

**Borough of Matawan
Workshop Session
January 17, 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 January 17, 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 *Asbury Park Press*, 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 7:06 PM requesting a roll call.

On roll call the following members responded present:

Yes: Councilwoman Deana Gunn
Councilman Steven Russell
Councilwoman Stephanie Buckel (Via Telephone)
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.

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

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

Mayor Altomonte announced the addition of Resolution 23-01-44 to tonight's Consent Agenda informing of a Net Change Reduction to the 2020 Road Improvement Program Contract.

Privilege of the Floor for Agenda Items Only

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

There were no comments.

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

Clerk's Report

No report.

Mayor's Report

Welcome, Matawan, to the New Year 2023.

Looking back at 2022, it was a planning year for Matawan: Plans for redevelopment, restoration, and community events have been our main focus this past year. This plan will result in many great things in store for Matawan in 2023. The most exciting and anticipated project is the raising of Aberdeen Road.

The County Engineer presentations in 2022 Council meetings detailed the reconstruction and raising of the Aberdeen Road project. The County will go out to bid on the project next week, which takes about one month. After the bid closes, the contract will be awarded. The forecast is to have a shovel in the ground by approximately July 2023. There will be a notice to the

**Borough of Matawan
Workshop Session
January 17, 2023**

community when the approximate date starts. Please look for signs that will be posted, and we will keep you updated.

The first building in the redevelopment zone of the train station was approved in 2022, with anticipated groundbreaking in late summer 2023. Matawan Junction will be the first start to revitalize the underdeveloped area by the Matawan train station. This project will be the first of many new additions to this area.

Matawan and our sister community, Aberdeen, have joined in several shared services, including court, construction, and property maintenance. This joint effort saves the community money and improves services for our residents.

2022 brought many new businesses downtown. We welcomed Just Love Coffee, Brew Coffee Bar, and Sparkle Boutique, to name a few. In addition, the much-loved donut shop, Main Street Donuts, opened late in 2022. The old Sterling Gardens is planning on an upscale Steakhouse and event center. Attracting new businesses and restaurants will be a priority. We aim to continue with the redevelopment and the opening of new and exciting places to eat and dine right here in Matawan.

Community events are also a priority for this Council and myself. Our Recreation Director and Commission work hard to ensure that our events are meaningful and fun for the entire family. This year we hosted the most successful Matawan Day, with over 175 vendors and thousands of people. It was a beautiful day, and it was fun for everyone. A big thank you to the Matawan Aberdeen Chamber of Commerce for their hard work and dedication to continually improve this annual event year after year. The Blues and Cruise car show was a hit, and we thank Economic Business Development for bringing this new event to Main Street.

We successfully moved our police to a new location this year, to ensure they have a secure workspace. We continue to ensure they are supplied with the proper equipment, including body-worn cameras and new tablets, and add to the fleet annually to provide rotation and ensure that all vehicles are in good working order. We thank them for their ongoing dedication, as well as our other first responders, including our fire department, Bayshore EMS, and CERT. Thank you for keeping our community safe.

July 4th is always a hit around the lake, with a concert, food, and spectacular fireworks. It's an event not to be missed. Ghost tours for Halloween sponsored by the Historical Society were well received. The Turkey Trot 5K brings in crowds from around NY and NJ. The kids love the Kiddie run as well.

We finished the year with Mr. and Mrs. Claus showing up for our annual Christmas tree lighting ceremony and started the holiday with Santa, hot chocolate, and smores. In addition, we thank our local PBA, fire, and EMS for continuing with our annual Santa runs.

In 2023, with the help of our new Administrator, we are trying to obtain a grant to refit an area to allow pickleball, the most sought-after adult activity. Grants have secured our weekly food drive, street restorations, and many other projects. Since my administration, we have been committed to an aggressive road program, paving over 30 roads, which will continue. We recently received a \$329K grant for Crescent Place, which will be incorporated into a future road program. We will continue to pursue grants that could benefit the community.

I want to thank all our employees for their hard work on behalf of Matawan. A big thank you to our department heads, staff, and the volunteers for our commissions, for their time and dedication.

**Borough of Matawan
Workshop Session
January 17, 2023**

As we head into 2023, I look forward to a productive year with the Council. The 300-yr anniversary of the Burrowes Mansion will be celebrated June 2-4 with an event filled weekend so save the date now, as more information will be coming soon. My administration remains committed to redevelopment, bringing new businesses to town, improving our parks, paving our roads, and providing our departments and first responders with the equipment and tools they need to perform their jobs properly, enhancing our events and recreation programs for our residents, and continuing to make Matawan a desired community for people to live. I wish you a healthy, happy, and prosperous 2023. It's an honor to be your Mayor, and I thank you for the opportunity to serve the residents of Matawan.

Administrator's Report

Police Chief Thomas J. Falco, Jr., Interim Borough Administrator, thanked the Governing Body for their support and confidence in his ability to serve in this interim role. He states, having served the Borough for over 31 years I'm sure my institutional knowledge of the Borough will serve the Borough and work well with the transition of hiring of a Borough Administrator. Since my December 20, 2022 appointment, working with other Borough Officials, the Borough Attorney, the CFO, the Clerk's Office – Executive Assistant Robin Klinger, is doing a fine job filling in, in the absence of our Borough Clerk Karen Wynne who is on medical leave – I've coordinated and participated in Department Head meetings, most recently on December 22, 2022, with discussions including the transition of hiring a Borough Administrator, the 2023 reorg meeting, applications for appointments for Fire Chief and 2nd Deputy Chiefs for 2023, establishing guidelines for youth organizations use of MMCC Gymnasium as with Matawan Police Headquarters here there are some logistics to be worked out, as well as consult with the Deputy Administrator Nicole Horvath and DPW Superintendent Eric Frye to ensure there is appropriate DPW personnel to staff events. Also, the preparation of tonight's Agenda as directed by the Mayor, discussions with the DPW Superintendent and Borough Attorney to establish criteria to establish a DPW Assistant Foreman position, and notified various professional services on the current Borough Administrator transition. The Deputy Administrator and I rescheduled a meeting with the DPW IBEW union for collective bargaining negotiations to resume upon the appointment of a new Borough Administrator. The Mayor, Council President and Personnel Chair have been kept abreast of all incoming Borough Administrator applications; the application period closed last Friday at 10 AM. Lastly, this morning I met with the Borough Engineer to work on our grant application for funding of Penniplede Park.

Attorney's Report

Mr. Menna announced the Council will adjourn into Executive Session after tonight's Public Session to discuss litigation. No formal action will be taken.

