

**Borough of Matawan
Workshop Session
April 2, 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 April 2, 2013. The meeting was called to order at 7:00 PM by Council President Gould presiding. Council President Gould 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. Council President Gould 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 was Louis C. Ferrara, Borough Administrator and Pasquale Menna, Esq., Borough Attorney.

Council President Gould asked everyone to stand for a moment of silence.

Council President Gould asked everyone to stand in the Salute to the Flag.

Approval of Minutes

Council President Gould requested a motion to approve the minutes of March 19, 2013. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Workshop Items

Main Street Business District

Mr. Ferrara informed Council he recently introduced himself to some local Borough businesses to address their concerns, and, more importantly, help them to organize and help themselves.

Old Business

Council President Gould read by title Ordinance 13-08: Calendar Year 2013 – Ordinance to Exceed the Municipal Budget – Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14). Council President Gould requested a motion to open the public hearing. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Mr. Menna requested comments. There were no comments. Councilman Fitzsimmons made the motion to close the public hearing, seconded by Councilwoman Clifton. Council agreed. Motion passed. Councilman Fitzsimmons made a motion to adopt title on third and final reading Ordinance 13-08: Calendar Year 2013 – Ordinance to Exceed the Municipal Budget – Appropriation Limits and to Establish a Cap Bank (NJSA 40A:4-45.14), seconded by Councilwoman Clifton. Council President Gould 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.

**Borough of Matawan
Workshop Session
April 2, 2013**

**ORDINANCE 13-08
CALENDAR YEAR 2013
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.0% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.0% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Matawan in the County of Monmouth finds it advisable and necessary to increase its CY 2013 budget by up to 3.0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council of the Borough of Matawan hereby determines that a 1.0% increase in the budget for said year amounting to \$81,521.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Matawan, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final Appropriations of the Borough of Matawan shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14 be increased by 3.0% amounting to \$244,562.00 and that the CY 2013 municipal budget for the Borough of Matawan be approved and adopted in accordance with this ordinance; and

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

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

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

Consent Agenda

Council President Gould read by title Resolutions 13-04-02 through and including 13-04-13 requesting a motion to approve en masse. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council President Gould requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 13-04-02
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAPITAL II, LLC
CERTIFICATE #12-00003**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00003 which was sold to US Bank Cust for Pro Capital II, LLC, US Bank TLGS, 50 S 16th St., Ste 1950, Philadelphia, PA 19102; and

**Borough of Matawan
Workshop Session
April 2, 2013**

WHEREAS, Certificate #12-00003 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 \$12,786.18 to the above for the redemption of Tax Sale Certificate #12-00003.

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

**RESOLUTION 13-04-03
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAPITAL II, LLC
CERTIFICATE #12-00034**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00034 which was sold to US Bank Cust for Pro Capital II, LLC, US Bank TLGS, 50 S 16th St., Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #12-00034 has been paid and fully redeemed for the property owner, Block 34, Lot 16 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 \$1,063.14 to the above for the redemption of Tax Sale Certificate #12-00034.

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

**RESOLUTION 13-04-04
APPROVAL OF NEW TAXI DRIVER LICENSE
FRANCISCO J. AVETA**

WHEREAS, *Francisco J. Aveta*, has passed the required Police Department background checks; and

WHEREAS, *Francisco J. Aveta*, has filed the proper documentation with the Borough Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following New Taxi Driver License:

Applicant: *Francisco J. Aveta*
12 Rebecca Court
Old Bridge, New Jersey 08857

**RESOLUTION 13-04-05
APPROVAL OF NEW TAXI DRIVER LICENSE
LAMBERT FRASER**

WHEREAS, *Lambert Fraser*, has passed the required Police Department background checks; and

WHEREAS, *Lambert Fraser*, has filed the proper documentation with the Borough Clerk's office.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following New Taxi Driver License:

Applicant: *Lambert Fraser*
217 Washington Avenue
Matawan, New Jersey 07747

**APPROVAL OF RAFFLE LICENSE
MID-JERSEY MOTHERS OF MULTIPLES
GIFT AUCTION
RL-629**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Mid-Jersey Mothers of Multiples Fundraiser.

