

**Borough of Matawan  
Public Session  
March 19, 2013**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on March 19, 2013. 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 *Asbury Park Press* on January 9, 2013, by sending notice to *The Independent*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Also, present were Louis Ferrara, Borough Administrator, and Pasquale Menna, Borough Attorney.

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

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

**Approval of Minutes**

Mayor Buccellato requested a motion to approve the minutes of January 1, 2013. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of January 22, 2013. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of February 5, 2013. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of February 19, 2013. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of March 5, 2013. Councilman Fitzsimmons made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Mayor Buccellato stated he was rearranging the agenda to get some of the housekeeping items taken care of to allow for the Budget Workshop with the Department Heads.

**Consent Agenda**

Mayor Buccellato read by title Resolutions 13-03-20 through and including 13-03-27 requesting a motion to approve en masse. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

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Motion passed.

**RESOLUTION 13-03-20  
REDEMPTION OF TAX SALE CERTIFICATE  
US BANK CUST FOR PRO CAPITAL I, LLC  
CERTIFICATE #11-00003**

*WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00003 which was sold to US Bank Cust for Pro Capital I, LLC, 50 S 16<sup>th</sup> St., Ste 1950, Philadelphia, PA 19102; and*

*WHEREAS, Certificate #11-00003 has been paid and fully redeemed for the property owner, Block 6, Lot 15 otherwise known as 98 Main St.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$14,451.35 to the above for the redemption of Tax Sale Certificate #11-00003.*

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

**RESOLUTION 13-03-21  
REDEMPTION OF TAX SALE CERTIFICATE  
US BANK CUST FOR PROCAPITAL II, LLC  
CERTIFICATE #12-00013**

*WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00013 which was sold to US Bank Cust for ProCapital, II, LLC, US Bank TLSSG, 50 S 16<sup>th</sup> St., Ste 1950, Philadelphia, PA 19102; and*

*WHEREAS, Certificate #12-00013 has been paid and fully redeemed for the property owner, Block 12, Lot 1.01 otherwise known as 11 Johnson Ave.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$892.32 and a Premium of \$200.00 to the above for the redemption of Tax Sale Certificate #12-00013.*

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

**RESOLUTION 13-03-22  
REDEMPTION OF TAX SALE CERTIFICATE  
US BANK CUST FOR CRESTAR CAPITAL, LLC  
CERTIFICATE #12-00069**

*WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00069 which was sold to US Bank Cust for Crestar Capital, LLC, TLSSG 2 Libert Pl., 50 S 16<sup>th</sup> St., Ste 1950, Philadelphia, PA 19102; and*

*WHEREAS, Certificate #12-00069 has been paid and fully redeemed for the property owner, Block 71, Lot 58 otherwise known as 4 Maple Ave.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$6,277.48 and a Premium of \$600.00 to the above for the redemption of Tax Sale Certificate #12-00069.*

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

**RESOLUTION 13-03-23  
REFUND TAX OVERPAYMENT DUE TO TAX APPEAL**

*WHEREAS, a State Tax Board Judgment has been favorably awarded to Louis J Aiese, Block 119, Lot 44, for the fiscal year 2010 and...*

*WHEREAS, such judgment has resulted in an overpayment of 2010 property taxes in the amount of \$ 2,401.00.*

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*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, hereby authorize the Borough Treasurer to issue a check in the amount of \$2,401.00 for said overpayment of property taxes, to Louis J Aiese, 62 Route 79 Suite 2, Matawan New Jersey 07747 .

*BE IT FINALLY RESOLVED* that a certified copy of this Resolution be forwarded to the Tax Collector, Borough Treasurer and Property Owner.

**RESOLUTION 13-03-24  
REFUND TAX OVERPAYMENT DUE TO TAX APPEAL**

*WHEREAS*, a State Tax Board Judgment has been favorably awarded to Brupat Holdings LLC, Block 50, Lot 1, for the fiscal year 2011 and 2012; and

*WHEREAS*, such judgment has resulted in an overpayment of 2011 property taxes in the amount of \$ 4,079.79 and 2012 property taxes in the amount of \$ 7,850.71.

