

**Borough of Matawan
Public Session
September 4, 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 September 4, 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 called earlier to advise she will be working late tonight.

Also present was Pasquale Menna, Esq., 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.

Approval of Minutes

Mayor Buccellato requested a motion to approve the minutes of April 3 and 17, 2012. Councilman Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of May 1 and 15, 2012. Councilman Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of June 7, 19 and 28, 2012. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of July 3 and 17, 2012. Councilman Lopez made the motion, seconded by Councilman Urbano. Council agreed with Councilman Fitzsimmons abstaining from the July 3, 2012 meeting as he was not present. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of August 7, 2012. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed.

Mayor Buccellato informed there are no Workshop Items on tonight's agenda advising Council due to a vacancy in the position of Borough Administrator he has been signing the Purchase Order vouchers. Taking note of the high cost of telephone service, he requested the staff to cost compare the current vs. new telephone system. Mayor Buccellato will keep the Council informed.

Old Business

Mayor Buccellato read by title Ordinance 12-14: An Ordinance Revising Chapter 4-9: Massage Parlors; Masseurs and Masseuses of the Revised General Ordinances of the Borough of

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Matawan, County of Monmouth, State of New Jersey. Mayor Buccellato requested a motion to open the public hearing. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilman Lopez made the motion, seconded by Councilman Urbano. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 12-14: An Ordinance Revising Chapter 4-9: Massage Parlors; Masseurs and Masseuses of the Revised General Ordinances of the Borough of Matawan, County of Monmouth, State of New Jersey. Mayor Buccellato requested a motion to adopt. 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

Motion passed.

**ORDINANCE 12-14
AN ORDINANCE REVISING
CHAPTER 4-9: MASSAGE PARLORS; MASSEURS AND MASSEUSES OF THE
REVISED GENERAL ORDINANCES OF THE
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

BE IT ORDAINED by the Governing Body of the Borough of Matawan that the following revision to Chapter 4-9: Massage Parlors; Masseurs and Masseuses is hereby revised as follows.

1. General Provisions

1.1 Purpose.

The purpose of this Ordinance is to regulate the operation of therapeutic massage establishments in order to promote the public health, safety, and general welfare.

1.2 Severability.

In the event that any section or portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall be deemed to affect the validity of any other section, subsection or portion of this Ordinance.

2. Definitions

2.1 Disqualifying Criminal Conviction.

Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or for which a pardon, certificate of rehabilitation, or the equivalent under the laws of sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing massage establishments.

2.2 Massage

Massage therapy is a manual therapy that manipulates a person's muscles and tissues, which also affects the nervous system to provide relief from stress, muscle tension, muscle pain, stiffness, joint aches and pain, headaches, increasing circulation, helps recovery before and after joint surgery and the list goes limitless.

2.3 Therapeutic Massage Establishment

Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available massage in the Borough of Matawan for consideration or with the expectation of receiving consideration or any gratuity whether or not the business has a fixed place of business within the limits of the Borough.

2.4 Massage Therapist

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Any person who performs massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

2.5 Patron

Any person who receives a massage.

2.6 Person

Any individual, partnership, corporation, or other entity.

2.7 Recognized School

Any school or institution of learning which has for its purpose the teaching of the theory, method, profession and work of massage and is recognized or certified by the State of New Jersey or any other state. Schools offering a correspondence course not requiring actual attendance of class shall not be deemed a Recognized School.

3. Exemptions

3.1 The following shall be exempt from this Ordinance, if duly licensed by and while practicing in accordance with the laws of the State of New Jersey: Physicians and surgeons (medical doctors and doctors of osteopathy) Physicians' Assistants, Nurses, Chiropractors, Physical Therapists, Barbers, Cosmetologists, Beauticians, and other health and hygiene professionals.

4. Massage Tables

4.1 All therapeutic massages shall be administered on a massage table or chair, treatment table, or treatment mat.

5. Maintenance and Cleaning

5.1 Every person who conducts or operates a therapeutic massage establishment shall keep the same at all times in a clean and sanitary condition. All instruments, supplies and devices of any kind, or parts thereof, that come into contact with the human body shall be kept clean by a modern and approved method of cleaning.

5.2 All sheets and towels provided patrons in massage facilities shall be clean and laundered after each use and stored in a sanitary manner.

5.3 Wet and dry heat rooms, shower compartments and toilet rooms shall be thoroughly cleaned each day the facility is in operation. Bathtubs or showers shall be thoroughly cleaned after each use.

6. Prohibited Activities

6.1 No massage therapist shall administer a massage to a patron whose genitals are exposed.

6.2 No massage therapist shall administer or agree to administer a massage to the genitals or anus of a patron.

6.3 No massage therapist shall administer a massage unless he or she is fully clothed with non-transparent clothing of the type customarily worn by massage therapists while administering a massage.

6.4 No alcoholic beverages or intoxicating liquor or non-intoxicating beer shall be sold, nor the consumption thereof, shall be permitted on any premises licensed pursuant to this ordinance.

7. Closing Hours

7.1 No massage establishments shall be kept open for massage purposes between the hours of 10 p.m. and 7 a.m., provided that any massage begun before 10 p.m. may be completed.

8. Supervision

8.1 At all times when open for business, the licensed establishment shall have upon the premises a licensed

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massage therapist or person who possesses a combination massage establishment/massage therapist license who shall be available to supervise the operation of the establishment and assure that no violations of this Ordinance occur.

9. List of employees

9.1 The establishment shall keep a written list of the names and current addresses of all employees, both on duty and off duty. Such list shall be shown to the Chief of Police, the Police Department's authorized representative, the Borough Clerk, or the Clerk's representative, upon request.

9.2 All massage therapists shall be clean and wear clean clothes. Provisions for a separate massage therapist/employee dressing room for each sex must be available on the premises with individual lockers for each massage therapist and employee. Doors to such dressing rooms shall open inward.