Name & Location of Organization's Event
Washington Engine Fire Company
176 Jackson Street
Matawan, New Jersey 07747

Date & Time
April 23, 2013
7:30 PM – 10:00 PM

**Borough of Matawan
Workshop Session
April 2, 2013**

**RESOLUTION 13-04-07
APPROVAL OF MASSAGE PARLOR LICENSE RENEWAL
ORIENTAL MASSAGE GROUP, LLC**

WHEREAS, Oriental Massage Group, LLC (Massage Parlor) has passed the required Police Department background checks; and

WHEREAS, on the condition that Oriental Massage Group, LLC has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

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

*Business: Oriental Massage Group, LLC
1008 Highway 34, #7
Matawan, New Jersey 07747*

*Applicant: Lun Zhang
59-52 156th Street
Flushing, New York 11355*

**RESOLUTION 13-04-08
APPROVAL OF MASSAGE PARLOR LICENSE RENEWAL
RAPUNZEL'S SALON & DAY SPA**

WHEREAS, Rapunzel's Salon & Day Spa (Massage Parlor) has passed the required Police Department background checks; and

WHEREAS, on the condition that Rapunzel's Salon & Day Spa has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

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

*Business: Rapunzel's Salon & Day Spa
241-243 Main Street
Matawan, New Jersey 07747*

*Applicant: Donna Scacco
77 Peasley Drive
Marlboro, New Jersey 07746*

**RESOLUTION 13-04-09
APPROVAL OF MASSEUSE LICENSE RENEWAL
VICTORIA BUCKEL**

WHEREAS, Victoria Buckel (Masseuse) has passed the required Police Department background checks; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Masseuse License Renewal:

*Business: Victoria Buckel
c/o Rapunzel Salon & Day Spa
243 Main Street
Matawan, New Jersey 07747*

*Applicant: Victoria Buckel
20 Minuteman Road
Hazlet, New Jersey 07730*

**RESOLUTION 13-04-10
APPROVAL OF NEW MASSAGE PARLOR LICENSE
RIVER THERAPY**

**Borough of Matawan
Workshop Session
April 2, 2013**

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

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

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

Business: River Therapy
32 Main Street, Unit E
Matawan, New Jersey 07747

Applicant: Zhenhua Xuan
144-15 41st Avenue, Apt. 309
Queens, New York 11355

**RESOLUTION 13-04-11
APPROVAL OF NEW MASSEUSE LICENSE
ZHENHUA XUAN**

WHEREAS, Zhenhua Xuan (Masseuse) has passed the required Police Department background checks; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following New Masseuse License:

Business: Zhenhua Xuan
c/o River Therapy
32 Main Street, Unit E
Matawan, New Jersey 07747

Applicant: Zhenhua Xuan
144-15 41st Avenue, Apt. 309
Queens, New York 11355

**RESOLUTION 13-04-12
APPROVAL OF SIDEWALK CAFÉ LICENSE RENEWAL
STEWART'S**

WHEREAS, Stewart's, (Restaurant/Cafe) has passed the required Police Department background checks; and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following Sidewalk Café License Renewal:

Business: Stewart's
347 Main Street
Matawan, New Jersey 07747

Applicant: Augusto Fonseca
21 Scheurman Terrace
Warren, New Jersey 07059

**RESOLUTION 13-04-13
RELEASE OF CASH BOND AND ESCROW
BELL MILL CONSTRUCTION CO., INC.
166 MAIN STREET - BLOCK 36, LOT 1
PERMIT FOR STREET OPENING**

WHEREAS, on October 16, 2012 Bell Mill Construction Co., Inc. posted Permit Cash Guarantee and Escrow checks in the total amount of Four Hundred Sixty Four Dollars and No Cents (\$464.00) for a road opening permit for Block 36, Lot 1, otherwise known as 166 Main Street, Matawan, New Jersey; and

**Borough of Matawan
Workshop Session
April 2, 2013**

WHEREAS, Bell Mill Construction Co., Inc. 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 January 19, 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 Sixty Nine Dollars and Seventy Five Cents (\$69.75).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the release of the balance of the Permit Cash Guarantee and Escrow posted by Bell Mill Construction Co., Inc. in the amount of Sixty Nine Dollars and Seventy Five Cents (\$69.75) 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 Bell Mill Construction Co., Inc. is approximately Sixty Nine Dollars and Seventy Five Cents (\$69.75).

