrupt the meeting. If a member of the public becomes disruptive during the meeting, the individual chairing the meeting or designee shall mute the microphone of the disruptive member and warn that any continued disruption may result in that person being prevented from speaking during the meeting or being removed from the remote meeting. Disruptive conduct includes, but is not limited to, sustained inappropriate behavior such as shouting, interruption, and/or the use of profanity.*

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

RESOLUTION 23-01-23

AUTHORIZING EXTENSION OF TEMPORARY WAIVER OF BUILDING AND CONSTRUCTION DEPARTMENT FEES, BOROUGH OF MATAWAN CODE CHAPTER 13 – BUILDING AND CONSTRUCTION, SECTION 13-1.8, TO PROMOTE RENOVATION OF EXISTING NON-RESIDENTIAL VACANT COMMERCIAL STRUCTURES/UNITS IN THE AREA IN NEED OF REHABILITATION OF THE BOROUGH OF MATAWAN

WHEREAS, the Borough of Matawan Ordinance 19-18 authorized the temporary waiver of Building and Construction Department Fees, Borough of Matawan Code Chapter 13 – Building and Construction, Section 13-1.8, to Promote Renovation of Existing Non-Residential Vacant Commercial Structures/Units in the Area in Need of Rehabilitation of the Borough of Matawan; and

WHEREAS, Ordinance 19-18, Chapter 13, Section 13-1.8(d) contains a sunset provision on the temporary waiver of Building and Construction Department Fees unless extended by Resolution of the Council of the Borough of Matawan; and

WHEREAS, the Mayor and Council wish to extend this sunset provision to midnight, December 31, 2023, unless extended by Resolution by the Council of the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Matawan hereby authorizes the temporary waiver of Building and Construction Department Fees, Borough of Matawan Code Chapter 13 – Building and Construction, Section 13-1.8 et seq., to Promote Renovation of Existing Non-Residential Vacant Commercial Structures/Units in the Area in Need of Rehabilitation of the Borough of Matawan as outlined in Ordinance 19-18.

BE IT FURTHER RESOLVED, Chapter 13, Section 13-1.8(d), shall expire at midnight on December 31, 2023, unless extended by Resolution by the Council or the Borough of Matawan.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

BE IT FURTHER RESOLVED; all other requirements of the Ordinance remain unaffected.

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

**RESOLUTION 23-01-24
AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT
FOR ANIMAL CONTROL SERVICES
BETWEEN THE BOROUGH OF MATAWAN AND THE TOWNSHIP OF MARLBORO**

WHEREAS, the New Jersey Uniform Shared Services and Consolidation Act (NJS.A 40A:65-1, et seq.) authorizes local units such as this Municipality to enter into Shared Service Agreements with other local units; and

WHEREAS, the Township of Marlboro, a local unit, has offered to provide Shared Services for Animal Control Services to the Borough of Matawan; and

WHEREAS, it is in the best interest of this Municipality to enter into the proposed Shared Services Agreements with the Township of Marlboro.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough Administrator be and is hereby authorized to execute the attached Shared Services Agreement for Animal Control Services with the Township of Marlboro, effective January 1, 2023 through and including December 31, 2023 in an amount not to exceed Seventeen Thousand, Six Hundred Sixty-Five Dollars and Ninety-Nine Cents (\$17,665.99) and the same is hereby confirmed pending receipt of Certification As To Available Funding from the Chief Financial Officer 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, Police, Public Works as well as Township Clerk of the Township of Marlboro, 1979 Township Drive, Marlboro, New Jersey 07746 and the Division of Local Government Services Attn: Shared Services.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, funds are available from the 3-01-27-330-200 Budget of the Borough of Matawan to the Township of Marlboro for the Borough of Matawan Animal Control Services in an amount not to exceed Seventeen Thousand, Six Hundred Sixty-Five Dollars and Ninety-Nine Cents (\$17,665.99).

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

Chief Financial Officer

(Signature on file)

Nicole Horvath, CMFO
Dated: January 3, 2023

**SHARED SERVICES AGREEMENT FOR ANIMAL CONTROL SERVICES BETWEEN THE TOWNSHIP OF
MARLBORO
AND
THE BOROUGH OF MATAWAN**

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

This Agreement is made this 20th day of October, 2022, by and between the Township of Marlboro ("Township"), with its principal place of business at 1979 Township Drive, Marlboro, New Jersey 07746 and the Borough of Matawan ("Matawan"), with its principal place of business at 201 Broad Street, Matawan, New Jersey 07747.

