

**Borough of Matawan
Workshop Session
December 6, 2012**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on December 6, 2012. The meeting was called to order at 7:05 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
Councilwoman Clifton
Councilman Fitzsimmons

Also present was Pasquale Menna, Esq., Borough Attorney.

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

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

Mayor Buccellato informed Resolution 12-11-12: Authorizing T&M Associates to Provide Professional Services for 150 Main Street – Well Search/Vapor Intrusion Investigation and Reporting would be held, and of the addition of Resolution 12-12-14: Resolution Granting An Easement and Right-Of-Way Agreement to the New Jersey Natural Gas Company.

Approval of Minutes

Mayor Buccellato requested a motion to approve the minutes of November 20, 2012. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Councilpersons Clifton and Fitzsimmons abstained. Council agreed. Motion passed.

Mayor Buccellato requested a motion to approve the minutes of November 27, 2012. Councilman Lopez made the motion, seconded by Councilwoman Gould. Councilwoman Angelini abstained. Council agreed. Motion passed.

Old Business

Mayor Buccellato read by title Ordinance 12-18: Ordinance Amending Chapter 2 – Administration - of the Code of the Borough of Matawan Establishing a Disability Accessibility Committee – Chapter 2-40. Mayor Buccellato requested a motion to open the public hearing. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 12-18: Ordinance Amending Chapter 2 – Administration - of the Code of the Borough of Matawan Establishing a Disability Accessibility Committee – Chapter 2-40. Mayor Buccellato requested a motion to adopt. Councilwoman Angelini 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

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Councilman Fitzsimmons

Motion passed.

ORDINANCE 12-18

**ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, OF
THE CODE OF THE BOROUGH OF MATAWAN, ESTABLISHING
A DISABILITY ACCESSIBILITY COMMITTEE
CHAPTER 2-40**

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

2-40.1 Established.

A Disability Accessibility Committee to ensure for continued compliance with the American's with Disabilities Act (ADA) for all Borough public buildings and properties, and to make recommendations on any various policies, issues, needs and future of said buildings, properties and projects.

2-40.2 Members: Appointment; Term; Vacancy

The Committee shall consist of five (5) persons, to be appointed as follows:

- A. One (1) Representative from the Public Works Department to be selected by the Mayor with the advice and consent of the Council, shall serve for a term of one year;
- B. One (1) Representative from the Construction Department to be selected by the Mayor with the advice and consent of the Council, shall serve for a term of one year;
- C. One (1) Representative at Large to be selected by the Mayor with the advice and consent of the Council, shall serve for a term of three (3) years;
- D. Two (2) Members of the Borough Council to be appointed by the Mayor, shall serve for a term on one year; preferably an individual with sensitivity to disability related issues.

All appointments except initial appointments and those to fill vacancy shall be effective January 1, next succeeding the appointment. Any vacancy occurring shall be filled for the unexpired term by the nomination of a replacement by the Mayor.

2-40.3 Reports to Borough Clerk

The Secretary of the Committee shall submit quarterly reports in writing to the Borough Clerk.

2-40.4 Compensation

The members of the Disability Accessibility Committee shall serve without compensation.

2-40.5 Organization

- 1. The Committee shall organize annually by the election of one (1) of its members as Chairman, and the appointment of a Secretary, who need not be a member.
- 2. The Disability Accessibility Committee shall meet the second Monday in January for their reorganization and at such time will set dates for their quarterly meetings.
- 3. The meeting dates shall be advertised in a newspaper recognized by the Borough and the meetings shall be open to the public.

2-40.5 Powers and Duties

The Committee shall, when appropriate, recommend policies and procedures to implement the intent and municipal obligations of the ADA; and shall, once yearly issue a report of its activities and its proceedings to the Mayor and Council.

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Mayor Buccellato read by title Resolution 12-11-07: Authorizing Accelerated Tax Sale for 2012. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-11-07
AUTHORIZING ACCELERATED TAX SALE FOR 2012**

BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the Borough Tax Collector hold an accelerated tax sale for the year 2012.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough Tax Collector, Treasurer, Auditor and Chief Financial Officer.