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: April 2, 2013

New Business

Council President Gould read by title Resolution 13-04-14: Approving “Coin Toss” – Matawan Fire Department – Year 2013. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Council President Gould requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 13-04-14
APPROVING “COIN TOSS”
MATAWAN FIRE DEPARTMENT
YEAR 2013**

WHEREAS, the Matawan Fire Department has requested they be allowed to conduct a “coin toss” as follows for the 2013 year:

*Saturday, May 18, 2013 9:00 AM to 1:00 PM
Sunday, May 19, 2013 9:00 AM to 1:00 PM*

and

*Saturday, October 12, 2013 9:00 AM to 1:00 PM
Sunday, October 13, 2013 9:00 AM to 1:00 PM*

*Locations: Route 34 and Broad Street
Route 79 and Mill Road; and*

**Borough of Matawan
Workshop Session
April 2, 2013**

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

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

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

Council President Gould read by title Resolution 13-04-15: Award of Professional Services Contract to Triad Associates for Grant Consultant Services. Council President Gould requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council President Gould requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 13-04-15
AWARD OF PROFESSIONAL SERVICES CONTRACT TO
TRIAD ASSOCIATES FOR GRANT CONSULTANT SERVICES**

WHEREAS, the Borough of Matawan desires professional consultant services to render proper grant writing; and

WHEREAS, Triad Associates has the required knowledge of such services to conduct grant investigation, research and evaluation; preliminary program and financial analysis and strategy development; special technical support services; preparation of application documents; and, program implementation; and

WHEREAS, Triad Associates has submitted the attached quote of Twenty Five Thousand Dollars and No Cents (\$25,000.00) for Grant Consulting Services to the Borough of Matawan for the 2013 calendar year said contract term to expire December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the attached contract for Grant Consultant Services be and is hereby awarded to Triad Associates, 1301 W. Forest Grove Road, Vineland, New Jersey 08360 said term to expire December 31, 2013 in an amount not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00) subject to certification by the Chief Financial Officer that funds are available as well as review and approval of quote documents by the Borough Attorney.

BE IT FURTHER RESOLVED this Resolution shall be attached to said contract as Exhibit C.

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of quote.

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 3-01-20-170-200 (\$12,250.00) & 3-09-55-500-200 (\$12,250.00) Budget of the Borough of Matawan for the contract awarded to Triad Associates in an amount not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista

Dated: April 2, 2013

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

PROFESSIONAL SERVICE AGREEMENT

This Professional Service Agreement ("Agreement") made February 26, 2013 between **TRIAD ADVISORY SERVICES, INC.** (trading as **TRIAD ASSOCIATES**), 1301 W. Forest Grove Road, Vineland, New Jersey 08360 ("Consultant") and **BOROUGH OF MATAWAN**, 201 Broad Street, Matawan, New Jersey 07747 ("Principal").

The Principal desires to engage the professional services of Consultant as described in "Exhibit A – Description of Project and Scope of Services" (the "Services"), attached and made a part of this Agreement, and

The Consultant is willing to perform the Services for the Principal upon the terms and conditions stated below.

In consideration of the mutual covenants and agreements set forth below, Consultant and Principal agree as follows:

1. The Principal shall provide to the Consultant information and documentation that the Consultant may require to render properly the services provided for in this Agreement. Such information or documentation may include planning, economic and engineering studies, reports or analyses, codes and ordinances, environmental assessments, property appraisals, capital improvement and other development plans and programs, data on housing conditions and current community development activities, maps, correspondence and other pertinent materials.
2. Performance of the Services in a timely manner by Consultant is expressly conditioned upon the furnishing to Consultant by the Principal of information and documentation pursuant to Paragraph 1 of this Agreement and the timely performance of all other obligations required of the Principal in this Agreement. Notwithstanding anything elsewhere to the contrary in this Agreement, the Consultant shall not be responsible for any delays in performance of the Services caused by the failure or delay of the Principal in performance of its obligations under this Agreement, actions or inaction of any governmental agency, or any other cause beyond the control of the Consultant.
3. The Principal and Consultant each agree at all times to exert their best efforts to complete the Services (as described in Exhibit A) in a professional and timely manner.
4. In the event that the Consultant is prevented from performing this Contract by circumstances beyond its control, then any obligations owing by the Consultant to the Principal shall be suspended without liability for the period during which the Consultant is so prevented.
5. In the event that the Principal claims that Consultant is in default of this Agreement or has failed to fulfill in a timely and proper manner its obligations under this Agreement, then the Principal agrees that it will not exercise any right or remedy for default unless it shall have first given written notice thereof to Consultant, and Consultant shall have failed, within fifteen (15) days