WHEREAS, the Township of Marlboro (the "Township") currently provides animal control services for the Township of Marlboro; and

WHEREAS, the Borough of Matawan ("Borough") has requested that the Marlboro Township Animal Control Officer provide animal control services including emergency response for domestic animal incidents, emergency response for sick or dangerous wildlife and enforcement of the Borough's ordinances pertaining to domestic animals; and

WHEREAS, the Township and Borough desire to enter into a Shared Services Agreement in order for the Township to provide animal control services to the Borough; and

WHEREAS, the provision of animal control services by the Township to the Borough is in the best financial interests of both entities; and

WHEREAS, resolutions authorizing this Agreement have been approved and issued by both the Township and Borough;

NOW, THEREFORE, in consideration of the mutual covenants, promises and consideration recited herein, the parties to this Agreement agree as follows:

I. Scope of Services

Animal Control Services in accordance with Marlboro's Standard Operating Procedures (Exhibit A) the Township will provide:

- *Emergency response for domestic animal incidents.*
- *Emergency response for sick or dangerous wildlife..*
- *Transport to the contracted kennel.*
- *Enforcement of Matawan's ordinances pertaining to domestic animals.*

II. Borough Responsibilities

- *Borough agrees to reimburse Marlboro for the cost of sheltering with a local kennel to house animals that are located and trapped by the Township Animal Control Officer ("ACO").*
- *Borough agrees to reimburse Marlboro for the cost of a local veterinarian to attend to injured animals transported by the ACO.*
- *Provide a temporary shelter to keep animals after hours when a delayed response may be necessary.*
- *Collect redemption fees from owners based on ordinance.*
- *Quality control of all calls to ensure response is required.*

III. Contract Term

- *The term of this Agreement shall commence on or about January 1, 2023 and terminating on December 31, 2023.*

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

IV. Contract Amount

- *In consideration for the services provided pursuant to Section I of this Agreement, the Borough shall pay:*
 - *Unlimited calls initiated Monday through Friday, 7:30 am to 3:30 pm, excluding Township holidays: \$17,665.99 (\$4,416.50 per quarter)*
 - *Calls initiated on all other days and times to be billed at a rate of \$220.83 per call.*
 - *Matawan's share of billing for animals sheltered.*
 - *Matawan's share of veterinarian service provided to Matawan animals.*
- *Amounts shall be payable within forty-five (45) days of the date of invoice by the Township.*

V. Termination

- *This Agreement may be terminated as follows:*
 - *For convenience. By either Party at any time upon twenty-one (21) days written notification to the other party.*
 - *For cause. By either Party upon ten (10) days written notice to the other Party after the other Party has received such notice specifying the failure to perform and fails to remedy and cure such failure within ten calendar days (10) of written notification.*
 - *By failure to extend this Agreement upon its expiration.*
- *As set forth in Section A(2), above, each Party shall have an additional ten (10) business days to cure any alleged breach after notification of same by the other party. If the cure requires more than ten (10) business days, the Parties shall immediately initiate steps which may be reasonably deemed to be sufficient to cure the alleged breach and thereafter continues and complies with all reasonable and necessary steps sufficient to produce compliance as soon as reasonably practical.*

VI. Dispute Resolution

In the event of a dispute under this Agreement, the parties may enter into mediation proceedings to resolve such dispute, the cost of which shall be borne equally by both parties, and, should mediation not succeed or not be agreed to by both parties, any such dispute shall be heard in a court of competent jurisdiction venued in Monmouth County in the State of New Jersey.

VII. Indemnification

The Borough of Matawan agrees to indemnify, defend and hold harmless the Township of Marlboro, collectively and individually, as well as its agents, servants and employees, for any and all claims, suits, costs, expenses, fees (including legal fees) and from all damages of every kind and description arising out of the performance of this Agreement as set forth herein.

VIII. Designated Contact Persons

- *Pursuant to N.J.S.A. 40A:65-7, the Township of Marlboro hereby designates the Business Administrator, or his designee, as its contact person as required for all written notices and communications relative to the performance of this Agreement.*
- *Pursuant to N.J.S.A. 40A:65-7, the Borough hereby designates Louis Ferrara, Borough Administrator, as its contact person for all notices and communications relative to the performance*

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

of this Agreement.

VIII Approval of Agreement

This Agreement shall be subject to approval by both the Township of Marlboro and the Borough of Matawan prior to becoming effective.

IX New Jersey Law

This Agreement shall be construed in accordance with the provisions of the laws of the State of New Jersey.