<i>Regular Mailing</i>	<i>December 5, 2012</i>
<i>Certified Mailing</i>	<i>December 12, 2012</i>
<i>Newspaper Advertisement</i>	<i>December 19, 2012</i>
<i>Newspaper Advertisement</i>	<i>December 26, 2012</i>
TAX SALE	December 31, 2012

Mayor Buccellato read by title Resolution 12-11-14: Authorizing the Purchase of a New AVAYA IP Telephone System for All Offices of the Borough of Matawan. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-11-14
AUTHORIZING THE PURCHASE OF A NEW AVAYA IP TELEPHONE SYSTEM FOR
ALL OFFICES OF THE BOROUGH OF MATAWAN**

WHEREAS, Administration is recommending to Mayor and Council a system wide telephone replacement for all Borough of Matawan locations due to the age and potential cost savings over the current system; and

WHEREAS, Hunter Technologies can provide the configuration, installation and training for at a reduced savings while increasing communication between all municipal and off-premise locations; and

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan, hereby authorize the purchase and installation of a new AVAYA IP Office System through the State Contract Program from Hunter Technologies, 38 Corbett Way, Eatontown, New Jersey 07724, State Contract #T-1316 for a lease purchase contract of 60 months @ \$1,024.01 per month with a \$1.00 buyout at the end of the 60 month period.

BE IT FURTHER RESOLVED the Council of the Borough of hereby authorizes Mayor Paul Buccellato to execute said Agreement consistent with the terms set forth therein.

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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 3-01-31-440-200 Budget of the Borough of Matawan to the Hunter Technologies for the purchase of the Avaya IP Office phone system for a lease purchase contract of 60 months @ \$1,024.01 per month with a \$1.00 buyout at the end of the 60 month period.

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 6, 2012

Mayor Buccellato read by title Resolution 12-11-15: Authorizing an Extension of Grace Period for the Fourth Quarter 2012 Taxes. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

RESOLUTION 12-11-15

AUTHORIZING AN EXTENSION OF GRACE PERIOD FOR THE FOURTH QUARTER 2012 TAXES

WHEREAS, the State of New Jersey has experienced an unprecedented severe weather occurrence; and

WHEREAS, as a result of Hurricane Sandy, severe and long lasting damage occurred in the form of flooding, downed trees and power outages to name a few; and

WHEREAS, it is necessary to take action with regard to the fourth quarter 2012 grace period for real estate taxes; and

WHEREAS, the Governor of the State of New Jersey has signed executive Order 113 allowing such extensions for the grace period for the fourth quarter 2012.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Matawan that the Tax Collector be authorized to extend the grace period for the fourth quarter 2012 up to and including November 30, 2012.

BE IT FURTHER RESOLVED, by the Council of the Borough of Matawan that any payments received after that date, for the fourth quarter 2012 will be charged interest from the original due date of November 1, 2012 by the guidelines set by NJSA 54:4-67 and Resolution 12-01-09 passed by the Matawan Borough Council on January 1, 2012.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-12-02 through and including 12-12-05 requesting a motion to approve en masse. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call vote. 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 12-12-02
REDEMPTION OF TAX SALE CERTIFICATE
DAXUAN WANG
CERTIFICATE #030023**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #030023 which was sold to Daxuan Wang, 11 Walnut St., Livingston, NJ 07039; and

WHEREAS, Certificate #030023 has been paid and fully redeemed for the property owner, Block 41, Lot 10 otherwise known as 274 Main St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$18,781.37 to the above for the redemption of Tax Sale Certificate #030023.

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

**RESOLUTION 12-12-03
APPROVAL OF RAFFLE LICENSE
OLD BRIDGE HIGH SCHOOL PSA
GIFT AUCTION
RL-623**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Old Bridge High School PTSA Fundraiser.

Name & Location of Organization's Event
St. Clement Reception Center
172 Freneau Avenue
Matawan, New Jersey 07747

Date & Time
March 8, 2013
6:00 PM to 11:00 PM

**RESOLUTION 12-12-04
APPROVAL OF RAFFLE LICENSE
OLD BRIDGE HIGH SCHOOL PSA
50/50 CASH
RL-624**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Old Bridge High School PTSA Fundraiser.

