

**Borough of Matawan
Public Session Minutes
May 15, 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 May 15, 2012. The meeting was called to order at 7:10 PM by Mayor Buccellato presiding. Mayor Buccellato stated that pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting had 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:

Councilwoman Gould
Councilman Lopez
Councilwoman Urbano
Councilman Fitzsimmons

Councilpersons Angelini and Clifton were not in attendance.

Also present were Barbara Bascom, Borough Administrator, Pasquale Menna, Esq., Borough Attorney, and Robert Keady, Jr., Borough Engineer.

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

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

Public Hearing – 2012 Budget Amendment #1

Mayor Buccellato requested a motion to open the public hearing on the 2012 Budget Amendment #1. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Council agreed. Motion passed. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Council agreed. Motion passed.

Privilege of the Floor – Agenda Items Only

Mayor Buccellato opened the privilege of the floor.

There were no comments.

Mayor Buccellato closed the privilege of the floor.

Old Business

Mayor Buccellato read by title Resolution 12-05-15: Approval of Massage Parlor License – Hot Stones Massage. Mayor Buccellato requested a motion to memorialize. 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 Urbano
 Councilman Fitzsimmons

Motion passed.

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**RESOLUTION 12-05-15
APPROVAL OF MASSAGE PARLOR LICENSE
Hot Stones Massage Therapy**

WHEREAS, Hot Stones Massage Therapy (Massage Parlor) has passed the required Police Department background checks; and

WHEREAS, on the condition that Hot Stones Massage Therapy has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Massage Parlor license:

*Business: Hot Stones Massage Therapy
70 Main Street, Suite 2
Matawan, New Jersey 07747*

*Applicant: Lioudmila Tynianskikh
243 Longwood Drive
Manalapan, New Jersey 07726*

Mayor Buccellato read by title Resolution 12-05-16: Approval of Masseuse License Mayor Buccellato requested a motion to memorialize. 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-16
APPROVAL OF MASSEUSE LICENSE
Lioudmila Tynianskikh**

WHEREAS, Lioudmila Tynianskikh (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Lioudmila Tynianskikh has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan that they hereby approve the following business license:

*Business: Lioudmila Tynianskikh
c/o Hot Stones Massage Therapy
70 Main Street, Suite 2
Matawan, New Jersey 07747*

*Applicant: Lioudmila Tynianskikh
243 Longwood Drive
Manalapan, New Jersey 07726*

Mayor Buccellato requested a motion for a brief recess. Councilman Lopez made the motion, seconded by Councilman Gould. Council agreed. Motion passed.

Mayor Buccellato requested a motion to move back into public session. Councilman Lopez made the motion, seconded by Councilman Gould. Council agreed. Motion passed.

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Clerk's Report

No report.

Mayor's Report

Mayor Buccellato on Sunday, May 20, 2012, Father Scully of St. Clement Church will be celebrating 40th anniversary and will surprise him with a plaque designating May 20, 2012 as Father John Scully day.

Mayor Buccellato reported on Recreation on behalf of Councilwoman Clifton informing the success of the May 12 town planting and clean-up. On May 27 the Matawan Memorial Parade will begin at 2:00 PM from St. Clement Church.

Administrator's Report

Ms. Bascom announced the June 1 commencement of the Joint Court of Hazlet, Keyport and Matawan.

The New Jersey American Water Co. announced approval of an approximate 3% rate increase due to capital improvements.

Attorney's Report

No report.

Engineer's Report

Mr. Keady reported the status of the Water Treatment Plant Improvement stating the contractor has been performing minor building demolition, review of shop drawings, with work to begin on the Ryers Lane water tank in June. As previously reported the bulk of the work will begin in October after shutdown.

Mr. Keady reported the status of the Road Program stating the contractor has been performing driveway apron repairs and continues paving next week. The sprinkler system repair sub-contractor has scheduled repair appointments.

Mayor Buccellato introduced area representative, James Markey, JCP&L. Mr. Markey provided contact information to Council stating JCP&L is in process of designating areas in need of vegetation removal maintenance and notifying those effected residents, including Claire Court.

