

**Borough of Matawan
Public Session
December 18, 2012
7:00 PM**

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, 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

Councilwoman Clifton (7:04 PM)

Also present were Pasquale Menna, Esq., Borough Attorney and Robert Keady, Borough Engineer.

Mayor Buccellato asked everyone to stand for a moment of silence remembering those lost in the Newtown, Connecticut, school shooting: Ask for teachers to have the strength and love; ask students to have no fear; pray for all of the families for comfort and understanding; and ask for the counselors to provide wisdom and compassion. We must value life and treasure each breath we take. We must value each person and how he or she touches every day.

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 December 6, 2012. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed.

Privilege of the Floor – Agenda Items Only

Mayor Buccellato opened the Privilege of the Floor for Agenda Items Only.

Mayor Buccellato closed the Privilege of the Floor for Agenda Items Only.

Old Business

None.

Clerk's Report

No report.

Administrator's Report

No report.

Mayor's Report

Mayor Buccellato announced of the introduction of Resolution 12-12-28: A Resolution Requesting the New Jersey Board of Public Utilities and the New Jersey State Legislature

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Conduct an Investigation Into the Management, Communication and Emergency Preparedness and Response Capabilities of JCP&L.

Mayor Buccellato requested a motion to nominate and appoint Tammy Mitchitsch as OEM Secretary. Councilman Lopez made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Mayor Buccellato announced tonight is Councilman Lopez' last meeting as an elected official, and he and Council wished to thank Mr. Lopez for his contributions during the last three years stating the Councilman's dedication and commitment to the Borough and its residents is truly appreciated, and we are indebted to you for your service to our community.

Councilman Lopez thanked the Mayor and Council expressing his pleasure in working with everyone.

Attorney's Report

No report.

Engineer's Report

Mr. Keady updated the Council on the Middlesex Road Water Treatment Plant Improvement Project. The building interior piping, electric and sewer work within the area of the filters (which have been installed) have been completed and the concrete poured. The roofing and painting of the suction tank and clarifier have also been completed, and the generator delivered today.

Personnel, Redevelopment, Main Street, Construction, Community Affairs

Councilwoman Gould has no report but expressed her honor in sitting next to Councilman Lopez, and will miss him.

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

No report.

Police, Railroad Parking, Library

Councilwoman Angelini, on behalf of Lt. Jason Gallo, encouraged Council and residents to follow the Police on their Facebook page.

She also reported on the progress of accepting applications for Special Police Officer with interviews to most likely begin next week.

Councilwoman Angelini thanked Councilman Lopez as a Council person and her running mate, and you will surely be missed.

Public Works, Water/Sewer, Property Maintenance

Councilman Urbano reported Superintendent of Public Works, Jake Applegate, has informed he leaf pick-up is wrapping up this week and any resident who puts out leaves will have to bag the leaves, and all brush will have to be dropped off at the DPW.

Councilman Urbano thanked Councilman Lopez for his hard work and dedication to the Borough.

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Recreation, Historic Sites, Technnology

Councilwoman Clifton reported on the success of the tree lighting and Santa’s visit.

Councilwoman Clifton wished Councilman Lopez all the best.

Finance, Sanitation/Recycling

Councilman Fitzsimmons addressed Resolution 12-12-22: Emergency Resolution – Debris Clean Up – Hurricane Sandy stating this will pay for much of hurricane damage. In discussion with Mayor Buccellato we could possibly have paid for all damage through our current budget; however, this would have left us without a 2014 surplus. Therefore, we elected to submit this Resolution in order to retain that surplus. Should we receive FEMA support we can choose to cancel.

Councilman Fitzsimmons requested the July 31, August 31 and September 30, 2012 Treasurer’s Reports be added to the record.

**Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of July 31, 2012**

Current Account	TD Bank	\$1,074,003.95
Tax Collector Trust Fund	TD Bank	\$0.00
Water & Sewer Account	TD Bank	\$336,620.20
Borough Capital Account	TD Bank	\$598,661.83
Utility Capital Account	TD Bank	\$723,805.88
Borough Trust Account	TD Bank	\$441,215.87
Boro Trust Summary – TD Bank As of: July 31, 2012	Cash Balances	
Fire Safety	\$30,089.41	
Fire Prevention/Dedicated Penalty	-\$7,254.02	
Escrow	\$101,414.52	
Tax Redemptions	\$40,640.79	
POAA	\$954.44	
Donation	\$2,742.49	
Premiums	\$242,800.00	
Off Duty Police	\$22,509.08	
Public Defender	\$7,319.16	
Total	\$441,215.87	
Dog Tax Trust Account	TD Bank	\$3,110.53
Unemployment Insurance Account	TD Bank	\$4,238.39
Recreation Special Account	TD Bank	\$43,416.02
Recreation Trust Summary –TD Bank As of: July 31, 2012	Cash Balances	
Turkey Trot	\$17,959.41	
Summer Recreation	\$11,425.92	
Summer Recreation Trips	\$2,538.00	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$930.47	
Men’s Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	

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Capital Improvements	\$9,720.33	
Total	\$43,416.02	
Accutrack Developers Escrow Acct	TD Bank	\$366,273.58
Law Enforcement Account	TD Bank	\$7,441.85
Railroad Parking Lot Trust	TD Bank	\$62,314.23
Total		<u>\$3,661,102.33</u>

Respectfully,
(Signature on File)
Monica Antista

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of August 31, 2012

Current Account	TD Bank	\$2,914,730.50
Tax Collector Trust Fund	TD Bank	\$0.00
Water & Sewer Account	TD Bank	\$524,846.08
Borough Capital Account	TD Bank	\$568,149.35
Utility Capital Account	TD Bank	\$567,340.85
Borough Trust Account	TD Bank	\$437,365.11
Boro Trust Summary – TD Bank As of: August 31, 2012	Cash Balances	
Fire Safety	\$30,089.41	
Fire Prevention/Dedicated Penalty	-\$7,254.02	
Escrow	\$100,779.52	
Tax Redemptions	\$48,377.31	
POAA	\$954.44	
Donation	\$2,742.49	
Premiums	\$237,800.00	
Off Duty Police	\$16,509.80	
Public Defender	\$7,366.16	
Total	\$437,365.11	
Dog Tax Trust Account	TD Bank	\$3,157.33
Unemployment Insurance Account	TD Bank	\$5,331.28
Recreation Special Account	TD Bank	\$35,477.64
Recreation Trust Summary –TD Bank As of: August 31, 2012	Cash Balances	
Turkey Trot	\$17,959.41	
Summer Recreation	\$3,461.22	
Summer Recreation Trips	\$2,610.20	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$976.35	
Men’s Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	
Total	\$35,477.64	
Accutrack Developers Escrow Acct	TD Bank	\$379,451.49
Law Enforcement Account	TD Bank	\$7,442.48
Railroad Parking Lot Trust	TD Bank	\$63,575.13
Total		<u>\$5,506,867.24</u>

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Respectfully,
(Signature on File)
Monica Antista

**Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of September 30, 2012**

Current Account	TD Bank	\$1,343,201.72
Tax Collector Trust Fund	TD Bank	\$0.00
Water & Sewer Account	TD Bank	\$691,215.24
Borough Capital Account	TD Bank	\$566,067.23
Utility Capital Account	TD Bank	\$469,937.61
Borough Trust Account	TD Bank	\$421,145.42
Boro Trust Summary – TD Bank As of: September 30, 2012	Cash Balances	
Fire Safety	\$30,089.41	
Fire Prevention/Dedicated Penalty	-\$7,303.03	
Escrow	\$98,828.40	
Tax Redemptions	\$44,265.08	
POAA	\$954.44	
Donation	\$2,742.49	
Premiums	\$223,800.00	
Off Duty Police	\$20,360.47	
Public Defender	\$7,408.16	
Total	\$421,145.42	
Dog Tax Trust Account	TD Bank	\$3,204.13
Unemployment Insurance Account	TD Bank	\$5,164.78
Recreation Special Account	TD Bank	\$30,947.39
Recreation Trust Summary –TD Bank As of: September 30, 2012	Cash Balances	
Turkey Trot	\$14,989.41	
Summer Recreation	\$2,292.72	
Summer Recreation Trips	\$2,610.20	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$1,368.10	
Men’s Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	
Total	\$30,947.39	
Accutrack Developers Escrow Acct	TD Bank	\$375,610.97
Law Enforcement Account	TD Bank	\$7,443.11
Railroad Parking Lot Trust	TD Bank	\$85,419.03
Total		<u>\$3,999,356.63</u>

