

**Borough of Matawan
Workshop Meeting
March 6, 2012**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on March 6, 2012. The meeting was called to order at 7:00 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in *The Independent* on January 12, 2012, by sending notice to the *Asbury Park Press*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Gould
 Councilman Lopez
 Councilwoman Angelini
 Councilman Urbano
 Councilman Fitzsimmons

Mayor Buccellato informed Councilwoman Clifton will not be able to attend.

Also, present was Pat Menna, Borough Attorney.

Mayor Buccellato asked everyone to stand for a moment of silence.

Mayor Buccellato asked everyone to stand in the Salute to the Flag.

Presentation – Martial Arts Arena

Mayor Buccellato recognized the Martial Arts Arena children volunteered for five days of funding raising, \$1,711.29, throughout the Borough on behalf of the St. Joseph St. Vincent DePaul Society, and read a sample proclamation each child will receive. Patty Mattera, St. Vincent DePaul Society, assisted Mayor Buccellato with the individual presentations. Mayor, Council and Ms. Mattera all thanked the children for their effort.

Ms. Mattera invited everyone for cake and refreshments in the cafeteria. Mayor Buccellato requested a motion to recess the meeting for cake. Councilman Lopez made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed. The time was 7:15 PM.

At 7:30 PM Mayor Buccellato requested a motion to reconvene the meeting. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Gould
 Councilman Lopez
 Councilwoman Angelini
 Councilman Urbano
 Councilman Fitzsimmons

Workshop Items

Disposition of Borough-Owned Property – Annmar Drive

Mayor Buccellato related previous Council workshop discussions where it was determined the Borough had no further use for this property. This property is a non-buildable irregularly shaped property with the three contiguous property owners. Mr. Menna related the steps to the disposition of property. As Councilwoman Angelini needed to momentarily step off the dais,

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Mayor Buccellato suspended the meeting until her return five minutes later. At Mr. Menna's offer, Council authorized the Borough Attorney to send out notice of sale to each owner.

Fees

Mayor Buccellato related discussions he and Ms. Montfort have discussed with regard to the current fee schedule for licenses such as liquor (State law permits a 20% increase per annum), taxi, peddler/hawker/canvasser and masseuse/massage parlor, determining the Borough fees are well below surround municipalities.

Liquor Licenses

Mayor Buccellato related the methodology behind Ordinance 12-05: Amending Borough of Matawan Code – Chapter 6-3.4 Alcoholic Beverage Control informing of Ms. Montfort's recommendation to increase liquor consumption and distribution license fees the full 20%.

Taxi License (Insurance Coverage)

Ms. Montfort and Ms. Bascom had discussed limiting the number of licensed taxis in the Borough with 20 currently licensed. A previous ordinance had the number capped at 10. The State does allow you to "auction medallions." Mr. Menna states this may provide a hardship to the current owners recommending the current policy remain in effect. The current ordinance insurance states \$5,000.00 vehicle liability and the State require a minimum of \$35,000. After discussion it was decided to revise the language to "liability insurance to State statutory requirements." Ms. Montfort related the current taxi license/owner fee schedule recommending an increase on the taxi owner license from \$50.00 to \$75.00 and taxi driver license from \$25.00 to \$35. Council agreed.

Peddler/Hawker/Canvasser License

Ms. Montfort related the current fee schedule of \$10.00 with no charge to non-profit groups. Council agreed to raise all three licenses by \$10.00 each for a total of \$20.00 per license.

Masseuse/Massage Parlor License

Mayor Buccellato directed Ms. Montfort to research the fee charged by the State for a masseuse license, and the amount of masseuses and massage parlors licensed in the Borough.

Chapter 4-13 Motor Vehicle Service Stations License Requirement

Mayor Buccellato related his discussions with Ms. Montfort as the requirement, dating back to 1971, has never been collected, and is unclear: "The license fee shall be \$10.00 per station per view." Ms. Montfort stated each gas station bay is called a "view." Mr. Menna said this was most likely put in place prior to the fire code to protect against hazards at stations. He recommended it be deleted as it is unenforceable as written and enforceable with fees imposed under the fire code. Council agreed.

Collection Bins

Mayor Buccellato would like Council to compose an ordinance to provide background checks, fees, etc., of the association or organization as there is none in place, and we do not know which bins are legitimate and which are not. Ms. Montfort provided a North Caldwell, New Jersey sample ordinance to be used as a guide. The Construction Official, will review, provide comment and return to Council.