*NOW, THEREFORE, BE IT RESOLVED*, by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, hereby authorize the Borough Treasurer to issue a check in the amount of \$11,930.50 for said overpayment of property taxes, to Davidson Legal Group LLC, Attorney Trust Acct Brupat Holdings LLC, 154 S Livingston Avenue, Suite 207, Livingston New Jersey 07039.

*BE IT FINALLY RESOLVED* that a certified copy of this Resolution be forwarded to the Tax Collector, Borough Treasurer and Property Owner.

**RESOLUTION 13-03-25  
AMENDING RESOLUTION 13-01-15  
AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR THE APPOINTMENT OF  
MUNICIPAL AUDITOR**

*WHEREAS*, there exists the need for a Municipal Auditor in the Borough of Matawan, County of Monmouth; and

*WHEREAS*, the anticipated term of this contract is for a one-year period to expire December 31, 2013; and

*WHEREAS*, funds are or will be available for this purpose; and

*WHEREAS*, Robert W. Allison, CPA, RMA, of the firm Hutchins, Farrell, Meyer & Allison, PA, has submitted a proposal indicating they will provide the Municipal Auditor services; and

*WHEREAS*, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

*WHEREAS*, the cost to provide auditing and accounting services to the Borough of Matawan will be as follows, but not limited to:

- Perform the audit of the Borough's financial statements for the year ended December 31, 2013 and prepare the 2013 Annual Debt Statement and Unaudited Annual Financial Statement
- Review and assist in the preparation of the Borough's 2013 Budget
- LOSAP Audit

*WHEREAS*, Robert W. Allison, CPA, RMA, has joined the firm of Holman Frenia Allison, P.C. since the firm of Hutchins, Farrell, Meyer & Allison has been dissolved.

*NOW, THEREFORE, BE IT RESOLVED* by the Council of the Borough of Matawan that the Mayor be and is hereby authorized to sign the contract for Municipal Auditor between the firm of Holman Frenia Allison, P. C. on behalf of the Borough of Matawan.

**RESOLUTION 13-03-26  
RELEASE OF CASH BOND AND ESCROW  
1 RAVINE DRIVE, LLC  
1 RAVINE DRIVE - BLOCK 25, LOT 7  
PERMIT FOR STREET OPENING**

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**WHEREAS**, on December 12, 2012 1 Ravine Drive, LLC posted Permit Cash Guarantee and Escrow checks in the total amount of Two Thousand Three Hundred Seventy Dollars and No Cents (\$2,370.00) for a road opening permit for Block 25, Lot 7, otherwise known as 1 Ravine Drive, Matawan, New Jersey; and

**WHEREAS**, 1 Ravine Drive, LLC has requested the release of the remaining balance on his cash bond and escrow for aforesaid property; and

**WHEREAS**, Robert Keady, Jr., PE, CMC of T&M Associates letter of February 6, 2013 approved final inspection recommending the release of the project subject to payment of all outstanding fees; and

**WHEREAS**, as certified by the Treasurer/CFO the remaining cash portion balance as of March 7, 2013 is One Thousand Seven Hundred Fifty Two Dollars and Sixty Two Cents (\$1,752.62).

**NOW, THEREFORE, BE IT RESOLVED** the Council of the Borough of Matawan hereby approves the release of the balance of the Permit Cash Guarantee and Escrow posted by 1 Ravine Drive, LLC, PO Box 521, Metuchen, New Jersey 08840 in the amount of One Thousand Seven Hundred Fifty Two Dollars and Sixty Two Cents (\$1,752.62) for 166 Main Street, Block 36, Lot 1, Matawan, New Jersey.

**CERTIFICATION FOR RELEASE OF FUNDS**

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of March 7, 2013 the balance of the Escrow Account for 1 Ravine Drive, LLC is approximately One Thousand Seven Hundred Fifty Two Dollars and Sixty Two Cents (\$1,752.62).