Engineer's Report

Mr. Keady reported on the status of various Projects as follows:

- 2021 Road Program, Contract I – the contractor has been working on the punch-list and should be done soon.
- 2022 Road Program – the water main is commencing on both Cedar and Oak Streets. Water main work will then begin on the dead-end portion of Johnson Avenue. The sanitary sewer tv inspection has been on pause, as we're waiting for a permit from the NJ DOT for Route 34. Once received, that work will continue and an inspection will be completed.

Councilwoman Gunn asked Mr. Keady if the paving on Cedar and Oak Streets will begin once the weather improves and he replied explain the road work procedure. Mayor Altomonte asked if the residents on both roads were notified that if they wish to convert from oil to gas, now would be the time to do it and Mr. Keady stated that there was a street opening for the gas company to

**Borough of Matawan
Workshop Session
January 17, 2023**

run a main and he assumed they would have notified the residents of both streets at the time. Councilwoman Gunn and Councilman Livesey both stated that they are visiting those houses.

EBD, Planning & Zoning, Police

Councilwoman Gunn reported that Planning/Zoning had their reorganization meeting and are looking forward towards the February meeting. The next Economic Business Development meeting is scheduled for January 26. At the December meeting, the committee decided the Blues & Cruise event will be scheduled for May 24, adding to an already busy couple of weeks because the Memorial Day Parade will be held on May 29 and then the 300th Anniversary of Burrowes Mansion will be held the following weekend. As of December 31, 2022, the Police Department used 99% of its overtime budget, with 350 hours of overtime expended in December. The PBA sponsored the annual Santa Runs and we thank them for their efforts for that. The patrol division responded to 828 calls for service in December and 11,310 were received for the calendar year. This was an increase of 179 calls since last year. In December, there were 19 arrests, 87 e-citations were issued, and 32 motor vehicle crashes. The Police Committee worked with Chief Falco to have the speed limit lowered on Broad Street, from 30MPH to 25MPH. Monmouth County has approved this change so new signs will be posted along Broad Street, reflecting the new speed limit. The Committee is still waiting for the County to decide on their recommendation of adding some cross walks along Ravine Drive, Main Street, and Broad Street. Sergeant Brian Murphy and Patrolman Eric Budelman retired as of January 1, 2023, and we thank them for their service. Due to these retirements and the impending retirement of Captain Hourihan, which is set to occur on May 1, 2023, the Police Department will be looking to promote from within, as well as hire two new patrol officers. Chief Falco requested adding an additional sergeant position to the roster, making six sergeants in rotation. He noted that this will alleviate some overtime hours so the Police Committee is recommending the additional sergeant position. She asked for Council support for this, as it requires an ordinance to adjust the Borough code. The Borough has a young police force, with an average of a little under 3 ½ years total experience. She reminded the Council to review the 2023 Council Meeting calendar, noting that there are many meetings that occur on Thursdays, due to conflict with holidays or Borough events.

Historic Sites & Personnel

Councilman Russell stated that it was an honor to be present, in person, representing the people of Matawan. He thanked everyone for accommodating his necessary isolation during the previous meeting. The Borough has received 18 applications for the position of Borough Administrator. Hopefully by next meeting the Council can vote and approve a new Borough Administrator. He announced that the first Historic Sites meeting will be held on January 18.

Recreation, Recycling & Sanitation

Councilwoman Buckel reported that on December 30, 2022, the Recreation Department, along with Chief Falco, met with the Borough seniors to discuss increasing the senior programs offered to them. She stated that they are keen on having a senior center located here at MMCC, with additional classes and get-togethers added, as well as the opportunity to use the gym to walk indoors. They would also like the Recreation Department to work on having day trips and transportation offered to them. The Department has discussed with DPW having the cafeteria double as a senior space for at least one day per week. This would result in having the DPW renovate the space with freshly painted walls, remove the steel grids from the ceiling, and hiring a firm to have new flooring installed. Mr. Frye has given a timeline of beginning this in February so she remains hopeful. This renovation will also improve the room for voting and food pantry distribution, and other groups will be able to use the space. The Recreation Department is also working on upgrading the 2023 Summer Rec program and an extra week is being added to camp, making it a six-week program. She offered an update to the pelican and swan boats along Lake Lefferts, noting they need a few repairs. The Monmouth County Vocational School will be working on the repairs, with no labor cost to the Borough. She also stated that the Recreation

**Borough of Matawan
Workshop Session
January 17, 2023**

Director was looking to become full-time in 2023. With the quality and quantity of programming now offered in the Borough these past few years, she feels that the position requires a full-time director to further grow the department. She hoped the Council will consider this when the subject is presented in the future, mentioning that she will be sending the Governing Body a letter with this recommendation.

DPW, Fire Department, Shade Tree,

Councilman Livesey reported that the 2023 Tree City USA application has been submitted and the Shade Tree Commission is waiting for approval. They are currently working on the Borough's forestry plan, which allows the Borough to get grant money to use for planting trees in town. The next scheduled meeting for Shade Tree is February 9. The Committee is also in the process of planning the Arbor Day event, which will probably occur at the end of April. There were two structure fires that the Fire Department responded to on January 5: One fire in Aberdeen (which had one fatality) and one fire in Morganville. On January 13, the Department assisted at the Hazlet fire that resulted in family fatalities and members of the Department will be attending the vigil for the family. The DPW is in the process of preparing for winter weather, in anticipation of having any winter weather. Everything is prepped and ready to go. They made a final sweep for leaf pick up on January 6. The DPW is in the process of doing some basic rehabilitation of the MMCC cafeteria room, with a target of completion occurring in early-to-mid February. Once the weather permits, they will sand and repaint the picnic tables at Clinton Street Park. The vandalism continues at Terhune Park playground. DPW has made a temporary repair to the plastic tunnel and are working with Recreation on establishing a long-term solution.

ADA, Animal Welfare Advisory, Property Maintenance

With the 2022 shared services established between the Borough and Aberdeen Township for Construction, Property Maintenance and Zoning, Councilwoman Wang related the shared services provided by Aberdeen Township advising she is received information from Property Maintenance and is working with coordinating regular meetings with that Department. She related her role as Council Liaison to Property Maintenance and offered the combining the Council Committees of Construction and Property Maintenance.