Old Business

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Mayor Buccellato read by title Resolution 12-01-72: Authorizing the Execution of a Shared Services Agreement for Animal Control and Impoundment Services with the Borough of Helmetta. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Abstain: Councilwoman Gould

Motion passed.

**RESOLUTION 12-01-72
AUTHORIZING THE EXECUTION OF A
SHARED SERVICES AGREEMENT
FOR ANIMAL CONTROL AND IMPOUNDMENT SERVICES
WITH THE BOROUGH OF HELMETTA**

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Shared Services Agreements for Animal Control and Impoundment Services with the Borough of Helmetta, effective January 1, 2012.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this Resolution, along with the executed Agreement for Animal Control Services and executed Agreement for Animal Impoundment Services to the Borough Clerk of the Borough of Helmetta, 60 Main Street, Helmetta, New Jersey 08828.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 2-01-27-330-200 Budget of the Borough of Matawan for Animal Control and Impoundment with the Borough of Helmetta in an amount not to exceed Twenty-Three Thousand Three Hundred Forty Dollars (\$23,340.00).

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)

Monica Antista, CMFO
Dated: March 6, 2012

Consent Agenda

Mayor Buccellato read by title Resolutions 12-03-02 through 12-03-04 requesting a motion to approve en masse. Councilwoman Angelini made the motion, seconded by Councilman Lopez.

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Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-02
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00053**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00053 which was sold to Wen Lu, 144-90 51st Avenue, Apartment 515, Flushing, New York 11355; and

WHEREAS, Certificate #11-00053 has been paid and fully redeemed for the property owner, Block 64.02, Lot 6 otherwise known as 99 Aberdeen Road; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$292.21 and a premium of \$100.00 to the above for the redemption of Tax Sale Certificate #11-00053.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 12-03-03
REDEMPTION OF TAX SALE CERTIFICATE
INGENIOUS INTELLIGENCE BNC, INC.
CERTIFICATE #11-00073**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00073 which was sold to Ingenious Intelligence BNC, Inc., 253 Main Street, Suite 135, Matawan, New Jersey 07747; and

WHEREAS, Certificate #11-00073 has been paid and fully redeemed for the property owner, Block 85, Lot 4 otherwise known as Forest Avenue; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$210.97 to the above for the redemption of Tax Sale Certificate #11-00073.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

**RESOLUTION 12-03-04
REDEMPTION OF TAX SALE CERTIFICATE
USBANKCUST FOR CRESTARCAPITAL LLC
CERTIFICATE #11-00090**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00090 which was sold to US Bank Cust. For Crestar Capital LLC, TLSG 2 Liberty Pl., 50 South 16th Street, Suite 1950, Philadelphia, Pennsylvania 19102; and

WHEREAS, Certificate #11-00090 has been paid and fully redeemed for the property owner, Block 117, Lot 9 otherwise known as 36 Weldon Road; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,745.38 and a premium of \$3,800.00 to the above for the redemption of Tax Sale Certificate #11-00090.

BE IT FURTHER RESOLVED that a certified true copy of this resolution is forwarded to the Borough's Tax Collector and Treasurer.

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New Business

Mayor Buccellato read by title Resolution 12-03-05: Release of Escrow Funds – Michael Olsen – Block 62, Lot 2.16. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-05
RELEASE OF ESCROW FUNDS
MICHAEL OLSEN
BLOCK 62, LOT 2.16**

WHEREAS, Michael Olsen have requested the release of the balance on their escrow account, Block 62, Lot 2.16, otherwise known as 10 Angelica Court, Matawan, New Jersey; and

WHEREAS, on May 10, 2011 Michael Olsen posted total escrow in the amount of Seven Hundred Fifty Dollars and No Cents (\$750.00); and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of February 28, 2012 is Two Hundred Sixty-Six Dollars and Forty-Two Cents (\$266.42); and

WHEREAS, Robert Keady, Jr., PE, CMC of T&M Associates has recommended the release of the escrow.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Two Hundred Sixty-Six Dollars and Forty-Two Cents (\$266.42) posted by Michael Olsen for Block 62, Lot 2.16, Matawan, New Jersey.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of February 28, 2012 the balance of the Escrow Account for Michael Olsen is approximately Two Hundred Sixty-Six Dollars and Forty-Two Cents (\$266.42).