Ms. Bascom informed of JCP&L's e-alert system.

Personnel, Redevelopment, Main Street, Construction, Community Affairs

No report.

Fire, First Aid, Environmental, Planning/Zoning, Shade Tree

Councilman Lopez commended the Fire Department who along with Keyport, Hazlet, Holmdel and Union Beach participated in a successful drill at the Aberdeen fire training grounds on April 30. The Fire Department will host a coin toss on Saturday at the intersection of Route 34 and Broad Street, and Sunday on Freneau Avenue at St. Clement. Also, the Fire Chief's vehicle has been repaired by members of the Fire Department for reimbursement to the insurance company.

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Police, Railroad Parking, Library

No report.

Public Works, Water/Sewer, Property Maintenance

Councilman Urbano reported \$439,085.41 water/sewer for April 2012; the Water Plant is on-line as of May 14. Residents have been using the Water Plant drive as a cut through adjacent to Ravine Drive school which could create a possible hazard once the Water Plant rehabilitation work begins in the fall, and need to be notified this is not a viable option.

Recreation, Historic Sites, Technology

No report.

Finance, Sanitation/Recycling

No report.

Consent Agenda

Mayor Buccellato read by title Resolution 12-05-18: Redemption of Tax Sale Certificate – Wen Lu – Certificate #11-00021. Mayor Buccellato requested a motion. Councilman Urbano 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-18
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00021**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00021 which was sold to Wen Lu, 144-90 51st Avenue, Apartment 515, Flushing, New York 11355; and

WHEREAS, Certificate #11-00021 has been paid and fully redeemed for the property owner, Block 21, Lot 2 otherwise known as 32 Park Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,219.97 and a Premium of \$100.00 to the above for the redemption of Tax Sale Certificate #11-00021.

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

**RESOLUTION 12-05-19
REDEMPTION OF TAX SALE CERTIFICATE
FNA JERSEY LIEN SERVICES, LLC
CERTIFICATE #11-00026**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00026 which was sold to FNA Jersey Lien Services, LLC, PO Box 1030, Brick, New Jersey 08723; and

WHEREAS, Certificate #11-00026 has been paid and fully redeemed for the property owner, Block 30, Lot 3, otherwise known as 9 Stillwell St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby

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authorize payment in the amount of \$4,955.79 to the above for the redemption of Tax Sale Certificate #11-00026.

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

**RESOLUTION 12-05-20
REDEMPTION OF TAX SALE CERTIFICATE
MTAG SERVICES AS CUST FOR ATCF II NEW JERSEY, LLC
CERTIFICATE #11-00114**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00114 which was sold to MTAG Services as Cust for ATCF II New Jersey, LLC, PO Box 54292, New Orleans, LA 70154-4292; and

WHEREAS, Certificate #11-00114 has been paid and fully redeemed for the property owner, Block 123.02, Lot 8 otherwise known as 17 Somerset Pl.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,476.55 and a Premium of \$6,500.00 to the above for the redemption of Tax Sale Certificate #11-00114.

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

Mayor Buccellato read by title Resolution 12-05-21: Release of Maintenance Cash Bond for Robert Bryant - 106 Main Street – Block 16, Lots 6 & 17. Mayor Buccellato requested a motion. Councilman Lopez 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-21
RELEASE OF MAINTENANCE CASH BOND FOR
ROBERT BRYANT
106 MAIN STREET – BLOCK 16, LOTS 6 & 17**

WHEREAS, Robert Bryant has requested the release of the two year maintenance cash bond posted for his property, 106 Main Street, Block 6, Lots 6 & 17, as required by the Borough of Matawan; and,

WHEREAS, the required maintenance cash bond was posted with Resolution 09-06-26 dated June 16, 2009, in the amount of Twelve Thousand Eight Hundred Twenty-Six Dollars and Thirty-Five Cents (\$12,826.35) for a project to be done on their property; and,

WHEREAS, the two year maintenance cash bond posted with Resolution 09-06-26 dated June 16, 2009 has expired.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby approves the release of the two year maintenance cash bond posted by Robert Bryant with Resolution 09-06-26 dated June 16, 2009, in the amount of Twelve Thousand Eight Hundred Seventy-Nine Dollars and Eighty-Four Cents (\$12,879.84).