10. License Required

10.1 Massage Establishment License

No person shall operate a massage establishment without a valid massage establishment license issued by the Borough of Matawan. A separate license shall be required for each such establishment.

10.2 Massage Therapist License

No person shall work as a massage therapist without a valid massage therapist license issued by the Borough of Matawan.

10.3 Licensee under this section shall designate one massage therapist licensed by the Borough of Matawan as the supervisor for licensee.

11. Licenses Displayed

11.1 A valid therapeutic massage establishment license shall be displayed at all times in an open and conspicuous place in the therapeutic massage establishment for which it was issued.

11.2 A valid massage therapist license must be readily available to be produced immediately if demanded of the licensee.

12. Standards for Denial

12.1 A license application under this Ordinance shall be denied to any of the following persons:

A. Therapeutic Massage Establishment License

- 1. a corporation not registered to do business in the State of New Jersey;*
- 2. a corporation if any principal officer thereof or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction within the immediately preceding five (5) years; or*
- 3. an applicant other than a corporation if such applicant or any person having an actual ownership interest or management authority therein has a disqualifying criminal conviction, within the immediately preceding five (5) years.*

B. Massage Therapist

- 1. to an applicant who has a disqualifying criminal conviction at any time during the five (5) years immediately preceding application; or*
- 2. to an applicant who is not at least eighteen (18) years of age.*

12.2 The Borough Clerk and Police Department shall make and keep a written record of every decision to deny an Application for any license hereunder.

13. Grounds for Suspension or Revocation

13.1 Any license may be suspended or revoked upon a determination that the licensee:

- A. failed to notify the Borough Clerk of any change in material facts set forth in the Application for such license; or*

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B. *violated any provision of this Ordinance.*

13.2 *In addition to the provisions of subsection 13.1, either a Therapeutic Massage Establishment license or massage therapist license may be suspended or revoked upon a determination that the licensee:*

A. *permitted any person to perform massage without a valid license to do so;*

B. *permitted or allowed an employee, massage therapist or to violate any provision of this Ordinance on the premises of the establishment or in the course of conduct of the business of the establishment.*

14. Application for Therapeutic Massage Establishment and Massage Therapist Licenses

14.1 *Any person desiring a license pursuant to this ordinance shall file a written, signed application with the Borough Clerk on a form to be furnished by the Borough Clerk. An application for a massage therapist license or a conditional massage therapist license shall be accompanied by a signed 2 inch x 2 inch photograph of the applicant taken within thirty (30) days of the application.*

15. Basic Proficiency

15.1 *Each applicant for a massage therapist license or therapeutic massage establishment license shall show proof of basic proficiency in the field of massage therapy which may be satisfied by passing the examination and other requirements established by the State of New Jersey. If at the time this ordinance is passed, no State licensing provisions exist then the following minimum requirements shall be met for licensing in the Borough of Matawan:*

A. *evidence of completion of a formal training course in massage therapy given by a recognized school;*

B. *evidence of one hundred (100) hours of on-the-job training in massage therapy performed in the presence of a person holding a valid massage therapist license issued by the Borough of Matawan or another municipality with similar requirements;*

C. *evidence of continuous practice as a massage therapist for at least one (1) year, accompanied by the written recommendation of at least three (3) persons holding a valid massage therapy license issued by the Borough of Matawan or other municipality, which shall state that said person has personally received a massage from the applicant that was administered in a skilled and professional manner; or*

D. *evidence of successful completion of the certifying exam given by American Massage Therapy Association.*

16. Obtaining License by Fraud

16.1 *No person shall make any false, untruthful, or fraudulent statement, either written or oral, or in any way conceal any material fact, or give or use any fictitious name in order to secure or aid in securing a license required by this Ordinance. All names, including but not limited to maiden name, ever used by the applicant must be noted on the application.*

16.2 *Any license so secured shall be void.*

17. Use of License

17.1 *No person shall make use of, in any manner, to his or her own or another's benefit any license which has not been duly issued to him or her in accordance with this Ordinance.*

18. Compliance of Existing Therapists and Massage Establishments

18.1 *Any person presently operating as a massage therapist and/or operating a massage establishment in Borough of Matawan as defined herein on the effective date of this Ordinance shall comply with the terms of this Ordinance upon renewal of their existing license.*

19. Application Process for New Licenses and Renewals

19.1 *A new license under this ordinance may be issued by the Borough Clerk only if the Borough Clerk and Police Department is satisfied that the application meets all of the requirements of this ordinance. If the Borough Clerk denies an application, the Borough Clerk shall issue a written decision stating the reason for not granting the license.*

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19.2 *An existing license may be renewed by the Borough Clerk, provided that the holder of the existing license makes application for renewal on or before December 31 of each year. If the holder applies for renewal on or before December 31, the existing license shall remain in effect until final action on the renewal application. Otherwise, the existing license shall expire on December 31 and an application for a new license must be filed. The Borough Clerk may renew a license only if the Borough Clerk is satisfied that the application meets all the requirements of this ordinance.*

19.3 *Applicants who are denied a license by the Borough Clerk may appeal the Borough Clerk's decision within thirty (30) days to the Borough Council. The Borough Council, after public hearing, notice of which shall be given at least seven (7) days in advance by publication in a newspaper having a circulation in the Borough, shall issue a decision on the appeal.*

19.4 *The Borough Council shall not take final action on an application it has received, pursuant to Section 19.3, for a new license (including an application for a renewal license filed after December 31) until the Borough Clerk has received and reviewed a criminal background check performed by the Police Department on the applicant and any persons having a relationship to the applicant described in Section 3 of this Ordinance.*

19.5 *Massage facility licenses and massage therapist business licenses are not transferable and such authority as a license confers shall be conferred only on the location or person identified therein.*