Name & Location of Organization's Event
St. Clement Reception Center
172 Freneau Avenue
Matawan, New Jersey 07747

Date & Time
March 8, 2013
6:00 PM to 11:00 PM

**RESOLUTION 12-12-05
APPROVING TAXI DRIVER LICENSE
JIMMY LEE**

WHEREAS, Jimmy Lee, has passed the required Police Department background checks; and

WHEREAS, Jimmy Lee, 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: Jimmy Lee
381 Gulden Street
Cliffwood Beach, New Jersey 07735

New Business

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Mayor Buccellato read by title Resolution 12-12-06: Authorizing the Waiver of Fees – The Board of Chosen Freeholders of the County of Monmouth. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-06
AUTHORIZING THE WAIVER OF FEES
THE BOARD OF CHOSEN FREEHOLDERS
OF THE COUNTY OF MONMOUTH**

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth has applied to the Borough of Matawan for a construction permit for equipment shelter/backup generator/additional antenna on existing tower and tower structural upgrade, 76-8 Wilson Avenue, Block 119, Lots 1 and 62; and

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth has applied to the Borough of Matawan for said permit; and

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth has provided all the necessary paperwork as required by ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize the waiver of the Borough of Matawan permit fees in the amount of Six Thousand Three Hundred Thirty Eight Dollars and No Cents (\$6,338.00) for a construction permit for equipment shelter/backup generator/additional antenna on existing tower and tower structural upgrade, 76-8 Wilson Avenue, Block 119, Lots 1 and 62.

Mayor Buccellato read by title Resolution 12-12-07: Amending Resolution 12-11-11: Approving Request to Carry Vacation to 2013 – Patrolman Joseph Dzwil. Mayor Buccellato questioned the number of hours. Mrs. Montfort stated these were the correct number and had confirmed with the Payroll Clerk and Lt. Gallo. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-07
AMENDING RESOLUTION 12-11-11
APPROVING REQUEST TO CARRY VACATION TO 2013
PATROLMAN JOSEPH DZWIL**

WHEREAS, Patrolman Joseph Dzwil currently has 404 hours of unused vacation for the year 2012, and is requesting eighty-four (84) hours be carried over to the year 2013.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that Patrolman Joseph Dzwil's request to carry eighty-four (84) hours of unused vacation for the year 2012 over to the year 2013 is hereby approved.

BE IT FURTHER RESOLVED by the Council of the Borough of Matawan that Patrolman Joseph Dzwil

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has agreed if he should retire in 2013, he will utilized the eighty-four (84) vacation hours prior to any payout governed by the PBA contract.

Mayor Buccellato read by title Resolution 12-12-08: Authorizing the Matawan Police Department Senior Commanding Officer to Charge to Advertise, Interview and Make Recommendations for Special Police. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-08
AUTHORIZING THE MATAWAN POLICE DEPARTMENT
SENIOR COMMANDING OFFICER IN CHARGE
TO ADVERTISE, INTERVIEW AND MAKE RECOMMENDATIONS
FOR SPECIAL POLICE**

WHEREAS, the Senior Commanding Officer in Charge, Lt. Jason Gallo, has recommended the Governing Body authorize the hiring of Special Police; and

WHEREAS, the Governing Body desires to hire Special Police.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that the Senior Commanding Officer in Charge, Lt. Jason Gallo, is hereby authorized to advertise, interview and make recommendations for Special Police.

Mayor Buccellato read by title Resolution 12-12-09: Release of Escrow for Sprint Spectrum – Block 119, Lots 1 and 62. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-09
RELEASE OF ESCROW FOR
SPRINT SPECTRUM
BLOCK 119, LOTS 1 & 62**

WHEREAS, Motorola Sprint has requested the release of escrow in the amount of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) posted for their site on Wilson Avenue, Borough of Matawan, Block 119, Lots 1 & 62, June 29, 2007, as required by the Borough of Matawan; and

WHEREAS, though this escrow was posted the project did not proceed and the total amount of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) posted escrow remains.

NOW, THEREFORE, BE IT RESOLVED, the Council of the Borough of Matawan hereby approves the release of the total escrow balance in the amount of Two Thousand Five Hundred Dollars and No Cents (\$2,500.00) posted by Spring Spectrum.