Councilwoman Wang seeks to resume ADA Committee meetings noting the importance of its effort and is also working with coordinating regular meetings of the Committee. The Committee's Resident-At-Large is a 3-year term and the position is currently vacant. Mr. Menna stated as a historical background this Committee was formed in 2016 as there had been previous litigation and to a second action filed in 2016. As part of the negotiated settlement that did not result in cash outlay, the people with disabilities the Borough offered the creation of a committee to address any such issues in the Borough. Mr. Menna reviewed the member composition of the ADA Committee by Ordinance. The Committee was to establish quarterly meetings the ADA Committees role and intent is not to be a hearing of complaints but a more important function to be a springboard and advocate in resolving technical issues that concern residents with ADA challenges. It is the recommendation of Mr. Menna that the Administrator establish a 2023 quarterly meeting calendar and posted. Residents and interested individuals are welcome to attend and public and private facilities more ADA accessible. It should be noted the Borough does not have the purview over private facilities except those applications presented to the Borough of Matawan Unified Planning Zoning Board of Adjustment.

The Animal Welfare Advisory Committee (AWAC) was presented with a Memorandum of Understanding from the Monmouth County SPCA to sponsor our Trap Neuter Release (TNR) program as well as animal control [officer] (ACO) services, and it is the recommendation of the AWAC to accept this Memorandum of Understanding. Copy of that Memorandum has been distributed to the Governing Body.

**Borough of Matawan
Workshop Session
January 17, 2023**

Some highlights of the Memorandum TNR program include cat colonies and the caretaker responsibilities. One of the Memorandum conditions is that MCSPCA reserves the right to determine a cat's "adoptability." Should an animal be deemed adoptable, MCSPCA will keep that animal and place it out for adoption. The Borough is billed for each day that the animal is up for adoption. Mr. Menna contacted the MCSPCA Director who stated it is not in their best interest to have a large animal population reserved for adoption and they will look to return the animal to its original caretaker. Should a cat be spayed/neutered, etc., and need to remain at the facility for medical reasons they will not be assessing us a separate charge. Additionally, Paragraph 13 of ACO Agreement states, "upon the request of the municipality or as a result of a court order should an animal be impounded..." It is Councilwoman Wang's contention that if MCSPCA elects to retain an animal for adoption that there is no daily fee imposed upon the municipality. Mayor Altomonte asked Councilwoman Wang to provide him with her concerns and he will contact MCSPCA directly.

A public meeting was held on December 19, 2022 to receive public comment on the Borough Code. The AWAC provided a sample template to Interim Borough Administrator Falco and our Borough Attorney. The Borough Attorney is drafting an Ordinance for introduction.

Construction, Environmental, Finance

Councilman Ross offered to take on Property Maintenance if Councilwoman Wang wanted to alleviate some of her responsibilities since he already had Construction as one of his committees. Councilwoman Wang said she had no problem being chair to that Committee. Councilman Ross said the Finance Department is working on the setting up the office for the new year and beginning the 2023 budget. They would like to have the meetings with the Department Heads completed by February 1. He noted that if any Council chairs need to speak with Ms. Horvath about their Committee's budget, they should do so as soon as possible. In 2023, the Environmental Committee set a goal to introduce some recommendations for making any new commercial building construction 'greener', making certain requirements of the builders. They will evaluate the current ordinances to see if there is any way to revise what's already there.

Consent Agenda

Mayor Altomonte read by title Resolutions 23-01-28 through and including 23-01-38, excluding Resolution 23-01-33, noting that will be voted on separately, requesting a motion to approve en masse.

Councilwoman Gunn explained Resolution 23-01-34, noting that the organization was asking for a waiver of MMCC use fees. She said this has been done previously for various organizations, including the one listed on the resolution. She requested that the Governing Body approve the Resolution. She also explained Resolution 23-01-38, noting the grant application was for Pennipede Park improvements and offered a history on why such improvements were needed.

Councilwoman Deana Gunn made the motion, seconded by Councilman Charles Ross. Mayor Altomonte requested a voice vote. Council agreed. Motion passed.

**RESOLUTION 23-01-28
APPROVAL OF LIMOUSINE OWNER LICENSE RENEWAL
HARISH KUMAR**

WHEREAS, Harish Kumar, has passed the required Police Department background checks; and

WHEREAS, Harish Kumar, 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 limousine owner license renewal:

Applicant: Harish Kumar

**Borough of Matawan
Workshop Session
January 17, 2023**

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 23-01-29
APPROVAL OF TAXI DRIVER LICENSE RENEWAL
JOSE SORIANO ROSALES**

WHEREAS, Jose Soriano Rosales, has passed the required Police Department background checks; and

WHEREAS, Jose Soriano Rosales, 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: Jose Soriano Rosales

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 23-01-30
APPROVAL OF TOWING & STORAGE LICENSE RENEWAL
BAYSHORE AUTO SERVICE**

WHEREAS, Bayshore Auto Service (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, Bayshore Auto Service (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 renewal:

Business: Bayshore Auto Service
81 Route 35
Keyport, New Jersey 07735

Applicant: John J. Falco, Jr.

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

WHEREAS, Dawn's Auto Body (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, Dawn's Auto Body (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 renewal:

Business: Dawn's Auto Body
7 Division Street
Keyport, New Jersey 07735

Applicant: Christopher Matey

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.

**Borough of Matawan
Workshop Session
January 17, 2023**

**RESOLUTION 23-01-32
APPROVAL OF TOWING & STORAGE LICENSE RENEWAL
EXECUTIVE TOWING, LLC**

WHEREAS, Executive Towing, 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, Executive Towing, 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 renewal:

Business: Executive Towing, LLC
762 Texas Road
Morganville, New Jersey 07751

Applicant: Josephine Fabbella

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 23-01-34
AUTHORIZING THE WAIVER OF FEES
ABERDEEN-MATAWAN SOCCER CLUB**

WHEREAS, the Aberdeen-Matawan Soccer Club is a recreational organization dedicated to the children of Matawan and Aberdeen; and,

WHEREAS, the Aberdeen-Matawan Soccer Club is in need of use of the Matawan Municipal Community Center (MMCC) Gym to hold its soccer skills clinic for the U15 boys Thunder soccer team in the Matawan Aberdeen Soccer Club., and has provided the necessary paperwork including the Certificate of Insurance and Hold Harmless Agreement as per Borough Ordinances; and

WHEREAS, the Aberdeen-Matawan Soccer Club is requesting the Borough, as an expression of support and encouragement, to waive all fees including room rental and cleaning fees.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby waives the room rental and cleaning fees for the Aberdeen-Matawan Soccer Club and grants them permission to use the MMCC each Wednesday between January through March, between the hours of 6:30PM - 8:00PM, subject to any and all closures of the MMCC including weather-related events and the Federal Holiday schedule as outlined on the submitted Application.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Fire Prevention, Police, Public Works, Recreation as well as the Aberdeen-Matawan Soccer Club.