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

thereafter to actively and diligently, in good faith, proceed with the Contract and the correction of the default. Consultant reserves the right to terminate this Agreement at any time by providing Principal with 30 days written notice.

6. This Agreement constitutes the entire Agreement between parties and supersedes all prior or contemporaneous agreements and understandings (either oral or written).
7. No covenant or condition not expressed in this Agreement shall be effective to interpret, change or restrict this Agreement.
8. Except as otherwise provided in this Agreement, no change, termination or attempted waiver of any of the provisions of this Agreement shall be binding on their respective heirs, administrators, executors, personal representatives, successors and assigns.
9. Nothing in this Agreement, expressed or implied, shall be construed to confer upon or to give to any person or entity, other than the Principal and the Consultant, their respective heirs, administrators, executors, personal representatives, successors and assigns, and their respective shareholders, or any of them, any rights or remedies under this Agreement.
10. This Agreement shall be construed and interpreted according to the laws of the **STATE OF NEW JERSEY**.
11. Consultant shall comply with all federal, state, county and municipal laws, regulations and ordinances applicable to Consultant or the work in the states and municipalities where the work is to be performed.
12. As compensation for the Services to be performed under this Agreement, Principal agrees to pay Consultant and Consultant agrees to accept for the Services, the compensation outlined in "Exhibit B – Compensation and Method of Payment" that is attached and made a part of this Agreement.
13. This contract may not be assigned by the Principal in whole or in part, without the prior written consent of Consultant.
14. Consultant reserves the right to cease performance under this Agreement due to:
 - a. Principal's nonpayment of compensation as required by Exhibit B;
 - b. Principal's failure to pay invoices within 45 days of receipt;
 - c. Failure of Principal to provide information and documentation outlined in Section 1 of the Professional Services Agreements.
15. Except for the non-payment of Consultant's compensation under this Agreement, Principal and Consultant agree to submit any dispute under this Agreement to binding arbitration. Principal and Consultant shall bear their own costs for presentation of their case to the arbitration.

**Borough of Matawan
Workshop Session
April 2, 2013**

**BOROUGH OF MATAWAN
Grant Consultant Services – FY2013**

16. Consultant reserves the right to institute legal proceedings to collect unpaid compensation for services rendered under this Agreement. In the event that Consultant is successful in obtaining a judgment against Principal, the Principal shall also be responsible for the Consultant's legal fees and costs related to the collection action.
17. In the event that the Principal is a county or municipal government, or county or municipally created entity, the chief financial officer of the government entity shall certify that the funds are available to pay the compensation of this Agreement.
18. In the event that the Principal is the state, county or municipal government, or a state, county or municipally created entity, a resolution approving this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit.
19. All subsequent modifications or amendments to this Agreement shall be attached to this Agreement as the next lettered Exhibit. In the event that the Principal is the state, county or municipal government, or a state, county or municipally created entity, a resolution approving the amendment or modification to this Agreement from the governing body shall be attached to this Agreement as the next lettered Exhibit. The chief financial officer of the applicable government entity shall also certify that funds are available to pay the compensation required by the modification or amendment to this Agreement.
20. Failure of Consultant to enforce any provision of this Agreement is not a waiver by Consultant of that provision in the Agreement.
21. Notices and payments pursuant to this Agreement shall be given in writing by ordinary mail to the parties of the following addresses:

To the Consultant:	To the Principal(s):
TRIAD ASSOCIATES 1301 W. Forest Grove Road Vineland, New Jersey 08360	BOROUGH OF MATAWAN 201 Broad Street Matawan, New Jersey 07747
Attention: Gerard Velázquez, III President/CEO	Attention: Louis Ferrara Borough Administrator

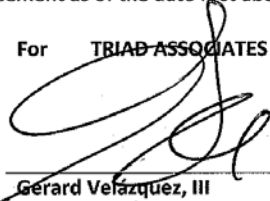
or to such other address as the parties may hereafter designate by notice given in accordance with the terms of this Paragraph. Notice or payments sent through courier service, or private overnight delivery service also comply with the terms of this paragraph.