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

Chief Financial Officer

(Signature on File)

\_\_\_\_\_  
Monica Antista, CMFO

Dated: March 19, 2013

**RESOLUTION 13-03-27  
RELEASE OF CASH BOND AND ESCROW  
MCEVOY ENTERPRISES  
12 CENTER STREET - BLOCK 34, LOT 21  
PLANNING/ZONING APPLICATION AND  
PERMIT FOR STREET OPENING**

**WHEREAS**, on April 12, 2012 McEvoy Enterprises posted Escrow check in the amount of Three Thousand Seven Hundred Fifty Dollars and No Cents (\$3,750.00) for a Planning/Zoning Site Plan and Variance Application for Block 34, Lot 21, otherwise known as 12 Center Street, Matawan, New Jersey; and

**WHEREAS**, on October 1, 2012 McEvoy Enterprises posted a Permit Cash Guarantee in the amount of Two Thousand Six Hundred Ninety Dollars and No Cents (\$2,690.00) for a Street Opening Permit for Block 34, Lot 21, otherwise known as 12 Center Street, Matawan, New Jersey; and

**WHEREAS**, Robert Keady, Jr., PE, CMC of T&M Associates letter of November 13, 2012 approved final inspection recommending the release of the project subject to payment of all outstanding fees; and

**WHEREAS**, as certified by the Treasurer/CFO the remaining total cash portion balance of both accounts as of March 7, 2013 is Three Thousand Four Hundred Ninety Two Dollars and Ninety Two Cents (\$3,492.92).

**NOW, THEREFORE, BE IT RESOLVED** the Council of the Borough of Matawan hereby approves the release of the balance of the Permit Cash Guarantee and Escrow posted by McEvoy Enterprises, 117 State Hwy 35, Suite 7, Keyport, New Jersey 07735 in the amount of Three Thousand Four Hundred Ninety Two Dollars and Ninety Two Cents (\$3,492.92) for 23 Center Street, Block 34, Lot 21, Matawan, New Jersey.

**CERTIFICATION FOR RELEASE OF FUNDS**

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of March 7, 2013 the balance of the Escrow Account for McEvoy Enterprises is approximately Three Thousand Four Hundred Ninety Two Dollars and Ninety Two Cents (\$3,492.92).

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

Chief Financial Officer

(Signature on File)

\_\_\_\_\_  
Monica Antista, CMFO

Dated: March 19, 2013

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**New Business**

Mayor Buccellato read by title Resolution 13-03-28: Middlesex Road Water Treatment Plant Improvements – Authorizing Change Order No. 4. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-03-28  
MIDDLESEX ROAD WATER TREATMENT PLANT IMPROVEMENTS  
AUTHORIZING CHANGE ORDER NO. 4**

*WHEREAS, T&M Associates has informed the Council of the need supplementary items for the Middlesex Rd Water Treatment Plant Improvements:*

1. *S-6, Zinc and Alum Holding Tank Replacement, is for the additional cost to furnish and install two double wall tanks. The existing tanks do not have secondary protection and were found to be in need of replacement. At an additional cost of Seven Thousand, Fifty-two Dollars (\$7,052.00).*
2. *S-7, Well #3 Access Hatch Installation, is for the additional cost to furnish and install a new hatch opening over Well #3 to allow for future removal access during maintenance operations. At an additional cost of Three Thousand, Six Hundred and Eighty-five Dollars (\$3,685.00).*
3. *S-3, Supernatant Pump Replacement, is for the additional cost to demolish the existing supernatant pump system which was noted to be in poor condition during construction. At an additional cost of Eleven Thousand, Seven Hundred and Forty-four Dollars and Fifty-two Cents (\$11,744.52).*

**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. 4 for the Middlesex Road Water Treatment Plant Improvement, an increase in the amount of Twenty-two Thousand, Four Hundred and Eighty-one Dollars and Fifty-two Cents (\$22,481.52).