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Clerk, the Chief Financial Officer, and Robert Bryant.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification the amount of the balance in the Maintenance Cash Bond Account for Robert Bryant is Twelve Thousand Eight Hundred Seventy-Nine Dollars and Eighty-Four Cents (\$12,879.84).

This certification is based solely on the information encumbered into the financial records of the borough by

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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: May 15, 2012

Mayor Buccellato read by title Resolution 12-05-22: Acceptance of Bid Sale of Annmar Drive - Block 113.01, Lot 10. Mayor Buccellato requested a motion. Councilman Urbano 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-22
ACCEPTANCE OF BID
SALE OF ANNMAR DRIVE - BLOCK 113.01, LOT 10**

WHEREAS, the Council of the Borough of Matawan on April 17, 2012 adopted Resolution 12-04-39: Resolution Authorizing the Sale of Certain Land and Property to Owners of Real Property Contiguous to Real Property Being Sold by the Borough of Matawan – Annmar Drive – Block 113.01, Lot 10; and

WHEREAS, according to Resolution 12-04-39, Section 6, the property herein sold is subject to existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such fast as an accurate survey would reveal and any present or future assessments for the construction of improvements benefiting said property. The Borough makes no representations as to the presence or absence of wetlands or any other environmental conditions as the property and the purchase assumes the risk of any such condition, all property being sold “as is;” and

WHEREAS, one bid was received from Izzy Sackowitz and Lauren Vincelli, 36 Fierro Avenue, Matawan, New Jersey 07747, of Three Thousand One Hundred Dollars and No Cents (\$3,100.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough of Matawan hereby accepts the bid received from Izzy Sackowitz and Lauren Vincelli in the amount of Three Thousand One Hundred Dollars and No Cents (\$3,100.00), for the purchase of Borough-owned property located on Annmar Drive – Block 113.01, Lot 10.

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, the Tax Collector, the Tax Assessor and Mr. Sackowitz and Ms. Vincelli.

Mayor Buccellato read by title Resolution 12-05-23: Authorization to Sign on Behalf of the Borough of Matawan Agreement Between Greenleaf Landscape Systems & Services, Inc. and Borough of Matawan, Township of Aberdeen, Borough of Keyport and Matawan-Aberdeen Regional School District. Mayor Buccellato requested a motion. Councilman Urbano 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-23
AUTHORIZATION TO SIGN ON BEHALF OF THE BOROUGH OF MATAWAN AGREEMENT**

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BETWEEN GREENLEAF LANDSCAPE SYSTEMS & SERVICES, INC. AND BOROUGH OF MATAWAN, TOWNSHIP OF ABERDEEN, BOROUGH OF KEYPORT AND MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT

WHEREAS, pursuant to provisions of the Local Public Contracts Law, NJSA 40A:11-1 et seq, specifications and bid proposals were prepared and duly advertised by the Township of Aberdeen for the Grass Cutting and Lawn Maintenance for the Borough of Matawan, Township of Aberdeen and Matawan-Aberdeen Regional School District Vehicles; and

WHEREAS, bids were advertised by the Township of Aberdeen four bids were received by the Township Manager of the Township of Aberdeen on April 27, 2012; and

WHEREAS, after a review of all bids received the Township Manager of the Township of Aberdeen has recommended the bid be awarded to Greenleaf Landscape Systems & Services, Inc., 276 Pine Brook Road., Eatontown, New Jersey 07724; and

WHEREAS, said bids included pricing for the option of a second year contract.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan, that the 2012 contract for the Grass Cutting and Lawn Maintenance be awarded to Greenleaf Landscape Systems & Services and hereby authorizes the Mayor to execute the agreement consistent with the terms set forth herein, in an amount not to exceed Thirteen Thousand, Two Hundred Dollars and No Cents (\$13,200.00).