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

The Consultant and Principal executed this Agreement as of the date first above written.

For TRIAD ASSOCIATES



Gerard Velazquez, III
President/CEO

Date: 2/26/13



Attest

For BOROUGH OF MATAWAN

By: Paul Buccallato
Mayor

Date:

Attest

***State, County or Municipal Governments or Agencies:**

I am the Chief Financial Officer for the Principal and I certify that funds are available and set aside to pay for the services under this Agreement.

Name, Title

Date

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

**EXHIBIT A
DESCRIPTION OF THE PROJECT AND SCOPE OF SERVICES**

Attached to and made a part of the Agreement dated February 26, 2013; between **TRIAD ASSOCIATES** ("Consultant"), and **BOROUGH OF MATAWAN** ("Principal").

For the following project, Principal agrees to retain Consultant to provide these services:

DESCRIPTION OF THE PROJECT: Principal has a need for Consultant to pursue financial resources for capital, infrastructure, programmatic and related needs of the Principal. Consultant shall (1) recommend federal, state, regional and foundation grant and/or financing resources and/or programs available to meet Principal's needs and (2) apply for the applicable programs upon Principal's approval of Consultant's recommendations.

SCOPE OF SERVICES: The Consultant shall, as authorized, undertake the necessary analyses, applications and related activities to accomplish the following tasks:

Task 1: Conduct grant investigation, research and evaluation.

Task 2: Preliminary program and financial analysis and strategy development, informal and formal communications with prospective funding agencies, development of project profiles and other descriptive documents outlining proposed projects with the purpose of securing an invitation to apply for funding. This task shall also include negotiations with other municipal, county and regional agencies, foundations and the private sector to the extent necessary to carry forth the development goals of the Principal.

Task 3: Special technical support services including, but not limited to, planning and implementation strategies, innovative financing strategies, economic development initiatives, Project and Funding Matrices, and other services supporting the overall objectives of the Principal.

Task 4: Preparation of pre-application and/or application documents as specified by and required for submission to state, federal and regional agencies and foundations/philanthropies.

Task 5: Provision of program implementation and project administrative services in order to insure that programs approved are carried out in accordance with contractual terms and conditions and in compliance with all applicable federal and/or state statutes, regulations and executive orders, etc.

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

**EXHIBIT B
COMPENSATION AND METHOD OF PAYMENT**

Attached to and made a part of the Agreement dated February 26, 2013; between **TRIAD ASSOCIATES** ("Consultant"), and **BOROUGH OF MATAWAN** ("Principal").

Principal agrees to pay the Consultant as follows:

COMPENSATION: The Principal shall provide compensation in the amount of \$25,000.00 for services provided in accordance of Exhibit A as follows:

- Task 1 of Exhibit A shall be conducted by the Consultant without charge.
- For services under Tasks 2, 3, 4 and 5 of Exhibit A, the amount shall be determined based on the specific program or project for which state, federal, regional or other funds are derived. An estimate of cost will be provided by Consultant for preparation of required application(s) for review and authorization by the Principal

METHOD OF PAYMENT:

- Consultant shall provide a letter of authorization to Principal, which stipulates the cost for services under either Task 2, 3, 4 or 5 of Exhibit A. Upon receipt of the executed letter of authorization from Principal, Consultant shall provide the services.
- Principal shall pay invoices upon receipt.

UNSPECIFIED SERVICES: For services outside the scope of this contract, Consultant shall invoice at the hourly rate effective at the time of service. These rates include all clerical and related services. Unspecified services will be performed upon prior authorization from the Principal. Our current hourly rates are shown on Exhibit C.

OVERNIGHT DELIVERY SERVICES: Consultant's compensation excludes charges for sending items via overnight delivery services (e.g., UPS, FedEx, DHL, United States Postal Service Next Day Service, or other similar services) to the Principal or on behalf of the Principal to other parties. Consultant will charge the Principal the actual cost of these services.