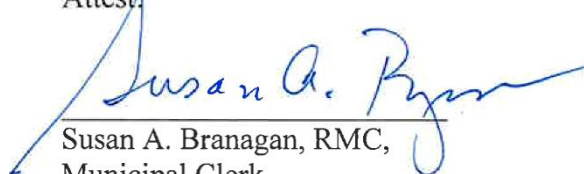
X Entire Agreement

This Agreement represents and contains the entire terms of the Agreement between the parties, and shall supersede and replace all prior agreements or discussion between the parties regarding the services specified herein. This Agreement may be modified or amended only by written instrument signed by the parties or their authorized agents.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed by their proper

officers the day and year first above written.

Attest:

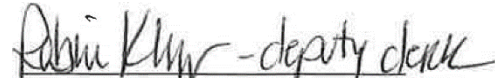

Susan A. Branagan, RMC,
Municipal Clerk
Resolution #2022-245
10/20/2022

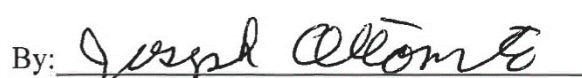
TOWNSHIP OF MARLBORO

By:

BOROUGH OF MATAWAN

Attest:


Karen Wynne, RMC,
Municipal Clerk

By: 
Name: Joseph Altomonte,
Title: Mayor
Dated: 1/3/23

**RESOLUTION 23-01-25
AUTHORIZING THE AWARD OF CONTRACT UNDER
NON-FAIR & OPEN FOR THE BOROUGH OF MATAWAN
WATER TREATMENT AND DISTRIBUTION SYSTEM
T3, W2 LICENSED OPERATOR
WATER RESOURCE MANAGEMENT, INC.**

WHEREAS, the Borough of Matawan has a need to acquire certain services as a non-fair and open contract pursuant to the provisions of NJSA 19:44A-20.5; and,

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

WHEREAS, the Borough of Matawan has determined and certified in writing that the value of the acquisition will exceed \$20,775; and,

WHEREAS, the anticipated term of this contract is effective immediately, with said term to expire December 31, 2023; and

WHEREAS, Water Resource Management has submitted a proposal indicating they will provide the service as T3, W2 Licensed Operator to the Borough of Matawan; and

WHEREAS, Water Resource Management has completed and submitted a Business Entity Disclosure Certification which certifies that Water Resource Management has not made any reportable contributions to a political or candidate committee in the Borough of Matawan in the previous one year, and that the contract will prohibit Water Resource Management from making any reportable contributions through the term of the contract; and

WHEREAS, the funding for said services shall be pending the certification of available funding from the Chief Financial Officer.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan that they hereby appoint the firm of Water Resource Management as the Borough's T3, W2 Licensed Operator for the Borough of Matawan, effectively immediately, said term to expire December 31, 2023.

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

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

CERTIFICATION AS TO AVAILABLE FUNDING

I, Nicole Horvath, Chief Financial Officer of the Borough of Matawan, County of Monmouth, State of New Jersey, do hereby certify that as of the date of this certification, this contract shall be dependent upon funds being encumbered by the Chief Financial Officer and appropriated for the contract purposes in the Budget for the year in which the goods/services are ordered prior to when a contract or purchase order issued.

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: January 3, 2023

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Borough of Matawan

201 Broad Street

Matawan, New Jersey 07747

Attn: Eric Frey, Director of Public Works

RE: Borough of Matawan
2023 Licensed Operator

Dear Mr. Frey:

Water Resource Management, Inc. (WRM) is pleased to provide you with this proposal for the responsibilities of Licensed Operator in Direct Responsible Charge for the following systems:

- NJ1329001: Borough of Matawan (T3, W2)

Scope of Work

- Implement Licensed Operator coverage for no less than thirty-five (35) hours per week per the water & wastewater licensing act. WRM will make every attempt to reduce the hours to weekly site visits when the water treatment is off line and deactivated to save cost for the Borough of Matawan.
- 4Develop an emergency call out schedule for WRM staff. This will include any additional support staff which may be needed to respond to an emergency, including back up licensed operators and compliance staff.
- Complete all Monthly T Operating Reports, Quarterly Chlorine Disinfectant Reports, Water Diversion Reports and all additional operational reports required by NJDEP.
- Aid current staff in developing preventive maintenance programs and make recommendations on any additional repairs or improvements which are needed at the facility.
- Review process control equipment and make recommendations as required with current operational standards and procedures.
- Alternate Licensed Operation staff with no more than one license classification lower will be familiarized with the site to fulfill Licensed Operator duties on a requested basis. WRM staff will make regular site visits to remain familiar with the ongoing operation of the systems for quality assurance purposes. There will be no additional charge for this service.
- Prepare documentation to respond to regulatory correspondence concerning the operations of the water treatment system.
- Coordinate with your certified lab to perform all of the required lab analysis under your NJDEP current monitoring schedule. WRM will review all treatment system-related lab data to identify and quickly respond to any monitoring deficiency.
- Prepare compliance scheduling for each system as required by all the regulatory agencies.
- Coordinate with your existing staff to help improve additional training they may require.
- Review the existing Operations, Maintenance and Emergency Manual and make recommendations and amendments as necessary.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