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

**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-06-55-500-201 Budget of the Borough of Matawan to T&M Associates for the Middlesex Road Water Treatment Plant Improvements Change Order No. 4 in an amount not to exceed Twenty-two Thousand Four Hundred and Eighty-one Dollars and Fifty-two Cents (\$22,481.42).*

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

Chief Financial Officer

(Signature on File)

\_\_\_\_\_  
Monica Antista, CMFO

Dated: March 19, 2013

Mayor Buccellato read by title Resolution 13-03-29: Authorizing the Waiver of Fees – St. Clement Church – Diocese of Trenton – 172 Freneau Avenue – Block 121, Lot 30. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Daly

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Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-03-29  
AUTHORIZING THE WAIVER OF FEES  
ST. CLEMENT CHURCH - DIOCESE OF TRENTON  
172 FRENEAU AVENUE  
BLOCK 121, LOT 30**

*WHEREAS, the St. Clement Church is a long standing member of the Matawan community; and,*

*WHEREAS, the St. Clement Church is removing approximately 25 trees and stumps, trimming 27 trees and removing shrubs and stumps in various areas of their property; and*

*WHEREAS, the St. Clement Church will replace the trees and shrubs with trees that do not grow as high; and*

*WHEREAS, the St. Clement Church is requesting the Borough Council, as an expression of support and encouragement, waive the municipal fees for the Tree Preservation Permit Application in the amount of \$775.00.*

*NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan does hereby waive the Borough of Matawan fees for the Tree Preservation Permit Application for 172 Freneau Avenue.*

Mayor Buccellato read by title Resolution 13-03-30: Award of Bid for Park Avenue Sanitary Sewer Rehabilitation. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-03-30  
AWARD OF BID FOR PARK AVENUE  
SANITARY SEWER REHABILITATION**

*WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the Park Avenue Sanitary Sewer Rehabilitation; and*

*WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Park Avenue Sanitary Sewer Rehabilitation; and*

*WHEREAS, the Borough of Matawan received four (4) bids for the aforesaid contract; and*

*WHEREAS, Mazzara Trucking & Excavation Corp., 276 Jacobstown-New Egypt Road, Wrightstown, New Jersey 08562, has submitted the low bid of One Hundred and Sixty-eight Thousand, Three Hundred and Twenty-eight Dollars (\$168,328.00); and*

*WHEREAS, Robert Keady of T&M Associates, the Borough of Matawan Engineer, has reviewed, approved and recommended the bid of Park Avenue Sanitary Sewer Rehabilitation for the aforesaid bid.*

*NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the contract for the Park Avenue Sanitary Sewer Rehabilitation be and is hereby awarded to Mazzara Trucking & Excavation Corp. for the amounts as indicated above and in accordance with all bid specifications, contracts and documents, commencing twenty*

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*(20) days after publication, and subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, approval of the New Jersey Department of Transportation and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract, commencing twenty (20) days after publication.*

**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 \_\_\_\_\_ Budget of the Borough of Matawan for the contract awarded to Mazzara Trucking & Excavation Corp., for the Park Avenue Sanitary Sewer Rehabilitation in an amount not to exceed One Hundred and Sixty-eight Thousand, Three Hundred and Twenty-eight Dollars (\$168,328.00).*

*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*

*Dated: March 19, 2013*

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Eleven Tindall Road, Middletown, New Jersey 07748-2792  
(732) 671-6400 \* fax (732) 671-7365 \* www.tandmassociates.com



MATN-02770

March 12, 2013

Lou Ferrara, Administrator  
Borough of Matawan  
201 Broad Street  
Matawan, NJ 07747  
Municipal Office

**Re: Park Ave Sanitary Sewer Rehabilitation  
Recommendation to Award Bid**

Dear Mr. Ferrara:

On Tuesday, March 5, 2013, four (4) bids were received for the Park Ave Sanitary Sewer Rehabilitation. Enclosed for your use is the bid tabulation. A summary of the bidders is provided below:

Bidder	Total Bid Amount
Mazzara Trucking & Excavation	\$168,328.00
D&D Trenchless Solutions	\$186,690.00
Rock Solid Construction	\$202,150.00
Montana Construction	\$207,305.37

T&M Associates conducted a review of the three (3) apparent low bid packages. During our review, we noted the following:

- **Mazzara Trucking & Excavation (Apparent Low Bidder)**
  - Mazzara did not accurately sign page P-18 of the Proposal Package. As a corporation, the president and at least one other officer should have signed the form. The form only has the signature of the president, Isidoro Mazzara, and no seal was provided on the signature as requested on the form. Please note that Mazzara did note on page P-18 that Isidoro Mazzara is the only officer.
- **D&D Trenchless Solutions (Second Bidder)**
  - Page P-18 of the Proposal Package was signed accurately by D&D; however, seals were not provided over the signatures as requested on the form.
- **Rock Solid Construction (Third Bidder)**

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**Le: Lou Ferrara, Administrator  
Borough of Matawan**

**Re: Park Ave Sanitary Sewer Rehabilitation  
Recommendation to Award Bid**


- Rock Solid did not acknowledge receipt of Addendum No. 1 on page P-13 of the Proposal Package, Acknowledgement of Receipt of Changes to Bid Documents Form. Rock Solid noted on page P-13 that no addendums had been issued. We have reviewed our records and confirmed that Rock Solid was provided with a fax copy of Addendum No. 1 which was issued to all prospective bidders on February 22, 2013.
- On page P-18 of the Proposal Package, Rock Solid did not completely fill out the top portion of the form concerning the type and amount of bid bond provided as requested on the form. Additionally, as a corporation, Rock Solid did not accurately sign the form as required. Only the president, Carlos Farinhas, signed and sealed the form.

Our office has worked on similar projects with both Mazzara Trucking & Excavation and D&D Trenchless Solutions and found their work to be satisfactory. With respect to Rock Solid Construction, we contacted several of their references, and have been advised that their work is also satisfactory.

Pending review and approval of bid packages by the Borough Attorney, if the defects noted are deemed curable then T&M recommends that the Borough award the contract to Mazzara Trucking & Excavation, 276 Jacobstown-New Egypt Rd, Wrightstown, NJ for their total bid in the amount of \$168,328.00. Award of the contract should be made subject to certification of availability of funds, and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance.

Original bid proposals are enclosed for your files. If you have any questions or require additional information, kindly advise.

Very truly yours,

  
ROBERT R. KEADY, JR., P.E., C.M.E.  
BOROUGH OF MATAWAN ENGINEER

RRK:RRS:EKH

cc: Jean B. Montfort, RMC, Borough Clerk (w/ all enclosures)  
Pasquale Menna, Esq., Borough Attorney (w/ all enclosures)

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Mayor Buccellato read by title Resolution 13-03-31: Emergency Temporary Appropriation. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Daly  
Councilman Fitzsimmons

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Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-03-31  
EMERGENCY TEMPORARY APPROPRIATION**

*WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2013 temporary budget for the aforesaid purposes; and*

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

*WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,059,503.64.*

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

1. *An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
2. *That said emergency temporary appropriations will be provided for in the 2013 budget under the appropriate titles.*
3. *That one certified copy of this resolution be filed with the Director of Local Government Services.*

*BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2013 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.*