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)

*Monica Antista, CMFO
Dated: March 6, 2012*

Mayor Buccellato read by title Resolution 12-03-06: Release of Escrow Funds – Moshiur Rahman – Block 9, Lot 27. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

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Motion passed.

**RESOLUTION 12-03-06
RELEASE OF ESCROW FUNDS
MOSHIUR RAHMAN
BLOCK 9, LOT 27**

WHEREAS, Moshiur Rahman have requested the release of the balance on his escrow account, Block 9, Lot 27, otherwise known as 131 Main Street, Matawan, New Jersey; and

WHEREAS, Moshiur Rahman has posted total escrow in the amount of Ten Thousand, Six Hundred Twenty-four Dollars and Ninety Cents (\$10,624.90); and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of February 28, 2012 is Four Thousand Six Hundred Eighty-Three Dollars and Forty-six Cents (\$4,683.46); and

WHEREAS, Robert Keady, Jr., PE, CMC of T&M Associates has recommended the release of the escrow.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Four Thousand Six Hundred Eighty-Three Dollars and Forty-six Cents (\$4,683.46) posted by Moshiur Rahman for Block 9, Lot 27, Matawan, New Jersey.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of February 28, 2012 the balance of the Escrow Account for Moshuir Rahman is approximately Four Thousand Six Hundred Eighty-Three Dollars and Forty-six Cents (\$4,683.46).

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)

Monica Antista, CMFO
Dated: March 6, 2012

Mayor Buccellato read by title Resolution 12-03-07: Release of Escrow Funds – Rony Nellippallil – Block 104, Lot 9.03. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-07
RELEASE OF ESCROW FUNDS
RONY NELLIPPALLIL
BLOCK 104, LOT 9.03**

WHEREAS, Rony Nellippallil have requested the release of the balance on his escrow account, Block 104, Lot 9.03, otherwise known as 10 Crestwood Road, Matawan, New Jersey; and

WHEREAS, Rony Nellippallil has posted total escrow in the amount of Eight Hundred Ninety Dollars and No Cents (\$890.00); and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of February 28, 2012 is Eight Hundred Ninety Dollars and No Cents (\$890.00); and

WHEREAS, Robert Keady, Jr., PE, CMC of T&M Associates has recommended the release of the escrow.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Eight Hundred Ninety Dollars and No Cents (\$890.00) posted by Rony Nellippallil for Block 104, Lot 9.03, Matawan, New Jersey.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of February 28, 2012 the balance of the Escrow Account for Rony Nellippallil is approximately Eight Hundred Ninety Dollars and No Cents (\$890.00).

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)

Monica Antista, CMFO

Dated: March 6, 2012

Mayor Buccellato read by title Resolution 12-03-08: Approving “Coin Toss” – Matawan Fire Department – Year 2012. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

- Yes: Councilwoman Gould
- Councilman Lopez
- Councilwoman Angelini
- Councilman Urbano
- Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-08
APPROVING “COIN TOSS”
MATAWAN FIRE DEPARTMENT
YEAR 2012**

WHEREAS, the Matawan Fire Department has requested they be allowed to conduct a “coin toss” as follows for the 2012 year:

| | |
|------------------------|--------------------|
| Saturday, May 19, 2012 | 9:00 AM to 1:00 PM |
| Sunday, May 20, 2012 | 9:00 AM to 1:00 PM |

Rain Dates:

| | |
|------------------------|--------------------|
| Saturday, May 26, 2012 | 9:00 AM to 1:00 PM |
| Sunday, May; 27, 2012 | 9:00 AM to 1:00 PM |

and

| | |
|----------------------------|--------------------|
| Saturday, October 13, 2012 | 9:00 AM to 1:00 PM |
| Sunday, October 14, 2012 | 9:00 AM to 1:00 PM |

Rain Dates:

| | |
|----------------------------|--------------------|
| Saturday, October 20, 2012 | 9:00 AM to 1:00 PM |
| Sunday, October 21, 2012 | 9:00 AM to 1:00 PM |

Locations: Route 34 and Broad Street
Route 34 and Main Street; and

WHEREAS, the Matawan Fire Department uses revenue generated from the “coin toss” to provide the Matawan Fire Department with many items that enable the department to enhance their service the community; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the request of the Matawan Fire Department for their “coin toss”.