**RESOLUTION 23-01-35
AUTHORIZING THE ISSUANCE OF
2023 RAILROAD PARKING SUMMER PARKING PASSES**

WHEREAS, there is a need for additional parking for people working during the summer months; and

WHEREAS, there is also a decrease of regular permit holder using the parking lot during this same time period.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby authorizes the issuance of Summer Railroad Parking Permits for the period of May 1, 2023 through August 31, 2023 for a fee of \$225.00.

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, and the Railroad Parking Enforcement Officer.

**Borough of Matawan
Workshop Session
January 17, 2023**

**RESOLUTION 23-01-36
2022 TONNAGE GRANT APPLICATION**

WHEREAS, the Mandatory Source Separation and Recycling Act PL 1987, c102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2022 Recycling Grant will memorialize the commitment of the municipality to recycling and to indicate the assent of the Borough Council of the Borough of Matawan to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Grace Rainforth, Recycling Coordinator, to ensure that the application is properly filed.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

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

**RESOLUTION 23-01-37
FIXING RECREATION FEES AND USES
SENIOR RECREATION PROGRAMS**

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

Senior Recreation Programs

<i>Senior Chair Non-Resident</i>	<i>\$55.00 per session</i>
<i>Senior Strength Non-Resident</i>	<i>\$55.00 per session</i>
<i>Both Classes Non –Resident</i>	<i>\$100.00 per session.</i>

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

**RESOLUTION 23-01-38
AUTHORIZING APPLICATION FOR NEW JERSEY DCA
FY 2023 LOCAL RECREATION IMPROVEMENT GRANT
PENNIPLUDE PARK IMPROVEMENTS PROJECT**

WHEREAS, the Local Recreation Improvement Grant (LRIG) is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums; and

WHEREAS, ensuring public access to community facilities is imperative given access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational opportunities; and

**Borough of Matawan
Workshop Session
January 17, 2023**

WHEREAS, LRIG funds will be allocated to each grant recipient to help cover costs associated with updating playgrounds, multi-sport courts, and recreational facilities; project development professional services costs; equipment costs including playground and recreation facilities equipment required to prepare recreation sites for use.

WHEREAS, the Governing Body of the Borough of Matawan desires to apply for and obtain a grant from the Local Recreation Improvement Grant in the amount of \$100,000 to carry out a project to upgrade Basketball Court facilities at identified as Block 37, Lot 15, on the tax map of the Borough of Matawan; and.

WHEREAS, the total cost of the project including all matching funds is \$280,654.00; and

WHEREAS, the Borough of Matawan is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, New Jersey that:

- 1. The Borough of Matawan does hereby authorize the application for such a grant; and,*
- 2. recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough of Matawan and the New Jersey Department of Community Affairs.*
- 3. This resolution shall take effect immediately.*

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

**RESOLUTION 23-01-44
2020 ROAD IMPROVEMENT PROGRAM
BLACK ROCK ENTERPRISES, LLC
AUTHORIZING CHANGE ORDER NO. 2 & FINAL**

WHEREAS, T&M Associates has informed the Council that Various Items are reduced to reflect current as-built quantities in the 2020 Road Improvement Program, for a decrease this Change Order No. 2 and Final of Seventy-Five Thousand, Eight Hundred Fifty-Three Dollars and Fifty-Six Cents (\$75,853.56); and

WHEREAS, T&M Associates has informed the Council that Extra Items are increased to reflect current as-built quantities in the 2020 Road Improvement Program, for an increase this Change Order No. 2 and Final of Four Thousand, Four Hundred Twenty-Two Dollars and Eighty-Eight Cents (\$4,422.88).

WHEREAS, T&M Associates has informed the Council that Item C-S9 is supplemental in the 2020 Road Improvement Program, for no charge.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendation of Robert Keady, T&M Associates, that they hereby authorize the attached contract modification proposal, 2020 Road Improvement Program, Change Order No. 2 and Final, a Net Change Reduction in this Change Order No. 2 and Final in the amount of Seventy-One Thousand, Four Hundred Thirty Dollars and Sixty-Eight Cents (\$71,430.68).

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

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Public Works as well as T&M Associates and Black Rock Enterprises.

Borough of Matawan Workshop Session January 17, 2023

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

SHEET NO. 1 OF 2
PROJECT NO. MATN-04153

CHANGE ORDER NO. 2 & FINAL

DATE: December 8, 2022
 PROJECT: 2020 Road Improvement Program
 OWNER: Borough of Matawan
 CONTRACTOR: 2020 Road Improvement Program

DESCRIPTION OF CHANGE:

REDUCTIONS:
 Various items are reduced to reflect as-built quantities.

EXTRA:
 Item C1 is increased to reflect as-built quantity.


SUPPLEMENTARY:
 C-S9 Contract Completion Date Extended to 7/29/2022

APPROVAL RECOMMENDED:


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

ACCEPTED:


CONTRACTOR:
 Black Rock Enterprises, LLC

OWNER'S APPROVALS:

 Joseph Altomonte
 Mayor

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

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$75,853.56
B. TOTAL EXTRAS THIS C.O.	\$4,422.88	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$0.00	XXXXXXXXXX
TOTALS THIS C.O.	\$4,422.88	\$75,853.56
NET CHANGE THIS CHANGE ORDER	\$0.00	\$71,430.68
PREVIOUS CHANGE ORDERS	\$193,088.19	\$193,088.19
TOTAL CHANGE ORDERS TO DATE	\$197,511.07	\$268,941.75
NET CHANGE IN CONTRACT	\$0.00	\$71,430.68

ORIGINAL CONTRACT BID PRICE	\$1,012,800.00
CHANGE ORDERS TO DATE	-\$71,430.68
REVISED CONTRACT PRICE	\$941,369.32

Borough of Matawan Workshop Session January 17, 2023

CHANGE ORDER NO. 2 & FINAL

SHEET NO. 2 OF 2
PROJECT NO. MATN-04153

PROJECT: 2020 Road Improvement Program
OWNER: Borough of Matawan
CONTRACTOR: 2020 Road Improvement Program