19.6 *Fees paid and licenses obtained pursuant to this ordinance shall be in addition to and not in lieu of any other fees or licenses required to be paid or obtained pursuant to this ordinance or any other ordinances of the Borough of Matawan.*

20. Term of License

20.1 *Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on December 31 of each year.*

21. Inspections, immediate right of entry

21.1 *The Matawan Police Department or County Health officials may from time to time inspect a licensed massage facility to determine compliance with any provisions of this ordinance. It shall be unlawful for any person holding a massage facility business license, a massage therapist business license or an employee of such licensee to refuse such inspection officer immediate access to the premises or to hinder such officer in any manner; such refusal or hindrance on the part of any license holder or employee shall be grounds for the immediate revocation or suspension of any relevant massage therapist or massage facility business license.*

22. Application Fees

22.1 *The fees for establishment or therapists licenses issued under this Ordinance shall be established by the Borough Council. Applicants should contact the Borough Clerk for the current fee.*

22.2 *Application fees may be in addition to licensing fees and the applicant should contact the Borough Clerk regarding these or other required fees.*

22.3 *The fees are payable at the time of application and are non-refundable.*

23. Penalty

23.1 *The violation of any provision of this Ordinance shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Borough may enjoin or abate any violation of this Ordinance by appropriate action.*

Consent Agenda

Mayor Buccellato read by title Resolutions 12-09-02 through and including 12-09-08 requesting a motion to approve en masse. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-09-02
REDEMPTION OF TAX SALE CERTIFICATE
INGENIOUS INTELLIGENCE BNC, INC.
CERTIFICATE #11-00023**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00023 which was sold to Ingenious Intelligence BNC, Inc., 253 Main Street, Suite 135, Matawan, NJ 07747; and

WHEREAS, Certificate #11-00023 has been paid and fully redeemed for the property owner, Block 24, Lot 13 otherwise known as 7-9-11 Ravine Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,719.51 to the above for the redemption of Tax Sale Certificate #11-00023.

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

**RESOLUTION 12-09-03
REDEMPTION OF TAX SALE CERTIFICATE
ACE PLUS, LLC
CERTIFICATE #11-00041**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00041 which was sold to Ace Plus, LLC, 1416 Avenue L, Brooklyn, NY 11230; and

WHEREAS, Certificate #11-00041 has been paid and fully redeemed for the property owner, Block 44, Lot 22 otherwise known as 65 Wyckoff St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$6,105.74 and a Premium of \$3,100.00 to the above for the redemption of Tax Sale Certificate #11-00041.

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

**RESOLUTION 12-09-04
REDEMPTION OF TAX SALE CERTIFICATE
MTAG SERVICES AS CUST FOR ATCF II NEW JERSEY, LLC
CERTIFICATE #11-00049**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00049 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 #11-00049 has been paid and fully redeemed for the property owner, Block 54, Lot 5 otherwise known as 2 Woodland Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$9,681.73 and a Premium of \$10,000.00 to the above for the redemption of Tax Sale Certificate #11-00049.

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

**RESOLUTION 12-09-05
APPROVAL OF RAFFLE LICENSE
MATAWAN-ABERDEEN ROTARY CLUB**

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**50/50 CASH
RL-619**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for St. Gabriel's Rosary Altar Society Fundraiser.

Name & Location of Organization's Event
Buttonwood Manor
Route 345:30 PM – 7:30 PM
Matawan, New Jersey 07747

Date & Time
December 6, 2012

**RESOLUTION 12-09-06
RELEASE OF ESCROW FUNDS
BIG CITY PAVING & CONSTRUCTION, INC.
168-170 MAIN STREET - BLOCK 36, LOT 2
PERMIT FOR STREET OPENING**

WHEREAS, Big City Paving & Construction, Inc. has requested the release of the balance of their escrow account for 168-170 Main Street, Block 36, Lot 2, Permit for Street Opening, Matawan, New Jersey; and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of September 4, 2012 is Nine Hundred Nine Dollars and Eighty-Five Cents (\$909.85); and

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

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Nine Hundred Nine Dollars and Eighty-Five Cents (\$909.85), to Big City Paving & Construction, Inc., 299 Manhattan Street, Staten Island, New York 10307.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer, as well as Big City Paving & Construction, Inc., 299 Manhattan Street, Staten Island, New York 10307.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of September 4, 2012 the balance of the Escrow Account for Big City Paving & Construction, Inc. for 168-170 Main Street, Block 36, Lot 2, is Nine Hundred Nine Dollars and Eighty-Five Cents (\$909.85).

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: September 4, 2012

**RESOLUTION 12-09-07
RELEASE OF ESCROW FUNDS
CNM BUILDERS, LLC
19 ANGELICA COURT - BLOCK 62, LOT 2.09
PERMIT FOR STREET OPENING**

WHEREAS, CNM Builders, LLC has requested the release of the balance of their escrow account for 19 Angelica Court, Block 62, Lot 2.09, Permit for Street Opening, Matawan, New Jersey; and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of September 4, 2012 is Seventy-Four Dollars and Eighty-Five Cents (\$74.85); and

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

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Seventy-Four Dollars and Eighty-Five Cents (\$74.85), to CNM Builders, LLC, 424 Hawthorne Street, Keyport, New Jersey 07735.

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BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer, as well as CNM Builders, LLC, 424 Hawthorne Street, Keyport, New Jersey 07735.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of September 4, 2012 the balance of the Escrow Account for CNM Builders, LLC for 19 Angelica Court, Block 62, Lot 2.09, is Seventy-Four Dollars and Eighty-Five Cents (\$74.85).