Respectfully,
(Signature on File)
Monica Antista

Mayor Buccellato requested a motion to accept the July 31, August 31 and September 30, 2012 Treasurer Reports. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed.

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Councilman Fitzsimmons thanked Councilwoman Lopez for his time working for the Borough and walking tirelessly door to door with each Council member during election season.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-12-18 through and including 12-12-19 requesting a motion to adopt en masse. Councilwoman Clifton 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
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-12-18
REDEMPTION OF TAX SALE CERTIFICATE
AMANDINE & THEODORE DISANTO
CERTIFICATE #11-00075**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00075 which was sold to Amandine & Theodore DiSanto, 44 Maria Ct., Holmdel, NJ 07733; and

WHEREAS, Certificate #11-00075 has been paid and fully redeemed for the property owner, Block 88, Lot 6.01 otherwise known as 61 Ravine Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,642.61 to the above for the redemption of Tax Sale Certificate #11-00075.

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 12-12-19
APPROVING TAXI DRIVER LICENSE
DONALD MORRISSEY**

WHEREAS, Donald Morrissey, has passed the required Police Department background checks; and

WHEREAS, Donald Morrissey, 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 Taxi Driver License:

Applicant: Donald Morrissey
113 Wellington Place
Aberdeen, New Jersey 07747

New Business

Mayor Buccellato read by title Resolution 12-12-20: Release of Cash Bond – Bell Mill Construction Co., Inc. – 166 Main Street – Block 26, Lot 1. 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 Gould
Councilman Lopez
Councilwoman Angelini

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Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-12-20
RELEASE OF CASH BOND
BELL MILL CONSTRUCTION CO., INC.
166 MAIN STREET - BLOCK 36, LOT 1**

WHEREAS, on December 13, 2010 Bell Mill Construction Co., Inc. posted total escrow in the amount of Two Thousand Seven Hundred Twelve Dollars and No Cents (\$2,712.00) for a road opening permit for Block 36, Lot 1, otherwise known as 166 Main Street, Matawan, New Jersey; and

WHEREAS, Bell Mill Construction Co., Inc. has requested the release of the remaining balance on his cash bond for aforesaid property; and

WHEREAS, Robert Keady, Jr., PE, CMC of T&M Associates letter of October 11, 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 cash portion balance as of November 20, 2012 is One Thousand Seven Hundred Ten Dollars and Fifty Cents (\$1,710.50); and

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan hereby approves the release of the balance of the cash bond posted by Bell Mill Construction Co., Inc. in the amount of One Thousand Seven Hundred Ten Dollars and Fifty Cents (\$1,710.50) 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 November 20, 2012 the balance of the Escrow Account for Bell Mill Construction Co., Inc. is approximately One Thousand Seven Hundred Ten Dollars and Fifty Cents (\$1,710.50).

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: December 18, 2012

Mayor Buccellato read by title Resolution 12-12-21: A Resolution to Fix and Determine the 2012 Salaries and Wages of Officers, Management, Supervisory Personnel and General Employees Not Represented by an Organized Bargaining Unit and Employed by the Borough of Matawan, Monmouth County, New Jersey. 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 Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-12-21
A RESOLUTION TO FIX AND DETERMINE THE 2012 SALARIES AND WAGES OF
OFFICERS, MANAGEMENT, SUPERVISORY PERSONNEL AND GENERAL**

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**EMPLOYEES NOT REPRESENTED BY AN ORGANIZED BARGAINING UNIT AND
EMPLOYED BY THE BOROUGH OF MATAWAN, MONMOUTH COUNTY, NEW JERSEY**

WHEREAS, the following resolution sets the individual salaries and wages for 2012 retroactive to January 1, 2012; and

WHEREAS, funds for this purposes are available in the 2012 Budget and the Chief Financial Officer as so certified in writing.