COPIES: Consultant shall provide the appropriate number of copies of applications/study/ work product necessary to meet submission requirements of the funding source. Consultant will also provide one (1) complimentary hard copy and one (1) PDF copy of final application, study or final work product on a CD for the Principal's file.

**Borough of Matawan
Workshop Session
April 2, 2013**

BOROUGH OF MATAWAN
Grant Consultant Services – FY2013

**EXHIBIT C
HOURLY RATE CHART**

HOURLY RATES: The following chart includes the hourly rates that are effective as of the signing of this Agreement. These rates are subject to change annually. Services provided on an hourly basis will be invoiced at the hourly rate effective at the time of service. These rates include all clerical and related expenses.

LABOR CATEGORY	RATE
President / Chairman	\$175 per hour
Vice President	\$150 per hour
Technical Advisor	\$150 per hour
Senior Associate	\$135 per hour
Associate	\$100 per hour

This includes all expenses for which the Consultant will seek reimbursement for the tasks as outlined in this Agreement.



Council President Gould read by title Resolution 13-04-16: Authorizing the Borough CFO/Treasurer to Solicit Request for Proposals for the Banking Requirements of the Borough of Matawan. Council President Gould requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Council President Gould requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**Borough of Matawan
Workshop Session
April 2, 2013**

**RESOLUTION 13-04-16
AUTHORIZING THE BOROUGH CFO/TREASURER TO
SOLICIT REQUEST FOR PROPOSALS FOR
THE BANKING REQUIREMENTS OF THE
BOROUGH OF MATAWAN**

WHEREAS, the Governing Body of the Borough of Matawan, County of Monmouth, is desirous of soliciting Request for Proposals for the banking requirements of the Borough of Matawan; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that the Treasurer/CFO is authorized to solicit "Request for Proposals" for the banking requirements of the Borough of Matawan.

Council President Gould read by title Resolution 13-04-17: Emergency Temporary Appropriation. Council President Gould requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Council President Gould requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 13-04-17
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 \$2,281,903.64.

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-04/02/13 Meeting

	Salary & Wages	Other Expenses	
BLDG & GROUNDS		2,000.00	
INSURANCE-GROUP HEALTH		150,000.00	
FIRE		10,000.00	
STREETS & ROADS		10,000.00	
PROP MAINT		400.00	
 SUBTOTAL	 -	 172,400.00	
TOTAL TEMPORARY EMERGENCY APPROPRIATIONS		172,400.00	4,018,516.89
 WATER SEWER UTILITY			
	Salary & Wages	Other Expenses	
CAPITAL OUTLAY		50,000.00	

**Borough of Matawan
Workshop Session
April 2, 2013**

<i>SUBTOTAL</i>	-	50,000.00	
<i>TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY APPROPRIATIONS</i>		50,000.00	1,989,305.96

Council President Gould read by title Resolution 13-04-18: Payment of Bills. Council President Gould requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Council President requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 13-04-18
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>	\$1,562,832.78
<i>Water & Sewer</i>	\$156,702.40
<i>Water Capital</i>	\$19,878.60
<i>Grant</i>	\$2,778.18
<i>Borough Trust</i>	\$36,861.47
<i>Developers Escrow Account</i>	\$23,748.84
<i>Dog Tax Trust</i>	\$153.60
<i>Railroad Parking Trust</i>	\$12,903.50
<i>Recreation Trust</i>	\$124.00
Total	\$1,815,983.37

Councilman Fitzsimmons requested the January 31 and February 28, 2013 Treasurer's Reports be added to the record.