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: September 4, 2012

**RESOLUTION 12-09-08
RELEASE OF ESCROW FUNDS
CNM BUILDERS, LLC
181 WASHINGTON AVENUE - BLOCK 78, LOT 10.02
PERMIT FOR STREET OPENING**

WHEREAS, CNM Builders, LLC has requested the release of the balance of their escrow account for 181 Washington Avenue, Block 78, Lot 10.02, Permit for Street Opening, Matawan, New Jersey; and

WHEREAS, as certified by the Treasurer/CFO the remaining cash portion balance as of September 4, 2012 is Five Hundred Six Dollars and Forty-Two Cents (\$506.42); and

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

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby approves the release of the balance on the escrow funds in the amount of Five Hundred Six Dollars and Forty-Two Cents (\$506.42), to CNM Builders, LLC, 424 Hawthorne Street, Keyport, New Jersey 07735.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer, as well as CNM Builders, LLC, 424 Hawthorne Street, Keyport, New Jersey 07735.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of September 4, 2012 the balance of the Escrow Account for CNM Builders, LLC for 181 Washington Avenue, Block 78, Lot 10.02, is Five Hundred Six Dollars and Forty-Two Cents (\$506.42).

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: September 4, 2012

New Business

Mayor Buccellato read by title Resolution 12-09-09: Resolution Authorizing the Department of Public Works to Cut Grass on Private Property – Chapter 15-1 of the Code of the Borough of Matawan. 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

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taken.

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

Motion passed.

**RESOLUTION 12-09-09
RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS
TO CUT GRASS ON PRIVATE PROPERTY – CHAPTER 15-1 OF THE
CODE OF THE BOROUGH OF MATAWAN**

WHEREAS, the governing body of the Borough of Matawan has been informed by the Property Maintenance Official that the property owner of Block 85, Lot 3, also known as 356 Forrest Avenue, is in violation of Chapter 15-1: Removal of Grass, Weeds, Brush and Other Debris, of the Code of the Borough of Matawan; and

WHEREAS, Chapter 15-1: Removal of Grass, Weeds, Brush and Other Debris, of the Code of the Borough of Matawan states it is the duty of Owners and Tenants to keep all lands free of overgrown vegetation; and

WHEREAS, the property owner was given noticed by the Property Maintenance Officer on May 29, 2012 and August 1, 2012, to abate the situation within the specified ten (10) days.

WHEREAS, the Property Maintenance Officer re-inspected the property at Block 85, Lot 3, also known as 356 Forrest Avenue, after the specified ten (10) day period. The situation was not abated.

WHEREAS, the cost to abate the situation to comply with the code requirements, as indicated above, an initial clean-up cost would be Seven Hundred Dollars (\$700.00) and thereafter a fee to cut and maintain the lawn would be between Four Hundred Dollars (\$400.00) and Four Hundred Fifty Dollars (\$450.00) per occurrence will be charged.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Matawan that the Borough of Matawan, in accordance with Chapter 15-1.3: Removal by Borough, Cost Established as a Lien, hereby authorizes the Department of Public Works to abate the situation as soon as possible.

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Matawan that the Borough Tax Collector is authorized to proceed to place a lien on the property located at Block 85, Lot 3, also known as 356 Forrest Avenue, to recoup the expense incurred by the Borough to abate the situation.

FURTHERMORE, BE IT RESOLVED that the Matawan Department of Public Works/Water/Sewer Superintendent is authorized to provide maintenance of private properties within the Borough of Matawan when directed by the Administrator of the Borough of Matawan that all necessary steps have been undertaken and that the Property Owner, Title-Holder, or Administrator of the property has been given ten (10) days notice to abate the situation existing on the property. Cost for providing the clean-up and subsequent maintenance of the properties will be determined by the Department of Public Works/Water/Sewer Superintendent, who will notify the Property Maintenance Official and Borough Attorney of each time maintenance is performed on the property.

BE IT FURTHER RESOLVED that a copy of the within Resolution be served on the property owner at the last known address of the individual by Certified Mail Return Receipt Requested and by Regular Mail with accompanying proof of mail executed by the Borough Clerk.

Mayor Buccellato read by title Resolution 12-09-10: Transfer of Title to Property Known as Annmar Drive - Block 113.01, Lot 10 - on the Tax Map of the Borough of Matawan to Isidore Sackowitz and Lauren Vincelli. 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 Angelini
Councilman Urbano

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Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-09-10
TRANSFER OF TITLE TO PROPERTY KNOWN AS
ANNMAR DRIVE - BLOCK 113.01, LOT 10
ON THE TAX MAP OF THE BOROUGH OF MATAWAN TO
ISIDORE SACKOWITZ AND LAUREN VINCELLI**

WHEREAS, title to property known as Annmar Drive – Block 113.01, Lot 10 - on the Tax Map of the Borough of Matawan was conveyed to the Borough of Matawan by Final Judgment of In Rem Foreclosure dated February 23 1982 and recorded on March 4, 1982 in the Clerk’s Office of the County of Monmouth, State of New Jersey in Deed Book 4344, page 112; and

WHEREAS, the Borough of Matawan is desirous of selling the aforementioned property and has further deemed that the vacant land has no economic value for development since it is a small, isolated, irregular lot, and same has been offered for sale to the adjacent neighbors of said lot; and

WHEREAS, Isidore Sackowitz and Lauren Vincelli have offered the sum of Three Thousand One Hundred Dollars and No Cents (\$3,100.00) in consideration for title to aforementioned property in a sealed bid, which offer for sale was transmitted to all adjacent property owners who expressed no interest; and

WHEREAS, the Council of the Borough of Matawan find the sum of \$3,100.00 to be sufficient consideration for the transfer of title to the aforementioned property; and

WHEREAS, the Council of the Borough of Matawan acknowledges receipt of the sum of Three Thousand One Hundred Dollars and No Cents (\$3,100.00) from Isidore Sackowitz and Lauren Vincelli.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby grants and conveys title to the property known as Annmar Drive - Block 113.01, Lot 10 - on the Tax Map of the Borough of Matawan to Isidore Sackowitz and Lauren Vincelli in consideration of the sum of Three Thousand One Hundred Dollars and No Cents (\$3,100.00), receipt of which sum is acknowledged.