NOW, THEREFORE BE IT RESOLVED that the 2012 Salaries and Wage for the Borough of Matawan Employees not represented by an organized bargaining unit be and are hereby set as follows:

<u>TITLE</u>	<u>DEPARTMENT</u>	<u>EMPLOYEE</u>	<u>2012 SALARY</u>
<u>Public Safety</u>			
Emergency Management Chief		Thomas J. Falco	\$2,500.00
Emergency Management 1 st Deputy		Richard Michitsch	\$1,000.00
Emergency Management 2 nd Deputy		Timothy Clifton	\$1,000.00
Emergency Management Secretary		Tammy Michitsch	\$500.00

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 2-01-25-252-100 of the Borough of Matawan.

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: December 18, 2012

Mayor Buccellato read by title Resolution 12-12-22: Special Emergency Resolution - Debris Clean Up - Hurricane Sandy. 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 Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-12-22
SPECIAL EMERGENCY RESOLUTION
DEBRIS CLEAN UP
HURRICANE SANDY**

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, by Hurricane Sandy Cleanup and

WHEREAS, NJSA 40A:4-54 provides that it shall be lawful to make such appropriation, which appropriation and/or the “special emergency notes” issued to finance the same shall be provided for in succeeding annual budget by the inclusion of an appropriation of at least one-fifth or one-third of the amount authorized pursuant to this act.

NOW, THEREFORE BE IT RESOLVED by not less than two-thirds of all governing body members affirmatively concurring, that in accordance with the provisions of NJSA 40A:4-54:

1. An emergency appropriation is hereby made for Hurricane Sandy Debris Clean Up in the total amount of \$100,000.00.

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2. *That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$20,000.00 must be at least one-fifth of the total amount.*
3. *That an "emergency note", not in excess of the amount authorized pursuant to law, be provided.*
4. *That such note shall be executed by Monica Antista, Chief Financial Officer.*
5. *That said note shall be dated December 31, 2012, may be renewed from time to time provided that such note and any renewals shall mature and be paid in the amount of not less than one-fifth of the total amount appropriated by this resolution in each year after the authorization.*
6. *That the statement required by the Local Finance Board has been filed with the Clerk and a copy will be transmitted to the Director of the Division of Local Government Services.*
7. *That two (3) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.*

Mayor Buccellato read by title Resolution 12-12-23: Authorizing Sale of \$100,000 Special Emergency Note to General Capital Fund. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-23
AUTHORIZING SALE OF \$100,000 SPECIAL EMERGENCY
NOTE TO GENERAL CAPITAL FUND**

WHEREAS, the Borough Council passed Resolution 12-12-22 authorizing a special emergency appropriation for Hurricane Sandy Debris Clean Up; and

WHEREAS, Resolution 12-12-22 also authorized the issuance of a special emergency note in accordance with applicable Statutes; and

WHEREAS, the Chief Financial Officer has deemed it to be more cost effective to sell the special emergency note internally.

NOW THEREFORE BE IT RESOLVED, that the Borough's Current Fund is authorized to sell a special emergency note to the Borough's General Capital Fund in the amount of \$100,000.00 with an issue date of December 31, 2012, and a maturity date of December 31, 2013. The note shall bear interest at 0%.

Mayor Buccellato read by title Resolution 12-12-24: Authorizing the Transfer of Funds from Current and Utility Accounts in the 2012 Budget. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

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Motion passed.

**RESOLUTION 12-12-24
AUTHORIZING THE TRANSFER OF FUNDS FROM
CURRENT AND UTILITY ACCOUNTS IN THE 2012 BUDGET**

WHEREAS, NJSA 40A4-58 provides for the transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year: and

WHEREAS, the Chief Financial Officer has advised the Mayor and Council of the Borough of Matawan that the need for certain transfers within the 2012 Municipal Budget exists; and

WHEREAS, it is recommended that these budget transfers be made.