**Borough of Matawan
Workshop Session
April 2, 2013**

REPORT OF THE TREASURER				
TO THE MAYOR AND COUNCIL OF THE BOROUGH OF MATAWAN				
BANK BALANCES AS OF JANUARY 31, 2013				
CURRENT ACCOUNT	TD BANK		\$1,727,499.35	\$1,727,499.35
TAX COLLECTOR TRUST FUND	TD BANK		-\$2,776.32	-\$2,776.32
WATER & SEWER ACCOUNT	TD BANK		\$587,854.87	\$587,854.87
WATER & SEWER-Certificate of Deposit	TD BANK		\$500,000.00	\$500,000.00
BOROUGH CAPITAL ACCOUNT	TD BANK		\$670,159.35	\$670,159.35
UTILITY CAPITAL ACCOUNT	TD BANK		\$677,797.22	\$677,797.22
BOROUGH TRUST ACCOUNT	TD BANK		\$940,855.81	\$940,855.81
BORO TRUST SUMMARY-TD BANK		CASH BALANCES		
AS OF: JANUARY 31, 2013				
	FIRE SAFETY		\$28,735.48	
	FIRE PREVENTION/DEDICATED PENALTY		\$4,100.90	
	ESCROW		\$104,063.40	
	TAX REDEMPTIONS		\$403,744.84	
	POAA		\$954.44	
	DONATION		\$2,742.49	
	PREMIUMS		\$356,000.00	
	OFF DUTY POLICE		\$32,995.10	
	PUBLIC DEFENDER		\$7,519.16	
	TOTAL		\$940,855.81	
DOG TAX TRUST ACCOUNT	TD BANK		\$1,334.53	\$1,334.53
UNEMPLOYMENT INSURANCE ACCOUNT	TD BANK		\$3,487.48	\$3,487.48
RECREATION SPECIAL ACCOUNT	TD BANK		\$23,590.55	\$23,590.55
RECREATION TRUST SUMMARY-TD BANK		CASH BALANCES		
AS OF: JANUARY 31, 2013				
	TURKEY TROT		\$11,556.57	
	SUMMER RECREATION		\$978.92	
	SUMMER RECREATION TRIPS		\$0.00	
	MATAWAN DAY		-\$762.30	
	BASKETBALL TOURNAMENT		-\$156.81	
	CANOE RENTALS		-\$1,368.10	
	MEN'S OVER 30 B'BALL		\$1,804.00	
	NNO VENDER		\$0.00	
	YOGA/KICKBOXING		\$709.00	
	FIREWORKS DONATIONS		\$1,108.94	
	CAPITAL IMPROVEMENTS		\$9,720.33	
	TOTAL		\$23,590.55	
ACCUTRACK DEVELOPERS ESCROW ACCT	TD BANK		\$237,297.33	\$237,297.33
LAW ENFORCEMENT ACCOUNT	TD BANK		\$6,145.37	\$6,145.37
RAILROAD PARKING LOT TRUST	TD BANK		\$257,303.63	\$257,303.63
TOTAL			\$5,630,549.17	\$5,630,549.17
RESPECTFULLY, <i>Monica Antista</i> TREASURER				
				3/28/2013

**Borough of Matawan
Workshop Session
April 2, 2013**

REPORT OF THE TREASURER				
TO THE MAYOR AND COUNCIL OF THE BOROUGH OF MATAWAN				
BANK BALANCES AS OF FEBRUARY 28, 2013				
CURRENT ACCOUNT	TD BANK		\$3,433,659.58	\$3,433,659.58
TAX COLLECTOR TRUST FUND	TD BANK		\$0.00	\$0.00
WATER & SEWER ACCOUNT	TD BANK		\$821,327.84	\$821,327.84
WATER & SEWER-Certificate of Deposit	TD BANK		\$500,000.00	\$500,000.00
BOROUGH CAPITAL ACCOUNT	TD BANK		\$717,082.30	\$717,082.30
UTILITY CAPITAL ACCOUNT	TD BANK		\$278,456.65	\$278,456.65
BOROUGH TRUST ACCOUNT	TD BANK		\$472,975.42	\$472,975.42
BORO TRUST SUMMARY-TD BANK		CASH BALANCES		
AS OF: FEBRUARY 28, 2013				
	FIRE SAFETY		\$28,735.48	
	FIRE PREVENTION/DEDICATED PENALTY		\$3,700.90	
	ESCROW		\$103,155.43	
	TAX REDEMPTIONS		\$30,377.24	
	POAA		\$954.44	
	DONATION		\$2,742.49	
	PREMIUMS		\$271,900.00	
	OFF DUTY POLICE		\$23,890.28	
	PUBLIC DEFENDER		\$7,519.16	
	TOTAL		\$472,975.42	
DOG TAX TRUST ACCOUNT	TD BANK		\$2,680.53	\$2,680.53
UNEMPLOYMENT INSURANCE ACCOUNT	TD BANK		\$3,487.48	\$3,487.48
RECREATION SPECIAL ACCOUNT	TD BANK		\$23,590.55	\$23,590.55
RECREATION TRUST SUMMARY-TD BANK		CASH BALANCES		
AS OF: FEBRUARY 28, 2013				
	TURKEY TROT		\$11,556.57	
	SUMMER RECREATION		\$978.92	
	SUMMER RECREATION TRIPS		\$0.00	
	MATAWAN DAY		-\$762.30	
	BASKETBALL TOURNAMENT		-\$156.81	
	CANOE RENTALS		-\$1,368.10	
	MEN'S OVER 30 B'BALL		\$1,804.00	
	NNO VENDER		\$0.00	
	YOGA/KICKBOXING		\$709.00	
	FIREWORKS DONATIONS		\$1,108.94	
	CAPITAL IMPROVEMENTS		\$9,720.33	
	TOTAL		\$23,590.55	
ACCUTRACK DEVELOPERS ESCROW ACCT	TD BANK		\$281,031.71	\$281,031.71
LAW ENFORCEMENT ACCOUNT	TD BANK		\$6,145.89	\$6,145.89
RAILROAD PARKING LOT TRUST	TD BANK		\$256,195.83	\$256,195.83
TOTAL			\$6,796,633.78	\$6,796,633.78
RESPECTFULLY,				
TREASURER				3/28/2013