Mayor Buccellato read by title Resolution 12-09-11: Middlesex Road Water Treatment Plant Improvements Authorizing Change Order No. 1. 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

Motion passed.

**RESOLUTION 12-09-11
MIDDLESEX ROAD WATER TREATMENT PLANT IMPROVEMENTS
AUTHORIZING CHANGE ORDER NO. 1**

WHEREAS, T&M Associates has informed the Council that during sandblasting of the interior walls at Ryers Lane Water Storage Tank the contractor’s representative encountered spot corrosion; and

WHEREAS, T&M Associates has informed the Council the best possible approach was to do a “Chloride Contamination Removal” process; and

WHEREAS, the within problems was an unforeseen item only discovered during the sandblasting process and is an emergency remediation that must be undertaken to protect the health and safety of the residents and users of the system.

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. 1 for the Middlesex Road Water Treatment Plant Improvement, an increase in the amount of One

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Hundred Thirteen Thousand, Seven Hundred and Fifty-three Dollars and Thirty-six Cents (\$113,753.36) to address and remedy the within emergency situation.

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 W-06-55-559-200 Budget of the Borough of Matawan to MBE Mark III Electric, Inc. for the Borough of Matawan in an amount not to exceed One Hundred Thirteen Thousand, Seven Hundred and Fifty-three Dollars and Thirty-six Cents (\$113,753.36).

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: September 4, 2012

Mayor Buccellato read by title Resolution 12-09-12: 2011 Road Program - Authorizing Change Order No. 7 and Final. 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 Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-09-12
2011 ROAD PROGRAM
AUTHORIZING CHANGE ORDER NO. 7 AND FINAL**

WHEREAS, T&M Associates has informed the Council that Items A21, A24, A25, A32, A33, A34, B21, B22, B23, B24, B28, B29, B30, B31, SB-1, C4, CIO, C11, C13, C14, C17, C18, C21, C31, C37, C39, C40, C59, C60, C64, C69, C70, C72, C73, SC-1, AI, and S-1 have been reduced to reflect as-built quantities to the 2011 Road Program for a total deduction of Seventy Six Thousand Three Hundred Fifty-six Dollars and Fifty-seven Cents (\$76,356.57); and

WHEREAS, T&M Associates has informed the Council that Items A20, B19, B23, B26, C32, C33, C45, C46, C47, C56, C61, C66, S-3, S-4, and S-5 have been increased to reflect as built quantities and Supplementary to the 2011 Road Program for a total increase of Twenty-four Thousand, Seven Hundred One Dollars and No Cents (\$24,701.50); 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. 7 for the 2011 Road Program, an decrease in the amount of Fifty-one Thousand, Six Hundred Fifty-five Dollars and Seven Cents (\$51,655.07).

Mayor Buccellato read by title Resolution 12-09-13: Authorizing the Purchase of a S175 Demo #334 Aerial Fire Truck Stock 334, HS-5053. 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 Angelini

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Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-09-13
AUTHORIZING THE PURCHASE OF A SL75 DEMO #334
AERIAL FIRE TRUCK
Stock 334, HS-5053**

WHEREAS, the Matawan Fire Department advised the Mayor and Council of the need for a Fire Apparatus-Ladder Truck due to the fact that there does not exist within the Borough Fire Department an operable Ladder Truck Apparatus within the Borough of Matawan; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Fire Apparatus-Ladder Truck; and

WHEREAS, the Borough of Matawan received one (1) bid from Sutphen Corporation, 6450 Eiterman Road, Dublin, Ohio 43016, for Fire Apparatus-Ladder Truck; and

WHEREAS, the Mayor and Council of the Borough of Matawan, acting under the recommendation and opinion of the Matawan Borough Fire Department, Aerial Apparatus Committee regarding the above, hereby authorize the purchase of a SL75 Demo #334 Aerial Fire Truck, Stock 334, HS-5053 for the Borough of Matawan, purchased by the Borough of Matawan.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan authorizes Mayor Paul Buccellato to enter into a Contract for the purchase of a SL75 Demo #334 Aerial Fire Truck, Stock 334, HS-5053, for the Borough of Matawan from Sutphen Corporation, for the total sum of Six Hundred Ninety-two Thousand, Two Hundred Twenty-five Dollars and Four Cents (\$692,225.04).

BE IT FURTHER RESOLVED that the above mentioned Fire Apparatus – Ladder Truck, will be delivered to the Borough of Matawan and the Matawan Fire Department with all equipment, warranties, tire replacement, and other requirements indicated in the Request of Bid, dated July 25, 2012.

BE IT FURTHER RESOLVED the Council of the Borough of Matawan authorizes Mayor Paul Buccellato to authorize the purchase of Firefighter Safety Equipment as required by NFPA and the FCC, in an amount not to exceed Thirty-three Thousand Dollars (\$33,000.00) for the above mentioned Fire Apparatus – Ladder Truck.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and caused their presence to be signed by the proper corporate officers and having them corporate seal affixed hereto.

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 C-01-55-912-100 Budget of the Borough of Matawan to the vendors listed above for the purchase of a SL75 Demo #334 Aerial Fire Truck, Stock 334, HS-5053 and Firefighter Safety Equipment as required by NFPA and the FCC, an amount not to exceed Seven Hundred Twenty-five Thousand, Two Hundred Twenty-five Dollars and Four Cents \$725,225.04.

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: September 4, 2012

Mayor Buccellato read by title Resolution 12-09-14: Authorizing the Placement and Purchase of a Gazebo on the Jeremiah E. Hourihan Field. 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.