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, the Superintendent of the Department of Public Works, the Township of Aberdeen, the Borough of Keyport, the Matawan-Aberdeen Regional School District and the Division of Local Government Services at PO Box 803, Trenton, NJ 08625-0803 Attn: Shared Services.

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 2-01-26-290-200 Budget of the Borough of Matawan to Greenleaf Landscape Systems & Services, Inc. as for Grass Cutting and Lawn Maintenance for the Borough of Matawan in an amount not to exceed Thirteen Thousand, Two Hundred Dollars and No Cents (\$13,200.00).

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)

Monica Antista, CMFO

Dated: May 15, 2012

Mayor Buccellato read by title Resolution 12-05-24: Authorizing a Sewer Service Agreement with the Borough of Matawan and the Bayshore Regional Sewerage Authority. Mayor Buccellato requested a motion. Councilman Lopez 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-24
AUTHORIZING A SEWER SERVICE AGREEMENT WITH
THE BOROUGH OF MATAWAN AND
THE BAYSHORE REGIONAL SEWERAGE AUTHORITY**

WHEREAS, the Bayshore Regional Sewerage Authority (BRSA) provides sewerage collection, treatment and disposal service for Participants who have been in contract with the BRSA for a number of years under separate Sewer

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Service Agreements, each of which by its terms are due to expire; and

***WHEREAS**, the Mayor and Council of the Borough of Matawan recognizes the necessity of this service for the residents of the Borough of Matawan; and*

***WHEREAS**, over the course of several meetings and presentations and draft agreements an improved document was finally developed and submitted to all for comment and, subsequently, comments and response to same have been included in the Final Sewer Service Agreement package attached hereto; and*

***WHEREAS**, said Agreement improves overall stability, creates budget certainty and returns reserved funds to participating municipalities; and*

***WHEREAS**, the Borough Administrator and the Superintendent of the Department of Public Works recommends the Governing Body of the Borough of Matawan enter into the BRSA Sewer Service Agreement attached hereto.*

***NOW, THEREFORE, BE IT RESOLVED**, that the Council of the Borough of Matawan hereby accepts the attached BRSA Sewer Service Agreement and resolves that the Mayor and Borough Clerk are hereby authorized as signatories of the Agreement on behalf of the Borough of Matawan.*

***BE IT FURTHER RESOLVED** copy of this Resolution with attached Agreement shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, the Superintendent of the Department of Public Works, the Bayshore Regional Sewerage Authority, the Western Monmouth Utilities Authority, the Townships of Aberdeen, Hazlet and its Sewer Utility Department, Holmdel and Marlboro, the Boroughs of Keyport, Keansburg and Union Beach.*

Mayor Buccellato read by title Resolution 12-05-25: Approval of Taxi Driver License – Arif H. Jaffrey. Mayor Buccellato requested a motion. Councilman Urbano 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-25
2011 ROAD PROGRAM
AUTHORIZING CHANGE ORDER NO. 5**

***WHEREAS**, T&M Associates has informed the Council that Item A23, A24, A41, A50, C13, C17 and C19 have been reduced to reflect as-built quantities to the 2011 Road Program for a total deduction of One Hundred Thirty Six Thousand Nine Hundred Twenty Five Dollars and Ten Cents (\$136,9254.10); and*

***WHEREAS**, T&M Associates has informed the Council that Items A22, C14, C15, C18, C25, C30, C33, C34, C65, C66, C68 and S-I have been increased to reflect as built quantities to the 2011 Road Program for a total increase of One Hundred Thirty Six Thousand Six Hundred Sixty Seven Dollars and Fifty Cents (\$136,667.50); and*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, based upon the recommendations of Robert Keady, T&M Associates, that they hereby authorize Change Order No. 5 for the 2011 Road Program a decrease in the amount of Two Hundred Fifty Seven Dollars and Sixty Cents (\$257.60).*

***BE IT FURTHER RESOLVED** copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, Robert Keady – T&M Associates and James R. Ientile, Inc.*