**2013 Temporary Budget-3/19/12  
Meeting**

	<i>Salary &amp; Wages</i>	<i>Other Expenses</i>
<i>Mayor &amp; Council</i>		<i>500.00</i>
<i>Muni Clerk</i>	<i>8,600.00</i>	
<i>General Admin</i>	<i>10,500.00</i>	
<i>Audit</i>		<i>10,000.00</i>
<i>Finance Admin</i>	<i>8,500.00</i>	
<i>Tax Asses Admin</i>	<i>5,300.00</i>	
<i>Tax Collector</i>	<i>7,000.00</i>	
<i>Bldg &amp; Grounds</i>	<i>14,000.00</i>	<i>3,500.00</i>
<i>Plan/Zoning Bd</i>	<i>2,500.00</i>	
<i>Solid Waste Coll</i>		<i>150,000.00</i>
<i>Fire Prevention</i>	<i>9,300.00</i>	
<i>Police</i>	<i>260,000.00</i>	
<i>Streets &amp; Roads</i>	<i>47,000.00</i>	
<i>Bd Of Health</i>	<i>640.00</i>	
<i>Recreation</i>	<i>1,900.00</i>	
<i>Historical Sites</i>	<i>200.00</i>	
<i>Prop Maint</i>	<i>1,325.00</i>	

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<i>Rr Parking</i>	<i>30,000.00</i>	<i>15,000.00</i>
<i>Downtown Redev</i>		
<i>Utilities</i>		<i>20,000.00</i>
<i>Vehicle Maint</i>	<i>3,700.00</i>	<i>5,000.00</i>
<i>Constr Official</i>	<i>18,700.00</i>	
<i>Oasi/Social Security</i>		<i>13,300.00</i>
<i>PERS</i>		<i>139,851.00</i>
<i>PFRS</i>		<i>575,175.00</i>
<i>Free Public Library</i>		<i>75,000.00</i>
<i>Subtotal</i>	<i>429,165.00</i>	<i>1,007,326.00</i>
<i>Total Temporary Emergency Appropriations</i>		<i>1,436,491.00</i>

**Water Sewer Utility**

<i>Operating</i>	<i>98,000.00</i>	<i>100,000.00</i>
<i>Bulk Water Purchase/Acquisition Of Water</i>		<i>100,000.00</i>
<i>Bayshore Regional Sewerage Authority</i>		<i>275,012.64</i>
<i>PERS</i>		<i>42,000.00</i>
<i>Social Security</i>		<i>8,000.00</i>
<i>Subtotal</i>	<i>98,000.00</i>	<i>525,012.64</i>
<i>Total Water Sewer Utility Temporary Emergency Appropriations</i>		<i>623,012.64</i>

Mayor Buccellato read by title Resolution 13-03-32: Authorizing the Transfer of Unexpended Balances in Certain 2012 Appropriation Reserve Accounts. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-03-32  
TRANSFER OF UNEXPENDED BALANCES IN CERTAIN 2012  
APPROPRIATION RESERVE ACCOUNTS**

*WHEREAS, N.J.S.A. 40A:4-59 provides for the transfers within certain appropriations within the Municipal Budget during the first three months of the following year; and*

*WHEREAS, there are unexpended balances in certain 2012 appropriation reserve accounts; and*

*WHEREAS, additional funds are required in certain other 2012 appropriation reserve accounts.*

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

<i>Transfer From</i>	<i>Amount of Transfer</i>	<i>Transfer To</i>	<i>Amount of Transfer</i>
<i>Account Number</i>	<i>of</i>	<i>Account Number</i>	<i>of</i>
<i>Number</i>	<i>Transfer</i>	<i>Number</i>	<i>Transfer</i>