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Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano

No: Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-09-14
AUTHORIZING THE PLACEMENT AND PURCHASE OF A GAZEBO
JEREMIAH E. HOURIHAN FIELD**

WHEREAS, the Recreation Committee and Commission of the Borough of Matawan developed Matawan Turkey Trot 5K Race as a fundraising event that would allow the Recreation Commission to make improvements to Matawan parks from fees and donations raised through this event, without additional taxpayer's expense; and

WHEREAS, the Matawan Recreation Commission has established from the Turkey Trot 5K Race and other fundraising activities a Recreation Fund Trust which is comprised of funds to be used primarily for improvements to the parks within the Borough; and

WHEREAS, the Matawan Borough Recreation Committee and Commission have reviewed and discussed the use of these funds and have determined that a portion of the funds be utilized to purchase and install a Gazebo at the Jeremiah E. Hourihan Field, and that the project would be in the best interest of the residents of the Borough of Matawan as it would improve the enjoyment of the Jeremiah E. Hourihan Field; and

WHEREAS, three (3) quotes were received for the Gazebo with prices ranging from \$5,940.00 (J&L Crafts & Lawn), \$7,299.00 (Gazebo Creations), and \$9,290.00 (Mr. Fence) and after reviewing each proposal the Matawan Recreation Committee and Commission recommend that a Purchase Order be issued to:

<i>J&L Crafts & Lawn Furniture Route 206 Columbus, NJ 08022</i>	<i>\$5,940.00</i>
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WHEREAS, the Gazebo will have to be professionally installed and said installation will be performed by a registered New Jersey contractor.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes the Recreation Committee and Commission to purchase and install a Gazebo at Jeremiah E. Hourihan Field.

BE IT FURTHER RESOLVED that the Mayor of the Borough of Matawan be and is hereby authorized to sign any and all necessary documents to effectuate this purchase.

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-142-56-850-801 Budget of the Borough of Matawan for the purchase of a Gazebo to be placed in Jeremiah E. Hourihan Field from J&L Crafts & Lawn Furniture in an amount not to exceed Five Thousand, Nine Hundred and Forty Dollars (\$5,940.00)

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: September 4, 2012*

Mayor Buccellato read by title Resolution 12-09-15: Governing Body Certification of the Annual Audit - 2011. 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.

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

Motion passed.

**RESOLUTION 12-09-15
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT - 2011**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

*General Comments
Recommendations
Auditors' Opinions*

and

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

*General Comments
Recommendations
Auditors' Opinions*

as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Matawan, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON SEPTEMBER 4, 2012.

*Jean B. Montfort, RMC
Municipal Clerk*

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**CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT
GROUP AFFIDAVIT FORM
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY
COUNTY OF MONMOUTH

We, members of the Governing Body of the Borough of Matawan, in the County of Matawan, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Mayor and Council, of the Borough of Matawan, in the county of Monmouth;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2011;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.)Councilman Fitzsimmons

(L.S.)Councilman Lopez

(L.S.)Councilwoman Angelini

(L.S.)

(L.S.)Councilman Urbano

(L.S.)

(L.S.)Councilwoman Gould

(L.S.)

(L.S.)Councilwoman Clifton

(L.S.)

Absent

Mayor Buccellato read by title Resolution 12-09-16: Borough of Matawan – Monmouth County - Corrective Action Report for 2011 – Audit Report. 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

Motion passed.

**RESOLUTION 12-09-16
BOROUGH OF MATAWAN – MONMOUTH COUNTY
CORRECTIVE ACTION REPORT FOR 2011
AUDIT REPORT**

1. Audit Comment 2011-1: The Foreclosed Property and Assessments Receivable are not accurately accounted for in the General Ledger; adequate support doesn't exist for these items

Department: Finance/Monica Antista

Description of Circumstances: The Foreclosed Property and Assessments Receivable are not accurately accounted for in the General Ledger; adequate support doesn't exist for these items

Corrective Action: The Foreclosed Property and Assessments Receivable is in the process of being reviewed and researched with the tax collector; appropriate action will be taken to correct

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Date of Implementation: October 2012

2. Audit Comment 2011-2: *There were a number of receivables relating to grants that were outstanding for greater than 2 years for which no supporting documentation could be provided to validate balances*

Department: Finance/Monica Antista

Description of Circumstances: The auditor determined a number receivables relating to grants were outstanding for more than 2 years with no supporting documentation

Corrective Action: Grant records have been reviewed and closed out. The remainder will be reviewed on a monthly basis and closed where applicable. Proper documentation will be placed in files.

Date of Implementation: September 2012

3. Audit Comment 2011-3: *Interfund balances existed at year end*

Department: Finance/Monica Antista

Description of Circumstances: Interfund balances existed at year end

Corrective Action: Procedures should be implemented to insure the liquidation of interfunds prior to year-end.

Date of Implementation: December 2012

4. Audit Comment 2011-4: *Tickets assigned to an officer but not issued are outstanding for more than 6 months*

Department: Municipal Court Administrator/Patricia Sickels

Description of Circumstances: The tickets assigned to an officer that have not been issued are outstanding for more than 6 months

Corrective Action: Our municipal court has moved to Hazlet Township as a joint court as of June 1, 2012

Date of Implementation: June 2012

*Respectively submitted
August 28, 2012*

*Monica A. Antista
Chief Financial Officer/Treasurer*

Mayor Buccellato read by title Ordinance 12-15: Amending Chapter 34 – Development Regulations of the Code of the Borough of Matawan Creating a New Mixed Use Development (MUD) District. 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
Councilwoman Angelini
Councilman Lopez
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**ORDINANCE 12-15
AMENDING CHAPTER 34 – DEVELOPMENT REGULATIONS
OF THE CODE OF THE BOROUGH OF MATAWAN
CREATING A NEW MIXED USE DEVELOPMENT (MUD) DISTRICT**