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***BE IT FURTHER RESOLVED**, the Council of the Borough of Matawan directs the Borough Clerk to forward a copy of this resolution to County of Monmouth Counsel, Andrea I. Bazer, Esq., Hall of Records, Room 236, One East Main Street, Freehold, New Jersey 07728 for the approval of the Board of Chosen Freeholders.*

Mayor Buccellato requested a motion to hold Resolution 12-03-09: Amending Resolution 11-08-20: Authorizing T&M Associates to Provide Professional Services as Planner for the Highway Improvement District Zoning Study. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

Mayor Buccellato read by title Resolution 12-03-10: Canceling of Appropriation Reserve Balances – Current Fund. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-10
CANCELING OF APPROPRIATION RESERVE BALANCES
CURRENT FUND**

***WHEREAS:** the following 2011 Current Fund Budget Appropriation Reserves balance remain unexpended; and*

| <u>Current Fund Account</u> | <u>Description</u> | <u>Amount</u> |
|-----------------------------|------------------------|---------------------|
| 1-01-20-165-200 | Engineering | \$ 30,000.00 |
| 1-01-20-170-200 | Downtown Redevelopment | \$ 20,000.00 |
| 1-01-21-180-200 | Planning/Zoning | \$ 10,000.00 |
| 1-01-26-290-100 | Streets & Roads | \$ 30,000.00 |
| 1-01-26-305-200 | Garbage | \$120,000.00 |
| 1-01-28-370-100 | Recreation-S&W | \$ 2,000.00 |
| 1-01-28-370-200 | Recreation-OE | \$ 4,000.00 |
| 1-01-22-195-100 | Construction-S&W | \$ 4,000.00 |
| 1-01-22-195-200 | Construction-OE | \$ 4,000.00 |
| 1-01-22-200-100 | Property Maintenance | \$ 3,000.00 |
| 1-01-26-315-200 | Vehicle Repairs | \$ 3,000.00 |
| Total | | \$230,000.00 |

***WHEREAS,** it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that the above listed unexpended balance of the Current Fund be canceled.*

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***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 Buccellato read by title Resolution 12-03-11: Emergency Temporary Appropriation. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-11
EMERGENCY TEMPORARY APPROPRIATION**

***WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2012 temporary budget for the aforesaid purposes; and*

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

***WHEREAS**, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$3,731,747.45.*

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

1. *An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
2. *That said emergency temporary appropriations will be provided for in the 2011 budget under the appropriate titles.*
3. *That one certified copy of this resolution be filed with the Director of Local Government Services.*

***BE IT FURTHER RESOLVED**, that the amount required by Statue for the payment of 2012 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.*

2012 Temporary Budget for March 6, 2012 Meeting

| | <i>Salary & Wages</i> | <i>Other Expenses</i> |
|---|---------------------------|-------------------------|
| <i>Mayor & Council</i> | | <i>\$250.00</i> |
| <i>General Admin</i> | | <i>\$2,500.00</i> |
| <i>Downtown Redev</i> | | <i>(\$5,250.00)</i> |
| <i>Municipal Court</i> | | <i>\$1,500.00</i> |
| <i>Subtotal</i> | | <i>(\$1,600.00)</i> |
| <i>Total Temporary Emergency Appropriations</i> | | <i>(\$1,000.00)</i> |

Mayor Buccellato read by title Resolution 12-03-12: Authorizing the Transfer of Unexpended Balances in Certain 2011 Appropriation Reserve Accounts. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini

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Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-12
AUTHORIZING THE TRANSFER OF
UNEXPENDED BALANCES IN CERTAIN
2011 APPROPRIATION RESERVE ACCOUNTS**

WHEREAS, NJSA 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 2011 appropriation reserve accounts; and

WHEREAS, additional funds are required in certain other 2011 appropriation reserve accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the following transfers are authorized from and to the following accounts:

| <i>Transfer From</i> | <i>Amount of Transfer</i> | <i>Transfer To</i> | <i>Amount of Transfer</i> |
|---|-----------------------------------|---|-----------------------------------|
| <i>Account Number</i> | | <i>Account Number</i> | |
| <i>1-01-20-165-200 Engineering Other Expenses</i> | <i>\$5,000.00</i> | <i>1-01-20-155-200 Legal Other Expenses</i> | <i>\$5,000.00</i> |

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

Mayor Buccellato read by title Ordinance 12-04: An Ordinance to Fix and Determine the Salaries and Wages of Officers Management, Supervisory Personnel and General Employees not Represented by an Organized Bargaining Unit and Employed by the Borough of Matawan. Mayor Buccellato requested a motion to introduce. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano
Councilman Fitzsimmons

Abstain: Councilwoman Angelini

Motion passed.