Mayor Buccellato read by title Resolution 12-05-26: Length of Service Award Program (LOSAP) Audit Review Corrective Action Report for 2010. 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

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Councilman Lopez
Councilwoman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-26
LENGTH OF SERVICE AWARD PROGRAM (LOSAP)
AUDIT REVIEW
CORRECTIVE ACTION REPORT FOR 2010**

WHEREAS, NJAC 5:30-14.49 requires that the Borough of Matawan perform an annual audit review and report on the Length of Service Award Program (LOSAP); and

WHEREAS, the Borough Auditor, Hutchins, Farrell, Meyer & Allison, PA, performed and submitted its Review Report of the Borough of Matawan LOSAP Program for year-end December 31, 2010; and

WHEREAS, the Report finds:

Audit Note #1. The Fire Department did not provide supporting documentation for those receiving LOSAP awards for 2005 through 2010.

- *The First Aid and Fire Company Officers inform of possession of required information and will submit a spread sheet with detail for present and previous years to the Municipal Clerk with copy to the Chief Financial Officer.*

Audit Note #2. The Governing Body did not approve the LOSAP lists provided by the First Aid Squad.

- *The First Aid Squad will submit the LOSAP lists.*
- *The Governing Body will approve by resolution.*

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan will stipulate that all required LOSAP information be submitted for review and approval prior to distribution of any LOSAP funds.

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, the Fire Department and the First Aid Rescue Squad.

Mayor Buccellato read by title Resolution 12-05-27: Authorizing the Reclassification of Robert Gamble as a Full-Time Field Technician with the Borough of Matawan Department of Public Works. Mayor Buccellato requested a motion. Councilman Fitzsimmons 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-27
AUTHORIZING THE RECLASSIFICATION OF ROBERT GAMBLE
AS A FULL-TIME FIELD TECHNICIAN WITH THE
BOROUGH OF MATAWAN DEPARTMENT OF PUBLIC WORKS**

WHEREAS, according to Resolution 12-04-36: Authorizing the Extension of Robert Gamble's Probationary Period as a Full-Time Field Technician With the Borough of Matawan Department of Public Works - Robert Gamble as he had not obtained his CDL as required for the position he was hired for; and

WHEREAS, Mr. Gamble has recently obtained the required CDL license satisfying all conditions of employment; and

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WHEREAS, John Applegate, the Superintendent of Public Works, has recommended that Mr. Gamble be reclassified as a Permanent Employee of the Borough of Matawan’s Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan authorizes the reclassification of Robert Gamble as a Permanent Employee, effective May 15, 2012.

BE IT FURTHER RESOLVED a certified copy of this resolution be forwarded to the Supervisor or Public Works, Chief Financial Officer, Employee and Personnel.

Mayor Buccellato read by title Resolution 12-05-28: Fixing Recreation Fees and Uses Canoe Rental Fees. Mayor Buccellato requested a motion. Councilman Lopez 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-28
FIXING RECREATION FEES AND USES
CANOE RENTAL FEES**

WHEREAS, the Borough of Matawan’s lakes are well known for their beauty and recreation opportunities for all peoples; and

WHEREAS, the Borough offers canoe rentals at its Lake Lefferts facility for all to enjoy each year with the canoe rental fees sustaining the cost of personnel for the program; and

WHEREAS, the Recreation Commission Borough of Matawan recommends raising the canoe rental fee from \$10.00 to \$15.00 per rental to retain the program.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan accepts the recommendation of the Recreation Commission and hereby authorizes raising the canoe rental fee from \$10.00 to \$15.00 per rental and shall be fixed for the year 2012 and future years.

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, and the Recreation Director.