NOW, THEREFORE BE IT RESOLVED that the following budget transfers be made in the 2012 Municipal Budget:

<u>Transfer From:</u> Account Number	Amount of Transfer	<u>Transfer To:</u> Account Number	Amount of Transfer
2-01-21-180-100 Planning/Zoning Salary & Wages	\$ 250.00	2-01-20-100-100 Administration Salary & Wages	\$ 250.00
2-01-26-315-100 Vehicle Repairs Salary & Wages	\$ 3,500.00	2-01-26-310-100 Public Buildings Salary & Wages	\$ 3,500.00
2-09-55-500-200 Water/Sewer Other Expenses	\$ 6,000.00	2-09-55-500-100 Water/Sewer Salary & Wages	\$ 6,000.00
2-01-20-165-200 Engineering Other Expenses	\$ 1,000.00	2-01-20-175-200 Historic Sites Other Expenses	\$ 1,000.00
2-01-20-120-200 Boro Clerk Other Expenses	\$ 1,100.00	2-01-27-330-200 Board of Health Other Expenses	\$ 1,100.00

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

Mayor Buccellato read by title Resolution 12-12-25: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-25
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

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to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.

Current	\$373,331.32
Water & Sewer	\$206,692.30
Borough Capital	\$692,225.04
Water Capital	\$237,111.00
Grant	\$588.50
Borough Trust	\$4,390.74
Developers Escrow Account	\$2,166.50
Recreation Trust	\$2,970.00
Total	\$1,519,475.40

Mayor Buccellato read by title Resolution 12-12-26: Middlesex Road Water Treatment Plant Improvements Authorizing Change Order No. 3. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-26
MIDDLESEX ROAD WATER TREATMENT PLANT IMPROVEMENTS
AUTHORIZING CHANGE ORDER NO. 3**

WHEREAS, T&M Associates has informed the Council of the need to remove elevated levels of chloride from the interior walls of the clarifier tank at an additional cost of Two Thousand Seven Hundred Dollars and No Cents (\$2,700.00); and

WHEREAS, T&M Associates has informed the Council of the need to replace existing aerator building piping which came apart when being disconnected from the aerator unit at an additional cost of Sixteen Thousand Seven Hundred Eight Dollars and No Cents (\$16,708.00); and

WHEREAS, T&M Associates has informed the Council of the need to replace existing high service pump/suction tank piping which when made accessible was corroded and bent at an additional cost of Nine Thousand Eight Hundred Two Dollars and No Cents (\$9,802.00);

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. 3 for the Middlesex Road Water Treatment Plant Improvement, an increase in the amount of Sixty Nine Thousand Two Hundred Ten Dollars and No Cents (\$69,210.00).

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. 2 in an amount not to exceed Sixty Nine Thousand Two Hundred Ten Dollars and No Cents (\$69,210.00).

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: December 18, 2012

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Mayor Buccellato read by title Resolution 12-12-27: Authorizing Payment to T&M Associates Pursuant to the Engineering Agreement for the Middlesex Road Water Plant Improvement Project. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-27
AUTHORIZING PAYMENT TO T&M ASSOCIATES
PURSUANT TO THE ENGINEERING AGREEMENT FOR THE MIDDLESEX ROAD WATER PLANT
IMPROVEMENT PROJECT**

WHEREAS, on November 2, 2011, an Agreement was entered into between the Borough of Matawan and T&M Associates, Consulting and Municipal Engineers for the Borough of Matawan, with respect to the implementation of the improvement project for the Middlesex Road Water Plant (Project no. 1329001-001 and 002); and

WHEREAS, the services were authorized pursuant to the improvement project so that the Consulting and Municipal Engineers were engaged to undertake services for the complete, essential and necessary professional engineering services in connection with the contract administration and resident inspection for the project; and