**ORDINANCE 12-04
AN ORDINANCE TO FIX AND DETERMINE THE
SALARIES AND WAGES
OF OFFICERS, MANAGEMENT, SUPERVISORY PERSONNEL AND
GENERAL EMPLOYEES NOT REPRESENTED BY AN ORGANIZED
BARGAINING UNIT AND EMPLOYED BY THE BOROUGH OF
MATAWAN, MONMOUTH COUNTY, NJ**

Be it ordained by the Mayor and Council of the Borough of Matawan, in the County of Monmouth, NJ as follows;

Section 1. The annual salaries or compensations of the officers, management, supervisory personnel and general employees of the Borough of Matawan not covered by any organized bargaining unit, effective January 1, 2012, shall be as follows;

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| <u>DEPARTMENT/TITLE</u> | <u>STATUS</u> | <u>PAYMENT CATEGORY</u> | <u>RANGE FROM</u> | <u>TO</u> |
|--|---------------|-----------------------------|-----------------------|--------------|
| <u>Administration and Executive</u> | | | | |
| Mayor | Elected | Annual | \$4,000.00 | \$6,000.00 |
| Council | Elected | Annual | \$3,000.00 | \$5,000.00 |
| Administrator Assistant | Full Time | Annual | \$25,000.00 | \$40,000.00 |
| Business Administrator | Full Time | Annual | \$48,000.00 | \$110,000.00 |
| Borough Clerk | Full Time | Annual | \$35,000.00 | \$60,000.00 |
| Deputy Borough Clerk | Full Time | Annual | \$25,000.00 | \$40,000.00 |
| Part Time Hourly Employee Clerical | Part Time | Hourly | \$15.00 | \$25.00 |
| Borough Attorney | Part Time | Annual | \$25,000.00 | \$50,000.00 |
| Elections Clerk | Full Time | Annual | \$1,000.00 | \$4,000.00 |
| Deputy Elections Clerk | Part Time | Annual | \$200.00 | \$600.00 |
| Downtown Redevelopment Coordinator | Part Time | Annual | \$10,000.00 | \$20,000.00 |
| Systems Coordinator | Part Time | Annual | \$4,000.00 | \$10,000.00 |
| Clerical-Starting Salary All Departments | Full-Time | Annual | \$25,000.00 | 27,500.00 |
| Registrar | Part-Time | Annual | \$3,000.00 | \$5,000.00 |
| Deputy Registrar | Part-Time | Annual | \$1,000.00 | \$2,000.00 |
| <u>Construction, Inspections & Property Maintenance Offices</u> | | | | |
| Construction Official/ Zoning Officer/Bldg Insp. | Part Time | Annual | \$30,000.00 | \$45,000.00 |
| Construction Official/Zoning Officer/Bldg Insp. | Full Time | Annual | \$50,000.00 | \$75,000.00 |
| Bldg Sub-Code Official or Building Inspector | Part Time | Hourly | \$28.00 | \$50.00 |
| Plumbing Sub-Code Official | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Plumbing Inspector | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Plumbing Sub-Code Official or Plumbing Insp. | Part Time | Hourly | \$28.00 | \$50.00 |
| Electrical Sub-Code Official | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Electrical Inspector | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Electrical Sub-Code Official or Electrical Insp. | Part Time | Hourly | \$28.00 | \$50.00 |
| Fire Sub-Code Official | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Fire Inspector | Part Time | Annual | \$5,000.00 | \$10,000.00 |
| Fire Sub-Code Official or Fire Inspector | Part Time | Hourly | \$28.00 | \$50.00 |
| Technical Assistant | Full Time | Annual | \$25,000.00 | \$50,000.00 |
| Clerk/Typist Construction/Zoning/Fire Prev. | Full Time | Annual | \$25,000.00 | \$35,000.00 |
| Property Maintenance Officer | Part Time | Annual | \$8,000.00 | \$15,000.00 |
| Assistant Property Maintenance Officer | Part Time | Annual | \$6,000.00 | \$10,000.00 |
| <u>Fire Prevention Bureau</u> | | | | |
| Fire Prevention Officer/Inspector | Part-Time | Annual | \$10,000.00 | \$35,000.00 |
| Fire Prevention Inspector | Part-Time | Annual | \$6,000.00 | \$10,000.00 |
| <u>Finance/Tax Offices</u> | | | | |
| CFO/Treasurer | Full Time | Annual | \$60,000.00 | \$85,000.00 |
| CFO | Part Time | Hourly | \$50.00 | \$100.00 |
| Tax Assessor | Part Time | Annual | \$10,000.00 | \$25,000.00 |
| Revenue Collector/Assessing Clerk | Full Time | Annual | \$25,000.00 | \$35,000.00 |
| Tax Collector | Full Time | Annual | \$35,000.00 | \$50,000.00 |
| Tax Collector | Part Time | Hourly | \$35.00 | \$55.00 |
| Deputy Tax Collector | Full Time | Annual | \$25,000.00 | \$40,000.00 |
| Supervisor/Payroll, Personnel & Accounting Services | Full Time | Annual | \$35,000.00 | \$60,000.00 |
| Bookkeeper | Part-time | Hourly | \$15.00 | \$30.00 |
| <u>Municipal Court</u> | | | | |
| Court Administrator | Full Time | Annual | \$35,000.00 | \$60,000.00 |
| Deputy Court Administrator | Full Time | Annual | \$25,000.00 | \$35,000.00 |
| Deputy Court Administrator | Part Time | Hourly | \$15.00 | \$30.00 |
| Magistrate | Full Time | Annual | \$12,000.00 | \$35,000.00 |
| Prosecutor | Part Time | Annual | \$8,000.00 | \$25,000.00 |
| Public Defender | Part Time | Annual | \$4,000.00 | \$20,000.00 |
| <u>Public Safety</u> | | | | |
| Chief of Police | Full Time | Annual | \$79,000.00 | \$130,000.00 |
| Captain of Police | Full Time | Annual | \$74,000.00 | \$120,000.00 |
| Lieutenant of Police | Full Time | Annual | \$69,000.00 | \$105,000.00 |
| Police Matron | Part Time | Hourly | \$15.00 | \$25.00 |
| School Crossing Guard (based on 10 Months) | Part Time | Annual | \$7,500.00 | \$9,500.00 |
| School Crossing Guard | Part Time | Per Post | \$15.00 | \$30.00 |
| Substitute School Crossing Guard | Part Time | Per Post | \$23.00 | \$28.00 |
| Police Secretary | Full Time | Annual | \$25,000.00 | \$45,000.00 |
| Police Records Clerk | Full Time | Annual | \$25,000.00 | \$45,000.00 |