Mayor Buccellato read by title Resolution 12-05-29: Authorizing the Hiring of Part-Time Seasonal Personnel Summer Recreation Canoe Rentals. 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-29
AUTHORIZING THE HIRING OF PART-TIME SEASONAL PERSONNEL
SUMMER RECREATION CANOE RENTALS**

WHEREAS, the Mayor and Council has been advised that there is a need to interview and hire part-time personnel for the Summer Recreation Canoe Rentals for the year 2012 within the Borough of Matawan; and

WHEREAS, the rate of pay will be as follows:

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<i>Canoe Renters – First Year</i>	<i>\$8.00 per hour</i>
<i>Canoe Renters - Second Year</i>	<i>\$8.50 per hour</i>

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes the Recreation Director to interview and hire part-time personnel for the Summer Recreation Canoe Rentals at the above specified rate of pay.

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, the Chief Financial Officer, the Payroll Clerk and the Recreation Director.

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 T-14-56-850-801 Borough of Matawan to Canoe Renters - Recreation for the Borough of Matawan in an amount not to exceed Three Thousand Dollars and No Cents (\$3,000.00).

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

Dated: May 15, 2012

Mayor Buccellato read by title Resolution 12-05-30: Authorizing Waiver of Municipal Fees - Borough of Matawan Memorial Day Parade. Mayor Buccellato requested a motion. Councilman Urbano 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-30
AUTHORIZING WAIVER OF MUNICIPAL FEES
BOROUGH OF MATAWAN
MEMORIAL DAY PARADE**

WHEREAS, the Recreation Department of the Borough of Matawan is sponsoring the Borough of Matawan's Annual Memorial Day Parade on May 27, 2012; and

WHEREAS, the Recreation Department has reached out "Don's Dogs" to offer free food service, with Borough reimbursement, to parade marchers during the Memorial Day Parade; and

WHEREAS, the Recreation Department requests Council waive municipal fees to Don's Dogs.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby grants the Recreation Department request to waive any and all municipal fees only, with the exception of State and/or County fees, to Don's Dogs.

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Clerk, the Chief Financial Officer, the Recreation Director and Don's Dogs.

Mayor Buccellato read by title Resolution 12-05-31: Establishing the Borough of Matawan Handicap Accessibility Committee. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Fitzsimmons. Mayor Buccellato requested a roll call. A roll call vote was taken.

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Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-31
ESTABLISHING THE BOROUGH OF MATAWAN
HANDICAP ACCESSIBILITY COMMITTEE**

WHEREAS, the Mayor and Council of the Borough of Matawan wish to ensure continued access by all citizens to all Borough public buildings and properties; and

WHEREAS, the Governing Body has requested the establishment of a "Handicap Accessibility Committee" to ensure for continued compliance with the Americans With Disabilities Act (ADA) for all Borough public buildings and properties, and to make recommendations on any various policies, issues, needs and future of said buildings, properties and projects.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan hereby establishes a Handicap Accessibility Committee as a joint advisory committee composed of members of the Governing Body, the Department of Public Works and Borough resident(s).

BE IT FURTHER RESOLVED, the Council authorizes the Mayor to appoint the Committee's members and hereby approves the Mayor's recommendation that the Committee shall be composed of the following members:

*2 Governing Body Representatives: Councilwoman Donna Gould
Councilman Joseph Urbano*

1 Public Works Representative: John Applegate, Superintendent of Public Works

1 Resident(s) Representative: Rosemary Conte

BE IT FURTHER RESOLVED copy of this Resolution shall be forwarded to the Borough Administrator, the Borough Clerk, and members of the Handicap Accessibility Committee.

Mayor Buccellato read by title Resolution 12-05-32: Resolution of the Borough of Matawan, County of Monmouth, State of New Jersey, to Amend Approved Budget in Accordance With the Provisions of 40A:4-9. 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-32
RESOLUTION OF THE BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY
TO AMEND APPROVED BUDGET IN ACCORDANCE WITH THE PROVISIONS OF 40A:4-9**

WHEREAS, the local municipal budget for 2012 was approved on March 20, 2012; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, the approved budget was amended on April 17, 2012; and

WHEREAS, the Borough Council desires to amend said amended budget;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan, County of Monmouth

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that the following amendments to the amended budget of 2012 be made:

CURRENT FUND

<u>Revenues</u>	<u>From</u>	<u>To</u>
6. Amount to be Raised by Taxes: Local Tax for Municipal Purposes	\$7,412,198.57	\$7,412,183.68
7. Total General Revenues	<u>\$10,634,285.24</u>	<u>\$10,634,270.35</u>
<u>Appropriations</u>		
(A) Operations-Excluded From "CAPS" Reserve for Tax Appeals	\$40,000.00	\$37,000.00
Total Other Operations – Excluded From "CAPS"	\$435,420.00	\$432,420.00
Total Operations – Excluded From "CAPS"	\$486,158.67	\$483,158.67
Detail:		
Other Expenses	\$486,158.67	\$483,158.67
(H-2) Total General Appropriations for Municipal Purposes Excluded From "CAPS"	\$2,254,067.67	\$2,251,067.67
(O) Total General Appropriations Excluded From "CAPS"	\$2,254,067.67	\$2,251,067.67
(L) Subtotal General Appropriations	\$10,406,136.50	\$10,403,136.50
(M) Reserve for Uncollected Taxes	\$228,148.74	\$231,133.85
9. Total General Appropriations	<u>\$10,634,285.24</u>	<u>\$10,634,270.35</u>

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the 2012 Local Municipal Budget as amended, the Borough Administrator, the Borough Clerk, the Chief Financial Officer and the Borough Auditor.

Mayor Buccellato read by title Resolution 12-05-33: Adoption of 2012 Budget. Mayor Buccellato requested a motion. Councilman Fitzsimmons 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 Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-33
ADOPTION OF 2012 BUDGET**

BE IT RESOLVED by the Governing Body of the Borough of Matawan, County of Monmouth that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$7,412,183.68 (Item 2 below) for municipal purposes, and
- (b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$0.00 (Item 4 below) to be added to the certificate of amount to be raised by taxation for local

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- school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
- (d) \$0.00 (Sheet 43) Open Space, Recreation, Farm and Historic Preservation, Trust Fund Levy
 (e) \$335,420.00 (Sheet 38) Minimum Library Levy (R.S. 40:54-8 et seq.)

_____ made the motion, seconded by _____.

RECORDED VOTE					
(insert last name)	Ayes	Fitzsimmons		Abstained	
		Gould		Nays	
		Lopez			
		Urbano		Absent	Angelini Clifton

1. General Revenues	SUMMARY OF REVENUES			
Surplus Anticipated			08-100	\$0.00
Miscellaneous Revenues Anticipated			13-099	\$2,877,666.67
Receipts from Delinquent Taxes			15-499	\$9,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet II)			07-190	\$7,412,183.68
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</u>				
Item 6, Sheet 42			07-195	\$0.00
Item 6(b), sheet 11 (N.J.S. 40A:4-14)			07-191	\$0.00
Total Amount to be Raised by Taxation for Schools				\$0.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:</u>				
Item 6(b), Sheet 11 (N.J.S. 40A: 4-14)			07-191	\$0.00
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY			07-192	\$335,420.00
Total Revenues			13-299	\$10,634,270.35

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SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS			xxxxxxx	xxxxxxxxxx
Within "CAPS"			xxxxxxx	xxxxxxxxxx
(a&b) Operations Including Contingent			34-201	\$7,097,641.00
(e) Deferred Charges and Statutory Expenditures - Municipal			34-209	\$1,054,427.83
(g) Cash Deficit			46-885	\$0.00
Excluded from "CAPS"			xxxxxxx	xxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"			34-305	\$483,158.67
(c) Capital Improvements			44-999	\$75,000.00
(d) Municipal Debt Service			45-999	\$1,692,909.00
(e) Deferred Charges - Municipal			46-999	\$0.00
(f) Judgements			37-480	\$0.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)			29-405	\$0.00
(g) Cash Deficit			46-885	\$0.00
(k) For Local District School Purposes			29-410	\$0.00
(m) Reserve for Uncollected Taxes (include Other Reserves if Any)			50-899	\$231,133.85
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)			07-195	\$0.00
Total Appropriations			34-499	
				\$10,634,270.35