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CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of this date the escrow balance for Sprint Spectrum is Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

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 6, 2012

Mayor Buccellato read by title Resolution 12-12-10: Authorizing Borough Engineer for Engineering/Design, Survey, Construction, Administration and Observation Services – Park Avenue Sanitary Sewer Rehabilitation. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

***RESOLUTION 12-12-10
AUTHORIZING BOROUGH ENGINEER FOR
ENGINEERING/DESIGN, SURVEY, CONSTRUCTION ADMINISTRATION AND OBSERVATION
SERVICES
PARK AVENUE SANITARY SEWER REHABILITATION***

WHEREAS, the Borough of Matawan requires work be performed for the Park Avenue Sanitary Sewer Rehabilitation; and

WHEREAS, the Mayor and Council of the Borough of Matawan received an estimate from Robert R. Keady, PE, CME of T&M Associates, Borough Engineer, for professional services for professional engineering/design, survey, construction administration and observation services associated with the Park Avenue Sanitary Sewer Rehabilitation as outlined in its attached letter of September 18, 2012.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby awards the contract for the professional services to T&M Associates for professional engineering/design, survey, construction administration and observation services associated with the Park Avenue Sanitary Sewer Rehabilitation in an amount not to exceed Twenty Nine Thousand Two Hundred Fifty Dollars and No Cents (\$29,250.00).

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-06-55-558-100 Budget of the Borough of Matawan to T&M Associates for professional engineering/design, survey, construction administration and observation services associated with the Park Avenue Sanitary Sewer Rehabilitation for the Borough of Matawan in an amount not to exceed Twenty Nine Thousand Two Hundred Fifty Dollars and No Cents (\$29,250.00).

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 6, 2012

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

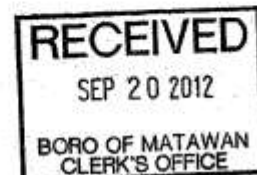


MATN-G1201

September 18, 2012

C-m+6

Jean Montfort, RMC, Borough Clerk
Borough of Matawan
201 Broad Street
Matawan, New Jersey 07747



**Re: Park Avenue Sanitary Sewer Replacement
Proposal for Engineering Services During Construction**

Dear Ms. Montfort:

T&M Associates (T&M) is pleased to submit our proposal for Engineering Services during Construction for the Borough of Matawan's Park Avenue Sanitary Sewer Replacement project. The proposed sanitary sewer replacement and rehabilitation work is entirely located in the back of several residential properties located between Park Avenue and Little Street. Given the recent emergency sewer repair work performed just off the bridge on Little Street, we understand the importance of completing this project in a timely manner with minimal disruption to area residents. Our staff has extensive experience with pipeline replacement/rehabilitation and understands the challenges such projects present.

The proposed scope of services will extend from bidding through the following anticipated construction period of forty-five (45) calendar days from the issuance of the Notice to Proceed:

A. Bidding Services

1. T&M will coordinate with the Borough to prepare a bidding schedule and forward a bid advertisement to the Borough for publication. During the bid period T&M will respond to bidder inquiries and prepare an addendum, if required. If design changes or plan modifications are required, the CAD drawing files would need to be provided to T&M and an additional fee may be required if the modifications needed are significant in nature.
2. T&M will attend the bid opening, review bids, and prepare a recommendation of contract award for Borough action. Please note that we request that the design engineer will provide twenty (20) copies of signed and sealed bid documents for use during the bid period.

B. Contract Administration

1. Prepare contract documents for review and execution by the Borough and its Attorney, review bonds and insurance for compliance with the contract, and coordinate contract execution.

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**Le: Jean Montfort, RMC, Borough Clerk
Borough of Matawan**

**Re: Park Avenue Sanitary Sewer Replacement
Proposal for Engineering Services During Construction**

2. Arrange, prepare for and attend a preconstruction meeting with the contractor, police department, utility companies, and Borough personnel. T&M will prepare minutes of the discussion held at this meeting.
3. Review and respond to requests for clarification and interpretation as presented in a request for information form (RFI).
4. Review payment requests submitted by the Contractor and prepare payment certificates for Borough review and approval.
5. Review construction claims submitted by Contractor and prepare change orders certificates as warranted for Borough review and approval.
6. Conduct contract closeout of the project, once all work has been completed and all closeout documentation, including bonds, operation and maintenance manuals and as-built drawings have been submitted and approved.

C. Shop Drawings

1. Review shop drawings and submittals required by the contract documents. Two marked up sets will be returned to the contractor. This proposal also includes the review of one re-submittal to respond to comments in the initial submittal. Partial or incomplete submittals will be returned without review.