Mayor Buccellato joined the meeting at 7:15 PM.

Council President Gould read by title Resolution 13-04-19: Acknowledging the Hurricane Sandy Recognition Plaque and Safety Award Received from the Monmouth County Municipal Joint Insurance Fund's Executive Safety Committee. Council President Gould requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Council President requested a roll call vote. A roll call vote was taken.

Yes: Councilwoman Daly
Councilman Fitzsimmons
Councilwoman Gould
Councilwoman Clifton

**Borough of Matawan
Workshop Session
April 2, 2013**

Councilman Urbano
Councilwoman Angelini

Motion passed.

**RESOLUTION 13-04-19
ACKNOWLEDGING THE HURRICANE SANDY
RECOGNITION PLAQUE AND SAFETY AWARD RECEIVED FROM THE MONMOUTH COUNTY
MUNICIPAL JOINT INSURANCE FUND'S EXECUTIVE SAFETY COMMITTEE**

WHEREAS, the Borough of Matawan is a member of the Monmouth County Municipal Joint Insurance Fund (Monmouth JIF); and

WHEREAS, the Monmouth County Municipal Joint Insurance Fund's Executive Committee and Executive Safety Committee recognize the exemplary safety performance of its member municipalities, the Governing Body, Municipal Employees and Volunteers during Hurricane Sandy which occurred on October 29, 2012, and in the aftermath in the weeks following the storm; and

WHEREAS, the Monmouth County Municipal Joint Insurance Fund recognized the outstanding safety performance of their entire membership at the Monmouth JIF's Annual Safety Breakfast Event with a recognition plaque and safety award; and

WHEREAS, the Governing Body of the Borough of Matawan has reviewed the recognition plaque and award, and has publically acknowledged receipt of the said award in this meeting.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Matawan, County of Monmouth, State of New Jersey that the Monmouth County Municipal Joint Insurance Fund Recognition be accepted.

BE IT FURTHER RESOLVED a certified copy of this Resolution be sent to the Executive Director of the Monmouth County Municipal Joint Insurance Fund.

Mayor Buccellato presumed to chair the meeting.

Ms. Montfort reported the Chamber of Commerce has applied for Council permission to hang a banner on the Terhune Park fence advertising its Annual Business Expo. Council agreed.

Councilwoman Gould introduced Brendan Ryan of Boy Scout Troop 92 who is here tonight working towards his Communications Merit Badge and Citizenship in the Community Merit Badge.

Councilman Fitzsimmons reminded Council Eagle Scout Taylor Grillo will begin construction on his Gravelly Brook project thanks to local donations, and will accept additional donations and any volunteers to assist.

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 Gould. Council agreed. Motion passed.

Meeting adjourned at 7:15 PM.