WHEREAS, funding for the project and the administration costs was through the New Jersey Environmental Infrastructure Financing Program pursuant to N.J.S.A. 7:22-3.1 et seq.; the New Jersey Environmental Infrastructure Trust Loan pursuant to N.J.S.A. 7:22-4.1, et seq. and all applicable interim and final rules and regulations published in the New Jersey Register; and

WHEREAS, since November 2, 2011, the firm of T&M Associates has been engaged in the contract administration and resident inspection during the construction phase and has undertaken all the scope of work set forth in the engineering Agreement dated November 2, 2011 by and between the Borough of Matawan and T&M Associates; and

WHEREAS, pursuant to the Agreement, phases of the contract administration and inspection services would be billed on a regular monthly basis; and

WHEREAS, there are sufficient funds that have been set out in the loan documents in the funding program set forth above for the payment of compensation for engineering services as outlined in Section 2.1.3 of the Agreement; and

WHEREAS, the Certification of Services has been rendered for the administration of the contract and the inspection services since November 2, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby authorizes the Chief Financial Officer to disperse and pay for the invoices submitted on the Middlesex Road Water Plant Improvement Project pursuant to the Agreement and also through the funding sources set forth herein in an amount not to exceed Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00).

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-02-55-559-200 Budget of the Borough of Matawan providing funds are made available through the receipt of funds through the Environmental Infrastructure Trust Program for T&M Associates in an amount not to exceed Four Hundred Fifty Thousand Dollars and No Cents (\$450,000.00).

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.

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Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: December 18, 2012

Mayor Buccellato read by title Resolution 12-12-28: Borough of Matawan, County of Monmouth Resolution Requesting That the New Jersey Board of Public Utilities & the New Jersey Legislature Conduct an Investigation of Information Management, Communication and Emergency Preparedness and Response Capabilities of the New Jersey Public Utilities, Specifically Jersey Central Power and Light, and Making Recommendation in that Regarding, and to Deny Any Rate Increases for Jersey Central Power and Light and its Parent Company. 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 Gould
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-12-28
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH
RESOLUTION REQUESTING THAT THE NEW JERSEY BOARD OF PUBLIC UTILITIES & THE NEW
JERSEY LEGISLATURE CONDUCT AN INVESTIGATION OF INFORMATION MANAGEMENT,
COMMUNICATION AND EMERGENCY PREPAREDNESS AND RESPONSE CAPABILITIES OF THE
NEW JERSEY PUBLIC UTILITIES, SPECIFICALLY JERSEY CENTRAL POWER AND LIGHT, AND
MAKING RECOMMENDATION IN THAT REGARDING, AND TO DENY ANY RATE INCREASES FOR
JERSEY CENTRAL POWER AND LIGHT
AND ITS PARENT COMPANY**

WHEREAS, on October 29, 2012, due to Hurricane Sandy (a/k/a Super Storm Sandy), the Northeast experienced as historic and crippling loss of power leaving 4.5 million people in the Northeast and over 8,000 residents and businesses within the Borough of Matawan without power and causing billions in damage and devastation state-wide; and

WHEREAS, many people and businesses within the Borough were without power for up to twelve days, severely impacting many economically as well as compromising their physical and emotional well being; and

WHEREAS, neither those without power nor government officials were able to consistently obtain reliable information regarding the status or timeframes for restoration; and

WHEREAS, the Borough believes, along with other municipalities, that an outdated information management system and outdated utility infrastructure, i.e. where power had not been restored but was reported as though it were, which caused work tickets to close and contributed to repair delays; and

WHEREAS, the Borough of Matawan further believes that an outdated and ineffective asset allocation, dispatch, and response system, i.e. the adequate assignment of appropriate resources in sufficient number to effectuate necessary repairs and restore power, was not in place and resulted in portions of the Borough being restored in several days while leaving adjacent areas dark up to two weeks, contributed to unexplained delays; and