Section 1. *Section 34-57, Zone Districts, is hereby amended to add a new zone district as follows:*

MUD Mixed Use Development District

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Section 2. Section 34-58, Zoning Map, is hereby amended to add a new subsection c. as follows:

- c. *Amendment to Zoning Map. The Zoning Map is amended to change the zoning district designation of Block 40, Lots 6 and 7 to MUD, Mixed Use Development.*

Section 3. A new Section 34-73.1 is hereby created as follows:

34-73.1 MUD – MIXED USE DEVELOPMENT DISTRICT

a. *Purpose:*

The purpose of the Mixed Use Development District is to promote the development of compact, self-contained, transit oriented, mixed use development that incorporates both non-residential and multi-family residential development compatible with adjoining residential, non-residential and public areas.

b. *General Requirements:*

1. *The Mixed Use Development shall provide for an overall architectural theme for all buildings and site amenities, e.g. signage, lighting, and streetscape improvements, within the development, in accordance with the standards set forth in subsection i. below.*
2. *The layout of the Mixed Use Development provides for internal pedestrian circulation and connection to off-site pedestrian features.*
3. *The Mixed Use Development shall provide amenities and features to promote and encourage the use of non-automobile and public transportation, such as bicycle racks, taxi stops, bus shelters, commuter drop off areas, etc. The provision of shuttle service to the train station shall be required, and any approval of a mixed use development shall set forth standards and conditions for such service and the discontinuance of such service in the event of lack of ridership or other cause beyond the control of the owner.*
4. *All development within the Mixed Use Development District shall contain both a residential and non-residential component. A minimum of fifty percent (50%) of the total floor area of the mixed use development shall be utilized for residential use.*

c. *Permitted Principal Uses:*

1. *Multi-family residential development in mixed use buildings only and further provided no living area shall be located on the ground level;*
2. *Municipal offices, civic centers, and community facilities;*
3. *Business and commercial uses as follows, provided that no individual non-residential use or user within a mixed use building shall exceed 10,000 square feet in gross floor area:*
 - a) *Retail sales limited to the following: prepared and packaged food; furniture and home furnishings; antiques; jewelry; electronics; books and stationary; drug stores; health and beauty products; music and musical instruments; clothing and accessories; and sporting goods;*
 - b) *Personal service establishments limited to the following: real estate; insurance; banking and financial services; legal; engineering; architecture; accounting; medical; barber and beauty shops; credit agencies; servicing and repair of electronics; mail and shipping services, education and learning centers; and dance and martial arts schools;*
 - c) *Banks and financial services;*
 - d) *General business offices;*
 - e) *Medical offices, excluding veterinarians;*
 - f) *Restaurants, excluding drive-up and drive-through facilities; delicatessens;*
 - g) *Government offices and services;*
 - h) *Bars and taverns, but excluding nightclubs;*
 - i) *Sports and fitness centers; and*
 - j) *Child and adult day care facilities.*

d. *Permitted Accessory Uses and Structures:*

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1. *Walls and fences;*
 2. *Swimming pools;*
 3. *Kiosks and sidewalk café seating;*
 4. *Fountains and other decorative water features;*
 5. *Flagpoles, clock towers, statues and other street art;*
 6. *Bus shelter, taxi stops, bicycle racks, and features and structures appropriate to facilitate and promote public transportation; and*
 7. *Necessary public utilities and services per Section 34-77.*
- e. *Required Off-Street Parking:*
1. *Residential Uses: Per the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b)*
 2. *Non-residential uses: As specified in Section 34-43*
 3. *Notwithstanding 1. and 2. above, a shared parking approach may be permitted subject to the review and approval of the Board in accordance with the following:*
 - a) *An applicant requesting approval of a shared parking approach shall prepare and submit a shared parking analysis report to the Board and its professionals for review. In preparing the analysis, the applicant shall follow the procedures for shared parking specified in the current edition of the Urban Land Institute (ULI), Shared Parking Manual and the Institute of Transportation Engineers (ITE) Parking Generation. The report shall evaluate and illustrate the temporal distribution of the parking demand for all the uses proposed and confirm that the peak parking demand can be fully met on-site or through an off-site parking agreement with the Borough or private entity, to be approved by the Board, for utilization of a parking lot or facility within an acceptable walking distance.*
 - b) *For the purpose of calculating the peak parking demand for a shared parking approach, the minimum number of parking spaces for each residential use shall be as required pursuant to the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b).*
 - c) *Any approval of a shared parking approach in conjunction with a site plan approval of a mixed use development shall be conditioned upon maintaining substantially the same mix of uses as originally approved. Any proposed change in use within a mixed use development, to a use with a higher parking requirement, as set forth in Section 34-43, shall require the submission and approval of a zoning permit. Said zoning permit application shall include a revised shared parking analysis report. The approval of the zoning permit by the zoning official shall be made only after a finding of the Borough Engineer that the peak parking demand can continue to be fully met consistent with the originally approved shared parking approach. The cost of the review of the revised shared parking analysis shall be borne by the applicant.*
- f. *Signs: As specified in Section 34-44, except as otherwise provided in this section.*
- g. *Bulk Requirements:*
1. *Principal buildings:*
 - a) *Minimum lot width: One hundred (100) feet*
 - b) *Minimum front yard setback: Fifty (50) feet*
 - c) *Minimum side yard setback: Twenty-five (25) feet; Fifty (50) feet to any lot line of a residential use, residential zone, or publicly owned property*
 - d) *Minimum rear yard setback: Fifty (50) feet*
 - e) *Maximum building height: Five (5) stories and Sixty-five (65) feet*
 - f) *The following additional standards shall apply to mixed used buildings:*
 - i. *The entire first floor area of the mixed use building shall be utilized for non-residential uses with the exception of the following, which may serve the residential component: Foyers; stairways; elevators; mechanical rooms; lounges; bicycle/storage lockers; mail room; meeting rooms; fitness/recreation rooms; and leasing or sales office and further provided such areas shall not exceed fifteen percent (15%) of the total first floor area;*