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2-01-20-100-200 Administration Other Expenses	\$ 10,000.00	2-01-20-155-200 Legal Other Expenses	\$ 10,000.00
2-01-25-240-200 Police Other Expenses	\$ 10,000.00	2-01-20-155-200 Legal Other Expenses	\$ 10,000.00
2-01-20-120-200 Boro Clerk Other Expenses	\$ 1,500.00	2-01-20-155-200 Legal Other Expenses	\$ 1,500.00
2-01-20-130-200 Finance Other Expenses	\$ 500.00	2-01-20-155-200 Legal Other Expenses	\$ 500.00
2-01-20-145-200 Tax Collector Other Expenses	\$ 800.00	2-01-20-155-200 Legal Other Expenses	\$ 800.00
2-01-20-145-100 Tax Collector Salary & Wages	\$ 1,500.00	2-01-20-155-200 Legal Other Expenses	\$ 1,500.00
2-01-20-150-100 Tax Assessor Salary & Wages	\$ 1,200.00	2-01-20-155-200 Legal Other Expenses	\$ 1,200.00
2-01-20-120-100 Boro Clerk Salary & Wages	\$ 500.00	2-01-20-155-200 Legal Other Expenses	\$ 500.00
2-01-20-175-100 Historic Sites Salary & Wages	\$ 300.00	2-01-20-155-200 Legal Other Expenses	\$ 300.00
2-01-21-180-100 Planning/Zoning Salary & Wages	\$ 600.00	2-01-20-155-200 Legal Other Expenses	\$ 600.00
2-01-21-180-200 Planning/Zoning Other Expenses	\$ 2,350.00	2-01-20-155-200 Legal Other Expenses	\$ 2,350.00
2-01-25-252-100 Emergency Management Salary & Wages	\$1,250.00	2-01-26-290-200 Streets & Roads Other Expenses	\$1,250.00
2-01-26-290-100 Streets & Roads Salary & Wages	\$1,500.00	2-01-26-290-200 Streets & Roads Other Expenses	\$1,500.00
2-01-26-310-100 Public Buildings Salary & Wages	\$ 500.00	2-01-26-290-200 Streets & Roads Other Expenses	\$ 500.00
2-01-25-265-400 Fire Aid to Fire Department	\$ 2,000.00	2-01-26-290-200 Streets & Roads Other Expenses	\$ 2,000.00
2-01-26-300-200 Shade Tree Other Expenses	\$ 2,000.00	2-01-26-290-200 Streets & Roads Other Expenses	\$ 2,000.00
2-01-26-315-200 Vehicle Repairs Other Expenses	\$ 2,500.00	2-01-26-290-200 Streets & Roads Other Expenses	\$ 2,500.00

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2-01-31-430-200	\$ 5,050.00	2-01-26-290-200	\$ 5,050.00
Utilities		Streets & Roads	
Other Expenses		Other Expenses	
2-01-31-435-200	\$10,000.00	2-01-26-290-200	\$ 10,000.00
Street Lighting		Streets & Roads	
Other Expenses		Other Expenses	

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

Mayor Buccellato read by title Ordinance 13-09: Ordinance of the Borough of Matawan, County of Monmouth, New Jersey, Amending and Supplementing Chapter XX – Planning and Zoning Regulations, Article XX – Definitions, Zoning, to Establish the Minimum Setback Required from Side and Rear Lot Lines for the Location of Standby Generators. Mayor Buccellato requested a motion to introduce. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

Mrs. Montfort stated there would be a Public Hearing on this ordinance at the April 16, 2013 meeting.

**ORDINANCE 13-09**

**ORDINANCE OF THE BOROUGH OF MATAWAN, COUNTY OF MONMOUTH, NEW JERSEY  
AMENDING AND SUPPLEMENTING CHAPTER XX PLANNING AND ZONING REGULATIONS,  
ARTICLE XX, DEFINITIONS, ZONING, TO ESTABLISH THE MINIMUM SETBACK REQUIRED  
FROM SIDE AND REAR LOT LINES FOR THE LOCATION OF STANDBY GENERATORS**

*General Ordinances of the Borough of Matawan, Monmouth County, "Planning and Zoning Regulations", is hereby amended and supplemented to establish a minimum setback requirement for standby generators in specified zone districts:*

1. *Definitions, is revised to include the following definition for a standby generator:*

*Standby Generator*

*A standby generator is a back-up electrical system that automatically supplies power in the event of a utility outage. After utility power returns, the standby generator transfers the electrical load back to the utility, shuts itself off, and returns to a standby mode and awaits the next outage.*