D. Field Observation

1. Provide the services of a qualified resident project representative (RPR) for on-site construction observation during the construction period. Daily time spend on site will vary depending upon construction activities; however, it is assumed that the RPR will be on-site on a part time basis for any lining or manhole/pipe rehabilitation and be on-site on a full time basis for all manhole/pipe replacement work.
2. The RPR will attend job meetings, prepare punch lists, review payment estimates and change order claims, if any, and prepare appropriate communications with the contractor.
3. A final inspection will be conducted with Borough personnel at the completion of construction and final punch list will be developed. A final quantity adjustment change order will also be reviewed.

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Le: Jean Montfort, RMC, Borough Clerk
Borough of Matawan

Re: Park Avenue Sanitary Sewer Replacement
Proposal for Engineering Services During Construction

FEE

Our engineering fee for the above bidding, contract administration, shop drawing and field observation services is estimated to be \$24,250, as shown below in the fee breakdown on a per task basis:

Task A – Bidding Services	\$ 3,500
Task B – Contract Administration	\$ 5,000
Task C – Shop Drawings	\$ 2,250
Task d – Field Observation	<u>\$13,500</u>
	\$24,250

Design Coordination Allowance

Additionally, included is an allowance to pay for design engineer support/assistance during the project. This allowance will be utilized on an as needed basis for assistance in responding to RFIs or clarifications where in the design intent is not clear or not included in the construction documents.


Task E – Design Coordination Allowance	\$5,000
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The total engineering fee, including the allowance is estimated to be in the amount of **\$29,250**, to be billed in accordance with our standard municipal billing rates in effect during the period of the contract.

Should you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

T&M ASSOCIATES


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

RRK:RRS:dk
cc: Mayor Paul Buccellato

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Mayor Buccellato read by title Resolution 12-12-11: 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 Councilman Urbano. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 12-12-11
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	Account Number	<u>Transfer To:</u> Amount of Transfer
2-01-20-130-200 Finance Other Expenses	\$1,000.00	2-01-20-130-100 Finance Salary & Wages	\$1,000.00
2-01-20-150-200 Tax Assessor Other Expenses	\$100.00	2-01-20-150-100 Tax Assessor Salary & Wages	\$100.00
2-01-22-195-200 Construction Other Expenses	\$5,000.00	2-01-25-265-100 Fire Prevention Salary & Wages	\$5,000.00
2-01-26-290-200 Streets & Roads Other Expenses	\$15,000.00	2-01-26-290-100 Streets & Roads Salary & Wages	\$15,000.00
2-01-27-335-200 Environmental Other Expenses	\$22.00	2-01-26-305-100 Garbage Salary & Wages	\$22.00
2-01-30-415-200 Accumulated Sick Leave Other Expenses	\$9,000.00	2-01-25-240-100 Police Salary & Wages	\$9,000.00
2-01-25-240-200 Police Other Expenses	\$50,000.00	2-01-25-240-100 Police Salary & Wages	\$50,000.00
2-01-43-490-200 Court Other Expenses	\$4,000.00	2-01-25-240-100 Police Salary & Wages	\$4,000.00
2-01-43-490-100 Court Salary & Wages	\$8,000.00	2-01-25-240-100 Police Salary & Wages	\$8,000.00
2-01-20-110-100 Mayor & Council Salary & Wages	\$5,000.00	2-01-25-240-100 Police Salary & Wages	\$5,000.00
2-01-22-200-100 Property Maintenance Salary & Wages	\$2,000.00	2-01-25-240-100 Police Salary & Wages	\$2,000.00
2-01-27-300-200 Bd of Health Other Expenses	\$8,000.00	2-01-25-240-100 Police Salary & Wages	\$8,000.00
2-01-43-490-200 Public Defender	\$3,700.00	2-01-25-240-100 Police	\$3,700.00

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<i>Other Expenses</i>		<i>Salary & Wages</i>	
2-01-20-110-200	\$5,000.00	2-01-25-240-100	\$5,000.00
Borough Clerk		Police	
Other Expense		Salary & Wages	
2-01-20-175-200	\$6,000.00	2-01-25-240-100	\$6,000.00
Historical Sites		Police	
Other Expense		Salary & Wages	
2-01-20-165-200	\$9,000.00	2-01-25-240-100	\$9,000.00
Engineering		Police	
Other Expense		Salary & Wages	

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 12-12-14: Resolution Granting an Easement and Right-Of-Way Agreement to the New Jersey Natural Gas Company. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-12-14
RESOLUTION GRANTING AN EASEMENT AND
RIGHT-OF-WAY AGREEMENT TO THE
NEW JERSEY NATURAL GAS COMPANY**