Water Resource Management, Inc. shall be held harmless of any fines or judgments assessed on these facilities due to unforeseeable circumstances beyond the control of our operations agreement, including but not limited to equipment failure, chemical releases caused by others, spills caused by others, lab errors, or weather-related incidents.

Fee for Services

1-year contract

\$20,775.00 monthly lump sum for Licensed Operator of Direct Responsible Charge services.

\$ 137.00 per hour for professional services constituting irregular or emergency situations. Time will be billed portal to portal for emergency response. There will be no minimum hour charge for irregular/emergency callouts, and every effort will be made to minimize emergency rate billings when possible.

4A situation shall be considered overtime if a client-requested task does not fall into the scope of work listed above, or if the Operator is required to be on-site for more than 35 hours in a given work week. Situations will be deemed emergency where immediate attention is required to ensure the safe and regular operation of the system, including but not limited to equipment failure, water or chemical discharges, and maximum contaminant limit (MCL) exceedances.

Once the water plant is deactivated and the hours are approved by NJDFEP to be reduced, WRM will adjust the fee to the professional service rate above.

Water Resource Management, Inc. (WRM) is pleased to provide you with this proposal to aid in augmenting your current staff on a as needed basis.

Sincerely,



Leonard A. Faiola, PE, PP, CME Water
Resource Management, Inc.

cc: Alan Dittenhofer, PE, PP, CME, Principal
John Meier, Director of Operations

**RESOLUTION 23-01-26
APPOINTING THOMAS J. FALCO, JR.
AS THE MUNICIPAL AFFORDABLE HOUSING LIAISON**

WHEREAS, it is necessary for the Mayor and Council of the Borough of Matawan to appoint a Municipal Affordable Housing Liaison; and

WHEREAS, it is the desire of the Mayor and Council to appoint Thomas J. Falco, Jr. as the Municipal Affordable Housing Liaison.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey as follows:

- That Thomas J. Falco, Jr. is hereby appointed as the Municipal Affordable Housing Liaison for the Borough of Matawan at no additional compensation.
- That a certified copy of this resolution be forwarded:
 - Marc Seigal, Marc Associates, LLC, 171 Matawan Avenue, Matawan, New Jersey 07747
 - Sean Thompson, Director, Council on Affordable Housing, PO Box 800, Trenton, New Jersey 08625-0800.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

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

**RESOLUTION 23-01-27
RESOLUTION AUTHORIZING EXECUTION OF EMPLOYMENT AGREEMENT BETWEEN THE
BOROUGH OF MATAWAN AND THOMAS J. FALCO, JR.
AS INTERIM BUSINESS ADMINISTRATOR**

January 1, 2023 Through December 31, 2023

WHEREAS, there is a need to have an Agreement for the position of Interim Business Administrator; and

WHEREAS, after negotiations, the Borough of Matawan and Thomas J. Falco, Jr. have reached a satisfactory Employment Agreement, effective January 1, 2023 through and including December 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that it herewith authorizes the Mayor to execute the Employment Agreement with Thomas J. Falco, Jr., for the position of Interim Business Administrator attached herewith, effective January 1, 2023 through and including December 31, 2023.

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

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 3-01-20-100-100 Budget of the Borough of Matawan to Thomas J. Falco, Jr. as Interim Borough Administrator at a monthly stipend rate of Five Thousand, Five Hundred Dollars and No Cents (\$5,500.00), until further action of the Mayor and Council.

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: January 3, 2023

Employment / Extra Compensation Agreement

This Agreement is made this ___ day of _____, 2023

MATAWAN ("Borough") and Thomas J. Falco Jr. ("Falco" or/ "Business Administrator") (Borough and Business Administrator shall be collectively referred to as the "Parties", or individually, as a "Party").