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- ii. *A minimum of twelve and one-half percent (12.5%) of the total floor area and eighty-five percent (85%) of the first floor area of a mixed use building shall be utilized for business and commercial uses permitted pursuant to c.3. of this Section*
- 2. *Accessory buildings and structures:*
 - a) *Minimum front, side and rear yard setback: Ten (10) feet*
- h. *Additional Zoning Standards:*
 - 1. *Minimum tract area for Mixed Use Development: Four (4) acres;*
 - 2. *Maximum residential density: Twenty (20) dwelling units per acre;*
 - 3. *Maximum building coverage: Thirty percent (30%); and*
 - 4. *Maximum lot coverage: Eighty percent (80%)*
- i. *Design Standards:*
 - 1. *New buildings shall maintain a primary orientation to public streets both functionally and visually.*
 - 2. *Mixed use buildings of three stories or greater shall provide elevator service.*
 - 3. *Multiple buildings within a development shall maintain a consistent style/architectural theme utilizing common color schemes and materials. Architectural themes should be in keeping with village character of other areas within the Main Street area of the Borough, including Victorian, Colonial and Traditional.*
 - 4. *All facades visible from adjoining properties shall include visually pleasing architectural features similar to the front façade of the building.*
 - 5. *Buildings shall be designed to avoid exterior elevations from containing large expanses of blank or featureless walls. No building façade, as viewed from any public street or public parking area, shall have an unbroken horizontal length of greater than sixty (60) feet without of a break of a minimum of twelve (12) inches. Balconettes (non-accessible balconies for visual effect) are recommended on front and side facades. Balconies shall only be permitted on rear facades, and further provided, no balcony shall be located on any façade that faces a public street.*
 - 6. *Mixed use buildings four or more stories in height, in addition to the required horizontal façade breaks above, shall provide one or more vertical breaks as viewed from any public street.*
 - 7. *Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Dormers or other architectural features may be used to minimize the apparent mass of the buildings. Variations within an architectural style are highly encouraged. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Gabled, hip or combination roof types are permitted.*
 - 8. *Heating and cooling equipment and other mechanical features shall be located to minimize visual and acoustical impacts.*
 - 9. *Entranceways shall be in keeping with the architectural character of the building and shall be clearly and appropriately framed architecturally.*
 - 10. *Covered entryways or porticos for building entrances facing the street are highly encouraged.*
 - 11. *Non-residential uses on the ground floor of mixed use buildings to the maximum extent practical shall incorporate window displays to stimulate interest and exposure of retail goods and services to pedestrians. Window glass of individual uses on the ground floor shall comprise a minimum of forty percent (40%) of the building façade facing any public street or public parking area and shall be clear glass to provide unencumbered views to window displays. Tinted glass is prohibited.*
 - 12. *No unit shall have more than two bedrooms and a minimum of forty percent (40%) of the units shall be one bedroom units.*
 - 13. *Each dwelling unit in a mixed use building shall have a minimum floor area of nine hundred fifty (950) square feet.*
 - 14. *Each dwelling unit in a mixed use building shall be provided with a minimum of eighteen (18) square feet of storage with a vertical height of a minimum of eight (8) feet, exclusive of living area closet space.*
 - 15. *The design of any mixed use building shall include ground floor bicycle/storage lockers*

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assignable to a significant percentage of the units/residents. Such percentage shall be subject to the approval of the Board.

Section 4. Section 34-3, Definitions, is hereby amended to add the following definitions:

Mixed Use Building shall mean a building within a mixed use development containing both residential and non-residential uses.

Mixed Use Development shall mean a tract of land developed with a variety of complementary and integrated uses in a compact urban form.

Parking, Shared shall mean the joint utilization of a parking area for more than one use in which the spaces are used at different times by different uses resulting in a lower peak demand than would otherwise result from a cumulative addition of the individual parking requirements of all permitted uses on site.

Mayor Buccellato read by title Resolution 12-09-17: 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.

Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini with the exception of Vendor #09905
Councilman Urbano
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-09-17
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	\$2,008,501.88
Water & Sewer	\$126,719.76
Borough Capital	\$2,082.12
Water Capital	\$35,750.69
Grant	\$588.50
Borough Trust	\$32,621.46
Developers Escrow Account	\$6,261.00
Dog Tax Trust	\$25.20
Railroad Parking Trust	\$11,500.00
Recreation Trust	\$11,901.43
Unemployment Trust	\$166.50
Total	\$2,236,118.54

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Chief Financial Officer as well as the Borough Auditor.

Councilman Lopez requested Council approval of Midway Hose Company Volunteer Firefighter Anthony Washington. Councilman Urbano made the motion, seconded by Councilman Fitzsimmons. Council agreed. Motion passed.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Jeremiah E. Hourihan, Sr., 13 Edgewater Drive, Matawan. Mr. Hourihan expressed

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dissatisfaction with the Borough expending funds on the gazebo, on the amount and condition of clothing bins around the town, and the tree trimming being done by JCP&L.

Donald Mason, Acting Chief, Borough of Matawan Fire Department. Mr. Mason thanked the Council on behalf of the BOM Fire Department for the purchase of the new fire vehicle.

Mayor Buccellato closed the Privilege of the Floor.

Mayor Buccellato requested a motion to move into Executive Session. No formal actions will be taken. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. The time was 7:30 PM.

Adjournment

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

Meeting adjourned at 8:00 PM.

Jean B. Montfort, RMC
Municipal Clerk