2. *Minimum side yard setbacks for standby generators shall read as follows:*

*Generators must be enclosed by a sound attenuated weatherproof box or cabinet and shall be no closer than three feet (3') to any lot line provided that all screening and noise-reduction requirement are met. Standby generators shall conform to the requirements of the current International Building Code (both commercial and residential Edition) approved by the State of New Jersey.*

3. *The above provisions or requirements shall pertain to all zones with the Borough of Matawan, and shall include but be not limited to, residential, commercial, general business, special business, as defined in the General Zoning Ordinance of the Borough.*

Mayor Buccellato read by title Ordinance 13-10: Bond Ordinance Amending Ordinance 08-24 – Park Avenue Sewer Rehabilitation. Mayor Buccellato requested a motion to introduce. Councilman

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Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

Mrs. Montfort stated there would be a Public Hearing on this ordinance at the April 16, 2013 meeting.

**ORDINANCE 13-10**

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 08-24 FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN, NEW JERSEY ON DECEMBER 2, 2008**

*BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MATAWAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:*

*Section 1. The Bond Ordinance of the Borough Council of the Borough of Matawan, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing For Improvements to the Water/Sewer Utility In And By The Borough Of Matawan, In The County of Monmouth, New Jersey, Appropriating \$200,000 Therefor And Authorizing The Issuance of \$200,000 Bonds Or Notes Of the Borough For Financing The Cost." finally adopted on December 2, 2008 (the "Ordinance") is hereby incorporated by reference in its entirety.*

*Section 2. The Ordinance is hereby amended by (a) deleting the reference of "\$200,000" for the appropriation and estimated cost and "\$200,000" for the estimated maximum amount of bonds or notes and substituting in lieu thereof "\$250,000" and "\$250,000", respectively; and by (b) deleting the reference to "\$30,000" for Section 20 costs and substituting in lieu thereof "\$50,000".*

*Section 3. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.*

*Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$250,000.*

*Section 5. All other provisions of the Ordinance shall remain unchanged.*

*Section 6. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.*

Mayor Buccellato read by title Resolution 13-03-33: Payment of Bills. 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 Daly  
Councilman Fitzsimmons  
Councilwoman Gould  
Councilwoman Clifton  
Councilman Urbano  
Councilwoman Angelini

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Motion passed.

**RESOLUTION 13-03-33  
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>\$916,635.31</i>
<i>Water &amp; Sewer</i>	<i>\$287,434.34</i>
<i>Water Capital</i>	<i>\$295,589.40</i>
<i>Borough Trust</i>	<i>\$19,516.04</i>
<i>Developers Escrow Account</i>	<i>\$2720.00</i>
<i>Railroad Parking Trust</i>	<i>\$1,674.00</i>
 <b>Total</b>	 <b><i>\$1,523,569.09</i></b>

**Budget Workshop**

Lt. Jason Gallo presented the Police Department's Budget. He gave handouts to the Governing Body. He outlined his budget requirements. The Mayor and Council asked a variety of questions. Mayor Buccellato thanked Lt. Gallo for his time.

John Applegate, Superintendent of Public Works, presented the budgets for his various departments. He outlined his needs. The Mayor and Council asked a variety of questions. Mayor Buccellato thanked Mr. Applegate for his time.

John Quinn, Construction and Zoning, presented the budgets for his various departments. He outlined his needs. The Mayor and Council asked a variety of questions. Mayor Buccellato thanked Mr. Quinn for his time.

Chief Don Mason presented the budget for the Fire Department. He outlined his needs. The Mayor and Council asked a variety of questions. Mayor Buccellato thanked Chief Mason for his time.

Monica Antista, Treasurer/CFO, answered questions from the Mayor and Council. Councilman Fitzsimmons outlined some of the budget line items.

Mr. Ferrara thanked everyone for their help in putting this budget together.

**Privilege of the Floor**

Mayor Buccellato opened the Privilege of the Floor.

There were no comments.

Mayor Buccellato closed the Privilege of the Floor.

**Adjournment**

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

Meeting adjourned at 7:50 PM.

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Jean B. Montfort, RMC  
Municipal Clerk