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
B2	Police Traffic Directors	23791.95	DOL	\$1.00	\$23,791.95
B12	DGA Base Course, 6" Thick	206.93	SY	\$8.50	\$1,758.89
B18	6"x18" Concrete Vertical Curb	15.50	LF	\$45.00	\$697.50
B19	15" Reinforced Concrete Pipe, Class IV	40.00	LF	\$100.00	\$4,000.00
B20	Reconstructed Inlet, Type B, Using New Casting	3.00	UN	\$1,555.00	\$4,665.00
B21	Reset Existing Casting	4.00	UN	\$284.84	\$1,139.36
B22	Bicycle Safe Grate	3.00	UN	\$369.00	\$1,107.00
B23	Curb Piece, Type N-ECO	3.00	UN	\$360.00	\$1,080.00
B24	Cleaning Drainage Structure	2.00	UN	\$399.00	\$798.00
B25	Reset Manhole, San Sewer, Using Ex. Casting	8.00	UN	\$290.00	\$2,320.00
B26	Traffic Markings Lines, 4" Thick	110.00	LF	\$2.20	\$242.00
B27	Traffic Markings Lines, 24" Thick	20.00	LF	\$13.00	\$260.00
B28	Regulatory and Warning Signs	40.00	SF	\$40.00	\$1,600.00
C3	8" Ductile Iron Pipe, Class 52	33.00	LF	\$78.00	\$2,574.00
C18	12" CIPP Lining (MH to MH)	9.69	LF	\$70.00	\$678.61
C21	Grout Manhole	1.00	UN	\$1,350.00	\$1,350.00
C24	HMA, 9.5M64, Surface Course, 2" Thick	20.00	TON	\$125.00	\$2,500.00
C25	HMA, 19M64, Base Course, 6" Thick	56.85	TON	\$125.00	\$7,106.25
C27	HMA Driveway, 5" Thick	15.00	SY	\$50.00	\$750.00
C28	6" Underdrain, Type SP	50.00	LF	\$44.00	\$2,200.00
C29	2' x 2' Field Inlet	1.00	UN	\$1,500.00	\$1,500.00
C30	9" x 20" Concrete Vertical Curb	10.00	LF	\$70.00	\$700.00
C32	18" Reinforced Concrete Pipe	64.00	LF	\$100.00	\$6,400.00
C37	Silt Fence	20.00	LF	\$3.00	\$60.00
C38	Construction Driveway	16.00	TON	\$50.00	\$800.00
C39	Controlled Low Strength Material	6.00	CY	\$350.00	\$2,100.00
C44	Traffic Markings Lines, 4" Thick	500.00	LF	\$1.00	\$500.00
C45	Traffic Markings Lines, 6" Thick	500.00	LF	\$1.35	\$675.00
C46	Traffic Markings Lines, 24" Thick	500.00	LF	\$5.00	\$2,500.00

A. TOTAL REDUCTIONS \$75,853.56

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
C1	Police Traffic Directors	4422.88	DOL	\$1.00	\$4,422.88

B. TOTAL EXTRA \$4,422.88

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
CS-9	Contract Completion Date Extended to 7/29/2022	1.00	LS	\$0.00	\$0.00

C. TOTAL SUPPLEMENTARY \$0.00

New Business

Mr. Menna explained Resolution 23-01-33 is Council approval of the Person-to-Person Transfer of a liquor license and asked for comment from the public. There were no comments. Mayor Altomonte requested a motion for Resolution 23-01-34: Person-to-Person Transfer of Plenary Retail Consumption License from Salute 74 Main, LLC to A Salute My 5 Sons, LLC – #1329-33-006-007. Councilwoman Wang made the motion, seconded by Councilwoman Gunn. Council agreed. Motion passed.

**Borough of Matawan
Workshop Session
January 17, 2023**

**OLUTION 23-01-33
PERSON-TO-PERSON TRANSFER OF
PLENARY RETAIL CONSUMPTION LICENSE FROM
SALUTE 74 MAIN, LLC TO ASALUTE MY 5 SONS, LLC
#1329-33-006-007**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1329-33-006-007, heretofore issued to Salute 74 Main, LLC, for premises located at 74 Main Street, Matawan, New Jersey 07747; and

WHEREAS, ASalute My 5 Sons, LLC submitted application form is deemed complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

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

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

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan does hereby approve, effective January 17, 2023, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License held by Salute 74 Main, LLC, to ASalute My 5 Sons, LLC, 74 Main Street, Matawan, New Jersey 07747, and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to ASalute My 5 Sons, LLC, effective January 17, 2023"

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance, Police as well as Salute 74 Main, LLC, ASalute My 5 Sons, LLC, Mark Breitman, Esq., 684 Holmdel Road, Hazlet, NJ 07730, Nicholas Defonte, 39 Broadway, Suite 930, New York, NY 10006, as well as the NJS Division of Alcohol Beverage Control.

Mayor Altomonte read by title Resolution 23-01-39: Authorizing the Execution of an Agreement for Animal Control Services with Monmouth County Society for the Prevention of Cruelty to Animals. Councilwoman Wang made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 23-01-39
AUTHORIZING THE EXECUTION OF AN AGREEMENT
FOR ANIMAL CONTROL SERVICES WITH
MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS**

WHEREAS, the Borough of Matawan, a Municipal Corporation of the State of New Jersey, with offices at 201 Broad Street, Matawan, NJ 07747 (hereinafter referred to as "The Borough"); and

WHEREAS, Monmouth County Society for the Prevention of Cruelty to Animals, located at 260 Wall Street, Eatontown, NJ, 07724 (hereinafter referred to as "MCSPCA"); and

WHEREAS, the Borough of Matawan desires to engage the services of MCSPCA for Animal Control Services, for the year 2023.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby authorizes the approval of said Agreement and authorizes the Mayor to execute said Agreement for Animal Control Services with the MCSPCA, effective January 1, 2023 through and including December 31, 2023 in an amount not to exceed

**Borough of Matawan
Workshop Session
January 17, 2023**

Sixteen Thousand, Two Hundred Dollars and No Cents (\$16,200.00) 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 *the Council hereby authorizes the approval of said Agreement and authorizes the Mayor to execute said Agreement.*

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 the Monmouth County Society for the Prevention of Cruelty to Animals, 260 Wall Street, Eatontown, NJ, 07724.*

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 MCSPCA for Animal Control Services in an amount not to exceed Seventeen Thousand, Six Hundred Sixty-Five Dollars and Ninety-Nine Cents (\$16,200.00).

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

Chief Financial Officer

(Signature on file)

*Nicole Horvath, CMFO
Dated: January 17, 2023*

**Borough of Matawan
Workshop Session
January 17, 2023**

**MONMOUTH COUNTY MCSPCA
SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS
LAW ENFORCEMENT DIVISION
260 WALL STREET, EATONTOWN, NEW JERSEY 07724
732-542-0040
FAX: 732-542-4552**

THIS AGREEMENT, made this day of by and between the MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRULETY TO ANIMALS, a non-profit 501(c) 3, government entity created under New Jersey State law, having principal offices at 260 Wall Street, Eatontown, New Jersey, hereinafter referred to as the "MCSPCA " and the Borough of Matawan, a municipal corporation of the State of New Jersey, having principal offices at 201 Board Street, Matawan, New Jersey 07747, hereinafter, referred to as the "Municipality".

WHEREAS, the Municipality wishes to retain the services of the MCSPCA for animal control for a period beginning the 1st day of January, 2023 and ending on the 31st day of December, 2023.