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| | | | | |
|---|------------------|---------------|-----------------|-------------------|
| <i>Class Two Specials</i> | <i>Part-Time</i> | <i>Hourly</i> | <i>\$15.00</i> | <i>\$30.00</i> |
| <i>Class One Specials</i> | <i>Part-Time</i> | <i>Hourly</i> | <i>\$15.00</i> | <i>\$30.00</i> |
| <i>Emergency Management Chief</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$500.00</i> | <i>\$3,500.00</i> |
| <i>Emergency Management 1st Deputy</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$300.00</i> | <i>\$1,000.00</i> |
| <i>Emergency Management 2nd Deputy</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$300.00</i> | <i>\$1,000.00</i> |
| <i>Emergency Management Secretary</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$200.00</i> | <i>\$1,500.00</i> |
| <i>Railroad Parking Enforcement Officer</i> | <i>Part Time</i> | <i>Hourly</i> | <i>\$15.00</i> | <i>\$25.00</i> |

Public Works

| | | | | |
|---------------------------------------|------------------|---------------|--------------------|---------------------|
| <i>Superintendent of Public Works</i> | <i>Full Time</i> | <i>Annual</i> | <i>\$60,000.00</i> | <i>\$105,000.00</i> |
| <i>Recycling Coordinator</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$2,000.00</i> | <i>\$7,000.00</i> |