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 15th day of May, 2012. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 15th day of May, 2012, _____, Clerk.
Signature

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seq. Concerning Contractor Requirements for Special Duty Assignment of Police Officers Amending Ordinance. Mayor Buccellato requested a motion to introduce. Councilman Lopez made the motion, seconded by Councilman Fitzsimmons. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**ORDINANCE 12-11
AMENDING AND SUPPLEMENTING ORDINANCE 2-62 ET SEQ.
CONCERNING CONTRACTOR REQUIREMENTS FOR
SPECIAL DUTY ASSIGNMENT OF POLICE OFFICERS**

WHEREAS, there is a need for periodic review of Ordinances that affect the contractual relationships between municipal entities and their employees and contractors who undertake public and private construction projects that require the assistance of police officers for traffic duty; and

WHEREAS, it is the desire of the Governing Body to reaffirm its policy of undertaking police officers of the municipality to assist in those projects but at the same time recognize a change and evolution in best practice for the assignment of such tasks based on available staffing needs of the municipalities and be mindful of the impact of such assignments on the public treasury and taxpayers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Matawan that Ordinance 2-62 be amended as follows:

FIRST: Section 2-62.1 shall add the following language:

Notwithstanding anything contained in the within Ordinance, the Chief of Police may assign Class II Special Police officers to undertake Special Duty Assignment of Police Officers to contractors requiring traffic control duties at construction sites. The assignment of Class II Special Officers shall be at the discretion of the Chief of Police and shall follow the protocol set forth in the within Ordinance hereunder.

SECOND: Section 2-62-2(d) shall include the following section:

Section 2-62-2(d)(1):

In the absence of the availability of any Matawan Borough Police Officer to undertake Special Duty Assignment for traffic control duty at construction sites, the Chief of Police may, if deemed appropriate, assign a Special Class II Police Officer to undertake the traffic control duties. The contractor shall pay for the services rendered, which shall be drawn from the escrow account at the rate of \$25.00 per hour for a Special Class II Officer of the Borough of Matawan. In addition, the contractor agrees that an administrative fee in the amount of Twelve (\$12.00) Dollars per hour for each man hour of Special Duty officer shall be drawn from the escrow account payable to the Borough of Matawan for each hour the Special Officer Class II is engaged by the contractor.

THIRD: The reference to Police Officers in the Ordinance shall include Class II Special Police Officers as clarified by Section 2-62.2(d)(1).

FOURTH: In all other respects, the remaining provisions of Ordinance 2-62 remain unchanged.

FIFTH: If any part of the within Ordinance is deemed illegal or is stricken, the remaining provisions of the Ordinance shall be severable and survive as to render the Ordinance legal effect.

SIXTH: The within changes to the Ordinance shall take effect upon final passage and publication according to law.

Mayor Buccellato read by title Resolution 12-05-34: Payment of Bills. 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.

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Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-05-34
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.*

<i>Current</i>	<i>\$497,385.47</i>
<i>Water & Sewer</i>	<i>\$116,157.68</i>
<i>Borough Capital</i>	<i>\$102,948.95</i>
<i>Borough Trust</i>	<i>\$65,870.97</i>
<i>Dog Tax Trust</i>	<i>\$140.80</i>
<i>Railroad Parking Trust</i>	<i>\$17.00</i>
<i>Recreation Trust</i>	<i>\$124.00</i>
<i>Unemployment Trust</i>	<i>\$33.64</i>
 Total	 <i>\$782,678.51</i>

***BE IT FURTHER RESOLVED** copy of this Resolution shall be forwarded to the Borough the Chief Financial Officer and the Borough Auditor.*

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

There were no comments.

Mayor Buccellato closed the Privilege of the Floor.

Mayor Buccellato requested a motion to move back into Executive Session. No formal action will be taken. Councilman Lopez made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

Adjournment

Mayor Buccellato requested a motion to close the public session. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Council agreed.

The time was 8:35 PM.

Jean B. Montfort, RMC
Municipal Clerk