WHEREAS, the Parties wish for Falco to serve as Interim Business Administrator; and

WHEREAS, Falco has agreed to serve as Interim Business Administrator to the best of his ability;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged; the Parties agree as follows:

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

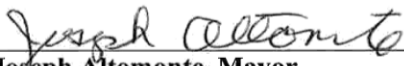
- *In accordance with N.J.S.A 40A:60-7(a), N.J.S.A 40A:9-136 et seq., and § 2-9 et seq., of the General Ordinances of the Borough of Matawan, Falco, who shall serve as Interim Business Administrator until a permanent Business Administrator commences employment ("Term").*
 - *Notwithstanding the foregoing, the Borough may only terminate this Agreement for cause upon a 2/3 vote of the Council, and only in accordance with N.J.S.A. 40A:9-138. In the event this Agreement is terminated, Falco shall receive the stipend of serving as Interim Business Administrator for a period of three (3) months from the date of termination ("Severance Pay"). Severance pay shall be provided regardless of the reason for or date of termination of this Agreement.*
 - *Falco shall receive a monthly stipend of \$5,500 for the duties of Interim Business Administrator. It is the Parties' understanding and intention that this stipend is considered "extra compensation" pursuant to N.J.A.C. 12:4-4.1, and thus not creditable towards Falco's pension.*
 - *As the position of Interim Business Administrator requires a significant level of commitment and availability, Falco shall reserve the right to carry over unused vacation time should he be unable to utilize that time during any calendar year, while serving as the Interim Business Administrator.*
2. *Falco shall receive notice of any meetings being held concerning his performance and continued employment with the Borough of Matawan and will be given the opportunity to be heard prior to the adoption of any resolution affecting his employment with the Borough of Matawan; said opportunity at Falco's discretion may be held in public or private session.*
 3. *Falco, who is also serving as Chief of Police, shall devote such time as necessary to fulfill the obligations of Chief of Police and Interim Business Administrator, which includes attendance at Borough Council meetings and community meetings outside of business hours, without additional compensation other than the monthly Business Administrator stipend to which he is entitled.*
 4. *As he is currently serving as Chief of Police, Falco shall not be entitled to any additional benefits for his service as Interim Business Administrator other than the stipend referenced above.*
 5. *The Borough shall bear the cost of any fidelity of position bonds required by the municipality for this position.*
 6. *The Borough shall reimburse Falco for all reasonable expenses incurred on behalf of the municipality with prior written approval of the Mayor and Council.*
 7. *The Borough of Matawan shall defend, hold harmless and indemnify Falco against any tort, professional liability claims or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of his duties, including any action which might commence or continue after his retirement, resignation or termination.*
 8. *The Parties acknowledge that they are entering into this agreement freely and voluntarily for the purposes set forth herein. The terms of this Agreement are the result of mutual negotiation and any ambiguity shall not be construed against either party. Falco acknowledges that he has an opportunity to review this Agreement with an attorney of his choosing.*
 9. *This Agreement shall be governed by the laws of the State of New Jersey. In the event that one or more provisions of this Agreement are found to be invalid or unenforceable by a court of law, Falco and the officials of the Borough shall within 30 days of the date of such determination agree to restructuring the terms of the Agreement so as to carry out the intent of the Agreement, it being understood that each element of the Agreement is material to Falco and the Borough.*

THE NEXT PAGE IS THE SIGNATURE PAGE

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

BY SIGNING BELOW, I AFFIRM THAT I HAVE READ AND UNDERSTAND THIS ENTIRE AGREEMENT, SIGN THIS AGREEMENT VOLUNATRILY, AND INTEND TO BE LEGALLY BOUND BY ITS TERMS.

ON BEHALF OF THE
BOROUGH OF MATAWAN:



Joseph Altomonte, Mayor

Date 1/3/2023

EMPLOYEE:



Thomas J. Falco, Jr.

Date 1/5/23

Privilege of the Floor

Mayor Altomonte requested opened the Privilege of the Floor.

Fran Bucco, 79 Freneau Avenue, Matawan. Ms. Bucco asked for clarification about the process of appointing the fire chiefs in 2023 stating she hoped the Governing Body made the correct decision with their appointments as it is her belief there are many people upset with their decision. She then told Councilwoman Buckel, "Good girl."

Gregory Cannon, 31 Lake Boulevard, Aberdeen. Mr. Cannon, a Councilman from Aberdeen Township, congratulated the Governing Body, its re-elected and newly elected members on behalf of Aberdeen's Governing Body. He stated that he looks forward to working with Matawan this year, as they keep making both towns better.

James Archibald, 20 Lucia Court, Aberdeen. Mr. Archibald said that he concurred and sympathized with Councilwoman Buckel, and she will have his support this year.

**Borough of Matawan
Reorganization Meeting
January 3, 2023**

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

Adjourn

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

The meeting adjourned at 7:53 PM.

(Signature on file)

Robin Klinger
Acting Deputy Clerk