WHEREAS, when J.C.P. & L. did arrive in the Borough, assess the situation and familiarize themselves with what resources were necessary to effectuate repairs, these locally familiar assets were then reassigned to other areas, necessitating multiple reassessments, by multiple representatives, from multiple out of state agencies, over multiple days resulting in wasteful duplication of efforts and resources and further delay in effecting the necessary repairs; and

WHEREAS, many local officials and other elected and political leaders have made public their individual but unified frustration and with the above mentioned concerns; and

WHEREAS, the Board of Public Utilities (BPU) should require utilities to provide authoritative,

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information spokespeople to take complaints from customers and provide information in the municipality when and where more than five percent of the customers in the Borough are without services for more than one day; and

***WHEREAS**, the New Jersey Board of Public Utilities (BPU) should set, establish and enforce stronger standards for accuracy and timeliness of the information, especially online information, the utilities provide about outages and projected restoration timelines; and*

***WHEREAS**, the BPU should re-evaluate and improve the process by which utilities collect, manage and assign resources to effect repairs during extreme weather events, including for out of state workers; and*

***WHEREAS**, the BPU should require utilities to issue pre-scheduled twice daily detailed status reports to officials in municipalities experiencing service interruptions, which would include and update to previously reported status of restoration as well as a schedule of intended repairs for, at a minimum, the next twelve hours; and*

***WHEREAS**, any state utility company, including JCP&L, should be required to have a climate change preparedness plan and have its emergency preparedness and response plan approved by the State of New Jersey; and*

***WHEREAS**, we request that the BPU and the State Legislature reject any request made by J.C.P.L. or its parent company any rate increases until the utility submits evidence that it has as a minimum a climate change preparedness plan and an emergency preparedness and response plan approved by the State of New Jersey;*

***NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Matawan, on behalf of our residents and businesses, recommends and requests that the BPU and the New Jersey Legislature conduct an investigation of how JCP&L manages information, communicates, and prepares, and responds to extreme power outages, and for the New Jersey Legislature to compel JCP&L and all public utility companies, through legislative action, to adopt the recommendations resulting from this investigation; and*

***BE IT FURTHER RESOLVED** that this resolution be sent to all municipalities which experience a prolonged loss of power for consideration of the passage of sister resolutions and be sent to the Borough of Matawan's County, State and Federal legislators and officials as well as the Office of the Governor, the White House Office of Intergovernmental Affairs, the New Jersey Board of Public Utilities, Jersey Central Power and Light and the New Jersey League of Municipalities.*

Mayor Buccellato announced due to miscommunication between a phone call to the Borough and the adopted Resolution extending the fourth quarter tax due date the property owner of 18 Eisenhower Court was charged a penalty. Mr. Menna informed there are State statutes prohibiting municipal action in this regard.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Shirley Henderson, Minnisink Village, Ms. Henderson thanked the Borough and its employees for their assistance in providing heat to Minnisink Village during the storm.

Jeremiah E. Hourihan, Jr., 13 Edgewater Drive, Mr. Hourihan reiterated Mrs. Henderson's comments to include storm clean-up to all areas of the Borough. He thanked Councilman Lopez and asked him to continue his support of the Council.

Nancy Pollito, Rustic Lane, Ms. Pollito said Rustic Lane received only one leaf pick up this year asking if DPW could return. She then commended Lt. Jason Gallo on his performance during the storm.

Mayor Buccellato closed the Privilege of the Floor.

The Mayor and Council wished everyone a safe and happy holiday season.

Recess

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Mayor Buccellato requested a motion to recess and reconvene at Noon on January 1, 2013. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed.

Meeting recessed at 7:25 PM.

At 12:07 PM on January 1, 2013, Mayor Buccellato requested a motion to reopen the recessed meeting from December 18, 2012. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed. Mayor requested a roll call.

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

Also present were Pasquale Menna, Esq., Borough Attorney and Robert Keady, Borough Engineer.

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

There was no additional business.

Mayor Buccellato requested a motion to close the December 18, 2012, meeting. Councilman Fitzsimmons made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed. The time was 12:10 PM.

(signature on file)

Jean B. Montfort, RMC
Municipal Clerk