NOW THEREFORE, in consideration of the mutual agreements set forth below, it is agreed that:

- 1. The MCSPCA shall make their services as independent contractor, as an animal service provider, as hereinafter described, available to the Municipality on a daily basis, during standard business hours, as needed, five (5) days a week. Weekends, Holidays and Night emergency services (after standard day time business hours), will also be provided when necessary on the terms stated. Services are defined as the rescue, custody and care of injured animals, trapped animals, sick animals, animals whose lives are endangered or animals present a danger to humans, including those who have bitten a person.*

For the purpose of this Agreement, marine mammals, feral cat colonies and dead deer are specifically excluded, neither shall the MCSPCA trap, rescue, or relocate or care for geese unless same is in need of veterinary care.

Upon the Municipality's request, or in the case for the need of animal humane and/or Services as defines herein, feral cat colonies will remain the responsibility of the person "caretaker" caring for the cats. If there is a sick, rabid, or injured cat, the MCSPCA will provide services and assistance, and shall be entitled to be reimbursed for all the costs and expenses to said feral cat colony. If the colony is abandoned by the caretaker and the MCSPCA is called to remove any and/or care for the colony, the costs and expenses incurred by the MCSPCA will be in addition to the cost for Services and will be the responsibility of the Municipality. If the Municipality enters into a Memorandum of Understanding (MOU) with the MCSPCA for the purpose of TNR, then all terms of the MOU shall be set forth as agreed upon by the MCSPCA and the Municipality and shall supersede certain terms in the contract.

- 2. The Municipality will pay the MCSPCA the sum of \$16,200.00 annually. The said sum to be prorated on a monthly basis of \$1,350.00. Payment for all services, including additional costs and expenses as stated herein, and unless express terms to the contrary are agreed, are due thirty (30) days after presentment of invoice and/or Municipality voucher executed by appropriate party, time is of the essence.*
- 3. It is expressly understood, except as otherwise stated, the services include all the costs and expenses incurred by the MCSPCA or its animal control officer in the maintenance of custodial facilities and vehicle to be used by the animal control officer.*
- 4. Upon a request from the Municipality, the MCSPCA shall respond to an emergency as defined herein. Emergency veterinary treatment will be provided to an ill or injured animal as required by the State Law regulation. The MCSPCA reserves the right in its sole discretion to determine that if the animal requires transportation to an emergency clinic on nights, weekends, or holidays, when our own veterinarians are not available.*

If there is no known owner, the cost of in house services shall be covered by the MCSPCA any expense incurred by the MCSPCA for outside veterinary services will be the responsibility of the Municipality. If the owner is known, the cost and expenses will be bore by the owner.

- 5. The MCSPCA shall, at the request of an owner of an unwanted animal, render assistance in delivery of said animal to an appropriate humane shelter, including a shelter maintained by the SPCA. The MCSPCA will be paid for the cost and expenses of such assistance, which shall be the responsibility of the owner.*
- 6. The MCSPCA shall use reasonable efforts to impound any stray, abandoned or unlicensed dog or cat, running at large on public property within the municipality. When such impoundment occurs, the dog or cat shall be put up for adoption or humanly disposed of, at the sole and exclusive discretion of the SPCA, after seven (7) day statutory hold period. It is expressly understood, once the MCSPCA accepts any animal and takes it into custody; it shall become the property of the MCSPCA for the disposition a stated above. The*

**Borough of Matawan
Workshop Session
January 17, 2023**

MCSPCA Animal Control Officer (ACO) or MCSPCA Humane Law Enforcement Officer shall issue summons for Municipal Ordinances and NJ Title 4 pertaining to all animal laws that apply under the scope of the ACO's employment. (ie: Dog/Cat licensing, animals running at large, dangerous dog)

7. *Upon proof of ownership, any person may redeem his/her animal from the MCSPCA upon payment to the MCSPCA and shall be responsible to pay for any vaccinations and/or necessary medical treatment that the medical team deemed necessary. Once the ownership is established, and the animal is no longer a stray, regular boarding rates at \$20.00 per day shall be paid to the MCSPCA by the owner prior to the release of the animal. No release or redemption shall be honored unless the owner provides proof of ownership and produces a current municipal dog/cat license if applicable. If an animal is unclaimed after seven (7) days, the MCSPCA shall by law take ownership of the animal and offer the animal for adoption, humanly disposed or any other disposition that the MCSPCA deems humanely appropriate.*
8. *Any stray dog, cat or any other animal taken into the custody of the MCSPCA and charged with biting a human being, shall be quarantined for the required period of ten (10) days. The cost and expenses incurred during this period shall be the responsibility of the owner. If no known owner, the costs shall be absorbed by the SPCA.*
9. *Transportation of the head of the animal suspected of rabies to the State department shall be provided by the MCSPCA under the condition that the said animal expired on the premises before the ten (10) day quarantine period referred to above. The fee for removal of the head and deliver for rabies examination will be paid by the owner of the animal or absorbed by the MCSPCA if the owner is unknown.*
10. *The animal control officer shall be an employee of the SPCA. The MCSPCA shall indemnify and hold the Municipality harmless from and against any damage caused by the animal control officer, expressly excluded damage caused by the animal.*
11. *Removal of an animal, including wildlife, inside a home, apartment building, garage, roof, etc., "residence", is not covered under this agreement. The MCSPCA reserves the right to answer/respond to those calls; however, the owner of the premises will be charged \$90.00 per hour during standard business hours and \$118.00 after standard hours. If the nature of the call is deemed by a police officer to pose a public safety risk, the MCSPCA shall respond and handle the call at no cost to the homeowner.*
12. *The MCSPCA shall not be responsible for handling deer or any wildlife carcasses; however the MCSPCA shall retrieve infirmed/ injured deer or wildlife at the SPCA's discretion.*
13. *The Municipality will be charged at an additional charge, a boarding fee of \$20.00 per day, payable monthly, for any animal which, upon request of the Municipality as part of a court process or upon order from a court shall impound an animal. The Municipality agrees to expressively seek reimbursement from the costs uncured by the MCSPCA as any judgement from the owner, in the absence as such; the costs shall be the responsibility of the Municipality.*
14. *The signatory of this document represents that it/he/she possess the requisite authority to bind the public entity further represents the execution of the Agreement is authorized by Municipality.*
15. *Except for non-payment, this Agreement contract may be determined during the Term by either party upon sixty (60) days written notice by Certified Mail, Return Receipt Requested, to the other party, in its sole discretion the terminating party may provide an opportunity to cure.*
16. *It is expressively agreed that the MCSPCA is not obligated to incur any cost, expense or legal fees as a consequence of the failure of the Municipality to timely and fully remit all payment due hereunder; such costs, expenses, legal fees shall be the sole responsibility of the Municipality.*
17. *The Parties hereto shall indemnify and hold the other harmless from and against any claim, award, cost, expense by any third party, not affiliated in any way employed by either party for any damage or injury caused by the act or omission of the indemnifying party or its agents.*

THIS AGREEMENT is a sole expression of the understanding between the parties and may only be modified by a written amendment signed by both parties.

MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

BY: _____

Ross Licitra, Executive Director

**Borough of Matawan
Workshop Session
January 17, 2023**

MUNICIPALITYBorough of Matawan

BY: Joseph Altomonte

Robin Hanger - deputy clerk

ATTEST

Mayor Altomonte read by title Resolution 23-01-40: Authorizing the Execution of a Memorandum of Understanding Between Monmouth County Society for the Prevention of Cruelty to Animals and Borough of Matawan for Trap, Neuter and Release Program. Councilman Ross made the motion, seconded by Councilwoman Gunn. Mayor Altomonte requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 23-01-40
AUTHORIZING THE EXECUTION OF
A MEMORANDUM OF UNDERSTANDING BETWEEN
MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND
BOROUGH OF MATAWAN FOR TRAP, NEUTER AND RELEASE PROGRAM**

WHEREAS, the Monmouth County S.P.C.A, being a duly authorized animal shelter under the authority of New Jersey State Law Title 4, and having such authority within the County of Monmouth to act as so, shall enter into a "Memorandum of Understanding (MOU)" for a "Trap, Neuter and Release (TNR)" program for the 2023 calendar year with the Borough of Matawan, being a duly authorized Municipality within the County of Monmouth.

WHEREAS, the Monmouth County SPCA shall assume the role as the approved sponsor for the TNR program within the Borough of Matawan and shall set forth the requirements for this program which shall be listed in this MOU.

WHEREAS,, the Monmouth County SPCA shall provide the Borough of Matawan with a certificated of insurance naming the Borough of Matawan as additionally insured.

The following guidelines shall be set forth and be agreed upon by both the Monmouth County SPCA and the Borough of Matawan.

- I. Monmouth County SPCA sponsorship requirements:*
- *Review and approve colony caregivers*
 - *Schedule surgical dates for all TNR activities*
 - *Maintain records provided by colony caregivers*
 - *Maintain all medical records*
 - *Set TNR standards and guidelines*
 - *Be responsible with the Borough for humanely trapping, neutering, vaccinating and spaying or neutering of feral cats*

II. The established fee to TNR a feral cat for this program shall be \$75.00. The Borough of Matawan shall be responsible for \$37.50 of this cost while the Monmouth County SPCA shall be responsible for \$37.50. The fee for this program shall include the neutering, ear tip, rabies vaccination and micro-chip for each cat.

**Borough of Matawan
Workshop Session
January 17, 2023**

The Monmouth County SPCA shall bill the Borough of Matawan monthly with a detailed list of activities. There shall be a limit of 100 cats per year under this program or until funding for this program expires.

III. The Monmouth County SPCA shall designate a member of the SPCA to serve as the TNR representative for the program and shall coordinate all TNR activities with the Borough of Matawan' appointed designate. The appointed Borough and appointed SPCA designate shall maintain an open channel of communications with Borough Officials as well as Monmouth County SPCA Officials.

IV. The Monmouth County SPCA, the Borough of Matawan Animal Control Officer and approved caregivers shall coordinate the transportation, to and from the Monmouth County SPCA for the purpose of this TNR program. The Monmouth County SPCA reserves the right not to release any cat that is deemed adoptable and to offer that cat up for private adoption from the shelter.

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 MCSPCA for TNR Program, in an amount not to exceed \$3,750.00 (Three Thousand, Seven Hundred Fifty Dollars and No Cents).

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 17, 2023*

**Borough of Matawan
Workshop Session
January 17, 2023**



**MEMORANDUM OF UNDERSTANDING
BETWEEN MONMOUTH COUNTY S.P.C.A
AND BOROUGH OF MATAWAN
FOR TRAP, NEUTER AND RELEASE PROGRAM**



WHEREAS, the Monmouth County S.P.C.A, being a duly authorized animal shelter under the authority of New Jersey State Law Title 4, and having such authority within the County of Monmouth to act as so, shall enter into a "Memorandum of Understanding (MOU)" for a "Trap, Neuter and Release (TNR)" program for the 2023 calendar year with the Borough of Matawan, being a duly authorized Municipality within the County of Monmouth.

WHEREAS, the Monmouth County SPCA shall assume the role as the approved sponsor for the TNR program within the Borough of Matawan and shall set forth the requirements for this program which shall be listed in this MOU.

WHEREAS, the Monmouth County SPCA shall provide the Borough of Matawan with a certificated of insurance naming the Borough of Matawan as additionally insured. The following guidelines shall be set forth and be agreed upon by both the Monmouth County SPCA and the Borough of Matawan.

I. Monmouth County SPCA sponsorship requirements:

- Review and approve colony caregivers
- Schedule surgical dates for all TNR activities
- Maintain records provided by colony caregivers
- Maintain all medical records
- Set TNR standards and guidelines
- Be responsible with the Borough for humanely trapping, neutering, vaccinating and spaying or neutering of feral cats

II. The established fee to TNR a feral cat for this program shall be \$75.00. The Borough of Matawan shall be responsible for \$37.50 of this cost while the Monmouth County SPCA shall be responsible for \$37.50. The fee for this program shall include the neutering, ear tip, rabies vaccination and micro-chip for each cat. The Monmouth County SPCA shall bill the Borough of Matawan monthly with a detailed list of activities. There shall be a limit of 100 cats per year under this program or until funding for this program expires.

III. The Monmouth County SPCA shall designate a member of the SPCA to serve as the TNR representative for the program and shall coordinate all TNR activities with the Borough of Matawan' appointed designate. The appointed Borough and appointed SPCA designate shall maintain an open channel of communications with Borough Officials as well as Monmouth County SPCA Officials.

IV. The Monmouth County SPCA, the Borough of Matawan Animal Control Officer and approved caregivers shall coordinate the transportation, to and from the Monmouth County SPCA for the purpose of this TNR program. The Monmouth County SPCA reserves the right not to release any cat that is deemed adoptable and to offer that cat up for private adoption from the shelter.

This memorandum of understanding may be canceled by either party. A thirty (30) day notice of cancelation must be provided by the canceling party.

MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS



BY: _____

**Ross Licitra
Executive Director**

***MUNICIPALITY* Borough of Matawan**

BY:  _____

 - deputy clerk

ATTEST

**Borough of Matawan
Workshop Session
January 17, 2023**

Mayor Altomonte read by title Ordinance 23-01: Amending and Supplementing the Revised General Ordinances of the Borough of Matawan Chapter 5– Animal Control and Adopting a Municipal Community Cat Ordinance. Mayor Altomonte requested a motion to introduce. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mayor Altomonte requested a roll call. A roll call vote was taken.

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

Motion passed.

The Deputy Clerk announced the Public Hearing is scheduled for 7:00 PM on February 7. Mr. Menna announced public comments can be delivered to the Clerk, either in person or via email, and may be addressed at the Public Hearing.

**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

**Borough of Matawan
Workshop Session
January 17, 2023**

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.

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

**Borough of Matawan
Workshop Session
January 17, 2023**

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 (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.*

**Borough of Matawan
Workshop Session
January 17, 2023**

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.

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.

**Borough of Matawan
Workshop Session
January 17, 2023**

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 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*

**Borough of Matawan
Workshop Session
January 17, 2023**

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.

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.*

**Borough of Matawan
Workshop Session
January 17, 2023**

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

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

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

Mayor Altomonte read by title Resolution 23-01-41: Authorizing the Transfer of Unexpended Balances in Certain 2022 Appropriation Reserve Accounts. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

**RESOLUTION 23-01-41
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

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</i>	<i>Transfer To</i>	<i>Amount</i>
<i>Account Number</i>	<i>Of Transfer</i>	<i>Account Number</i>	<i>Of Transfer</i>
2-01-20-135-200 <i>Audit Services Other Expense</i>	\$ 100.00	2-01-28-370-200 <i>Recreation Other Expense</i>	\$ 100.00
2-01-20-145-200 <i>Tax Collector Other Expense</i>	\$ 2,000.00	2-01-20-155-200 <i>Legal Other Expense</i>	\$ 2,000.00
2-01-20-170-200 <i>Downtown Redevelopment Other Expense</i>	\$ 2,000.00	2-01-26-315-200 <i>Vehicle Repairs Other Expense</i>	\$ 2,000.00
2-01-20-130-100 <i>Finance Salary & Wage</i>	\$ 2,300.00	2-01-20-100-100 <i>Administration Salary & Wage</i>	\$ 2,300.00
2-01-20-120-100 <i>Borough Clerk Salary & Wage</i>	\$ 1,000.00	2-01-20-145-100 <i>Tax Collector Salary & Wage</i>	\$ 1,000.00
2-01-20-120-100 <i>Borough Clerk Salary & Wage</i>	\$ 1,500.00	2-01-25-165-100 <i>Fire Prevention Salary & Wage</i>	\$ 1,500.00

**Borough of Matawan
Workshop Session
January 17, 2023**

2-01-20-175-100	\$	1,200.00	2-01-26-300-200	\$	1,200.00
Historical Sites			Shade Tree		
Salary & Wage			Other Expense		
2-01-20-175-200	\$	500.00	2-01-26-300-200	\$	500.00
Historical Sites			Shade Tree		
Other Expense			Other Expense		

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

Mayor Altomonte read by title 23-01-42: Payment of Bills. Councilwoman Gunn made the motion, seconded by Councilman Ross. Council agreed. Motion passed.

**RESOLUTION 23-01-42
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	\$2,877,328.90
Water/Sewer	\$757,416.40
Borough Capital	\$69,744.31
Water Capital	\$8,366.36
Grant	\$1,777.14
Borough Trust	\$30,923.90
Total	\$3,745,557.01

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

Mayor Altomonte requested a five-minute recess at 8:30 PM. The meeting resumed at 8:33 PM.

Privilege of the Floor

Mayor Altomonte opened the Privilege of the Floor.

Hannah Watson, 92A Eatoncrest Drive, Eatontown. Ms. Watson, Manager of Original Scarlet Reserve, asked the Governing Body to make a speedy determination of a Resolution of cannabis endorsement from the Borough.

Suzanne Reynolds, 3 Elm Place, Matawan. Ms. Reynolds asked for clarification on the involvement of MCSPCA in the trapping of feral cats vs. volunteer cat colony caretakers doing the trapping. Mr. Menna said it is the intent to have MCSPCA to assist and coordinate the activity of the volunteers. However, it is a relatively simple Memorandum of Understanding so that MCSPCA can coordinate the individual(s), and I believe the volunteer(s) services will be needed and welcomed. Ms. Reynolds asked for both the TNR Ordinance and the MCSPCA Memorandum of Understanding to be posted on the Borough website for public review. Mr. Menna said yes, that both items will be posted on the Borough website.

Nicki Cleadokus, 1000 Central Avenue, Aberdeen. Ms. Cleadokus commented on the TNR procedure for feral cats, asking about the various provisions within it and how that will affect Borough code regarding other animals within the Borough. Councilwoman Wang said that the Borough code regarding animals is extensive, noting that currently the Governing Body was only addressing the feral cat portion. She explained her position on the new TNR program and her concerns for any potential issues. Ms. Cleadokus stated that she thought the ordinance was very

**Borough of Matawan
Workshop Session
January 17, 2023**

extensive and she approved the language used. Councilwoman Wang concurred. A discussion occurred regarding state law about the protection of animals. Ms. Cleadokus commended the Governing Body for enacting the TNR program and suggested that the Borough do something about lantern flies. Councilman Livesey mentioned that the Shade Tree Commission placed traps on Borough trees and noted that the larger issue is that there currently is no particular guidance on the preferred method of dealing with the invasive species. Councilwoman Gunn stated that until there is a statewide initiative, the pests just move from one tree to the next, making it a challenge to keep them out of the Borough. Ms. Cleadokus asked for clarification regarding the amount of cats trapped per year and Mayor Altomonte explained that there will be additional fees for the Borough should we exceed the amount stated within the contract.

Fran Bucco, 79 Freneau Avenue, Matawan. Ms. Bucco asked if an individual could be penalized for trapping stray cats and giving them to North Shore Animal League on Long Island. She asked if that was illegal. Councilwoman Gunn said she didn't believe that the police were looking anyone doing that.

Lisa Revel, 15 Colonial Drive, Matawan. Ms. Revel explained the procedure for bringing cats to the MCSPCA and the history as to why there are limits as people were bringing animals in from theirs and surrounding towns.

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. Councilwoman Gunn made the motion, seconded by Councilman Ross. Mr. Menna announced the purpose of the Council retiring into Executive Session is to discuss litigation. No formal action will be taken. Council agreed. Motion passed.

Meeting adjourned at 8:47 PM.

Robin Klinger

Robin Klinger
Acting Deputy Clerk