Recreation

| | | | | |
|--|--------------------|---------------|--------------------|--------------------|
| <i>Summer Program Director</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$1,700.00</i> | <i>\$6,000.00</i> |
| <i>Assistant Summer Program Director</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$1,260.00</i> | <i>\$4,500.00</i> |
| <i>Canoe Renter-1st Year</i> | <i>Seasonal/PT</i> | <i>Hourly</i> | <i>\$8.00</i> | <i>\$20.00</i> |
| <i>Canoe Renter-2nd Year</i> | <i>Seasonal/PT</i> | <i>Hourly</i> | <i>\$8.50</i> | <i>\$20.00</i> |
| <i>Director</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$10,000.00</i> | <i>\$20,000.00</i> |
| <i>Apprentice Summer Counselors</i> | <i>Seasonal/PT</i> | <i>Hourly</i> | <i>\$7.15</i> | <i>\$10.00</i> |
| <i>Junior Summer Counselors</i> | <i>Seasonal/PT</i> | <i>Hourly</i> | <i>\$7.65</i> | <i>\$12.00</i> |
| <i>Senior Summer Counselors</i> | <i>Seasonal/PT</i> | <i>Hourly</i> | <i>\$8.15</i> | <i>\$14.00</i> |

Sewer

| | | | | |
|---------------------------------------|------------------|---------------|-------------------|-------------------|
| <i>Licensed Waste Water Personnel</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$1,000.00</i> | <i>\$4,000.00</i> |
|---------------------------------------|------------------|---------------|-------------------|-------------------|

Water

| | | | | |
|--------------------------------------|------------------|---------------|--------------------|--------------------|
| <i>Licensed Water Plant Operator</i> | <i>Full Time</i> | <i>Annual</i> | <i>\$50,000.00</i> | <i>\$95,000.00</i> |
| <i>N-1 Licensed Water Personnel</i> | <i>Full Time</i> | <i>Annual</i> | <i>\$1,000.00</i> | <i>\$3,500.00</i> |
| <i>Water/Sewer Clerk</i> | <i>Part Time</i> | <i>Hourly</i> | <i>\$15.00</i> | <i>\$22.00</i> |

Boards

| | | | | |
|---|------------------|--------------------|-------------------|--------------------|
| <i>Board, Commission and Agency Secretary</i> | <i>Part Time</i> | <i>Per Meeting</i> | <i>\$100.00</i> | <i>\$250.00</i> |
| <i>Planning/ Zoning Board Attorney</i> | <i>Part Time</i> | <i>Annual</i> | <i>\$5,000.00</i> | <i>\$15,000.00</i> |

Section 2. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance shall be and the same are hereby repealed.

Section 3. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect upon final passage and publication as provided by law.

Mayor Buccellato read by title Ordinance 12-05: Amending Borough of Matawan Code – Chapter 6-3.4 Alcoholic Beverage Control. Mayor Buccellato requested a motion to introduce. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**ORDINANCE 12-05
AMENDING BOROUGH OF MATAWAN CODE
CHAPTER 6-3.4 ALCOHOLIC BEVERAGE CONTROL**

BE IT ORDAINED by the Mayor and Council of the Borough of Matawan that Chapter 6-3.4 License Fees; Maximum Number, be and is hereby amended as follows:

Under Chapter 6-3.4 License Fees; Maximum Number, delete the following paragraphs:

11-3.4. License Fees: Maximum Number:

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| <i>Class of License</i> | <i>Amount License Fee</i> |
|--|---------------------------|
| <i>Plenary Retail Consumption License</i> | \$1,244.16 |
| <i>Plenary Retail Distribution License</i> | \$746.40 |
| <i>Club License</i> | \$188.00 |

Replace that paragraph with the following:

11-3.4 License Fees: Maximum Number:

| <i>Class of License</i> | <i>Amount License Fee</i> |
|--|---------------------------|
| <i>Plenary Retail Consumption License</i> | \$1,492.99 |
| <i>Plenary Retail Distribution License</i> | \$895.68 |
| <i>Club License</i> | \$188.00 |

Mayor Buccellato read by title Ordinance 12-06: Calendar year 2012 – Ordinance to Exceed the Municipal Budget Appropriation Limit and to Establish a Cap Bank (N.J.S.A 40A:4-45.14). Mayor Buccellato requested a motion to introduce. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**ORDINANCE 12-06
CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of it’s actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Matawan in the County of Monmouth finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council of the Borough of Matawan hereby determines that a 1.0% increase in the budget for said year amounting to \$81,324.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Matawan, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final Appropriations of the Borough of Matawan shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14 be increased by 3.5% amounting to \$284,635.00 and that the CY 2012 municipal budget for the Borough of Matawan be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next

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two succeeding years; and

***BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of Division of Local Government Services within 5 days of introduction; and*

***BE IT FURTHER RESOLVED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.*

Mayor Buccellato read by title Resolution 12-03-13: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a motion to rescind the current motion as the Resolution requires modification. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Mayor Buccellato read by title Resolution 12-03-13: Payment of Bills with the exception of Line Item 12-00365 including Line Items 11-00675, 12-00375 through and including 12-00379 and 12-00389 through and including 12-00391. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons

Abstain: Councilwoman Angelini

Motion passed.

**RESOLUTION 12-03-13
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 | \$1,471,663.78 |
| Water & Sewer | \$93,518.70 |
| Water Capital | \$28,174.67 |
| Borough Trust | \$34,893.43 |
| Developers Escrow Account | \$378.86 |
| Dog Tax Trust | \$180.00 |
| Railroad Parking Trust | \$11,500.00 |
| Total | \$1,640,309.44 |

Mayor Buccellato read by title Resolution 12-03-14: Resolution Authorizing the Award of a Non-Fair and Open Contract for Redevelopment Planner Services. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Fitzsimmons. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-03-14
RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
REDEVELOPMENT PLANNER SERVICES**

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WHEREAS, the Borough of Matawan has a need to acquire redevelopment planner services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and,

WHEREAS, the Borough of Matawan has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is for a one calendar year; and

WHEREAS, Gregory Ploussas, P.E., P.P., C.M.E., of the firm of BPM Engineering, LLC. has submitted a proposal indicating they will provide the engineering services for an amount not to exceed Twenty-five Thousand Dollars (\$25,000.00); and

WHEREAS, Gregory Ploussas, P.E., P.P., C.M.E. has completed and submitted a Business Entity Disclosure Certification which certifies that BPM Engineering, LLC. has not made any reportable contributions to a political or candidate committee in the Borough of Matawan in the previous one year, and that the contract will prohibit the BPM Engineering, LLC. from making any reportable contributions through the term of the contract, and

WHEREAS, Funding shall be paid from redevelopment escrow account in an amount not to exceed – N.J.A.C. 5:30-5.4. – Twenty-five Thousand Dollars (\$25,000.00); and

WHEREAS, pending the certification of available funding from the Chief Financial Officer.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Matawan authorizes the Mayor to enter into a contract with BPM Engineering, LLC. as described herein.

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

BE IT FURTHER RESOLVED that a copy of this resolution be published as required by law within ten days of its passage.

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the Redevelopment Escrow Account of the Borough of Matawan BPM Engineering, LLC. for redevelopment planner services in an amount not to exceed \$25,000.00.

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

Chief Financial Officer

(Signature on File)

*Monica Antista, CMFO
March 6, 2012*

Councilman Lopez announced this past Sunday the Fire Department hosted “Black Sunday,” an informative and horrifying presentation where in 2005 multiple New York City firefighters lost their lives, and thanked the Fire Department for the event.

Councilman Fitzsimmons announced the Matawan-Aberdeen Public Library is organizing a townwide Garage Sale on Saturday, June 2, 2012 and encourages Council to assist in any fashion. Mr. Menna suggests a small fee to offset any tipping fees incurred by the Borough. Mayor Buccellato will attend the Library Board meeting next week and will speak with the Director set up a meeting to coordinate.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Ralph Evans, 86 Aberdeen Road, Matawan. Mr. Evans owns 12 Fountain Avenue, Matawan.

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On the evening of February 16, 2012, 14 Fountain Avenue experienced a fire. The Fire Department responded breaking down the back door to 12 Fountain Avenue, went through the property swinging axes into a brick lined wall between the two residences and into the ceiling. Why would you go into a house that is not burning and start tearing down walls? Who is responsible and who is going to pay for the damage? In addition, on February 23 the Property Maintenance Officer inspects the property and sends me a violation notice as the back porch is torn up and the back door is knocked in. Mr. Menna asked if 12 Fountain Avenue is currently occupied. Mr. Evans replied, no. Mr. Menna asked if he had homeowners insurance. Mr. Evans replied, yes. Mr. Menna informed the normal procedure is to notify possible losses to liability insurance company who may in fact say this is a third party action and we will notify the Borough's liability insurance carrier and file a claim for losses sustained. As Mayor and Council were not at the scene they are unable to identify events as they transpired or the reasons why. The Fire Chief at the scene makes those decisions. We are unable to second guess a fire scene.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

Mayor Buccellato requested a motion to adjourn. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Meeting adjourned at 8:25 PM.

Jean B. Montfort, RMC
Municipal Clerk