WHEREAS, the Borough of Matawan is the owner of property known as the Matawan Water Filtering Plant located at 54½ Middlesex Road, in the Borough of Matawan, County of Monmouth, State of New Jersey, more commonly known as Block 71, Lot 16 on the Tax Map and records of the Borough of Matawan; and

WHEREAS, the Borough of Matawan is a Municipal Corporation of the State of New Jersey and is desirous in effectuating improvements to the Matawan Filtering Plant, which will necessitate work being undertaken on the said property by the New Jersey Natural Gas Company, a Corporation of the State of New Jersey and a public utility company, with offices located at 1415 Wyckoff Road in the Township of Wall, County of Monmouth, State of New Jersey; and

WHEREAS, in order for the improvements to be undertaken, the Borough of Matawan will require the New Jersey Natural Gas Company to effectuate a proposed gas utility improvement to the property that necessitates a gas utility easement for Block 71, Lot 16, further identified as an easement that is contained in a survey prepared by the New Jersey Natural Gas Company reflecting the property as being located at Block 71, Lot 16, further located and recited in Deed Book 8089, Page 9185 and recorded on March 11, 2002; and

WHEREAS, the proposed easement is identified in the gas utility easement survey of the New Jersey Natural Gas Company and prepared by Engineer Craig Normandin, which survey is attached hereto as Exhibit A; and

WHEREAS, the approximate location of the easement is a ten-foot wide gas utility easement as identified in Exhibit A; and

WHEREAS, it is reasonably necessary to effectuate the easement for the use of the New Jersey Natural Gas Company for the Borough of Matawan to undertake the proposed improvements to said property.

NOW, THEREFORE, BE IT RESOLVED that for \$1.00 and good and valuable consideration the Governing Body of the Borough of Matawan herewith grants an easement and right-of-way agreement for the New

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Jersey Natural Gas Company to undertake the improvements with respect to the easement depicted in Exhibit A for Block 71, Lot 16 in the Borough of Matawan and authorizes the Mayor of the Borough of Matawan to execute any and all easement and right-of-way agreements that are proposed, as reviewed by the Borough Attorney, for the effectuation of said purpose and for the public of the Borough of Matawan to be provided increased services and use of the Matawan Filtering Plant.

BE IT FURTHER RESOLVED that the original of the within resolution be attached to the easement and right-of-way agreement for possible filing, if necessary, by the New Jersey Natural Gas Company and certified copies be provided to the New Jersey Natural Gas Company and the Monmouth County Planning Board.

Easement and Right of Way Agreement

IN CONSIDERATION OF One Dollar (\$1.00) paid to the **Borough of Matawan**, a municipal corporation of New Jersey, (hereinafter referred to as "**Grantor**"), whose address is 201 Broad Street, Matawan, New Jersey 07747, by **New Jersey Natural Gas Company**, a corporation of the State of New Jersey (hereinafter referred to as "**Grantee**"), with offices at 1415 Wyckoff Road, Wall, New Jersey 07719, the receipt and sufficiency of which is hereby acknowledged, the undersigned Grantor does hereby grant, sell and convey unto said Grantee, its successors and assigns forever, an easement and right-of-way in, upon, under and through certain lands and premises, described below, being in the Borough of Matawan, County of Monmouth, State of New Jersey, more specifically described in Deed recorded in the Monmouth County Clerk's Office on March 11, 2002 in **Deed Book OR-8089, Page 9195**, and also known as **Block 71, Lot 16** on the Tax Map and records of said Borough of Matawan (more commonly referred to as the Matawan Filtering Plant, 54 ½ Middlesex Road, Matawan, New Jersey).

This easement and right-of-way shall include the rights and privileges hereby granted to construct within said land, and to excavate, reconstruct, operate, maintain, inspect, test, repair, alter, replace, move, remove, change the size of, and abandon in place, a pipeline¹ or pipelines desired by Grantee, for the transportation of gas transportable by pipeline or for other purposes.

Grantee shall have the right of ingress and egress over and on said land for all the foregoing purposes, at convenient points for the exercise of the rights and privileges herein granted. Grantee covenants that the surface of the land shall be restored by the Grantee, to the same condition, as nearly as practicable, as it may have been prior to the undertaking of any such work.

The aforesaid easement and right of way shall run as follows:

An Easement and Right-of-Way ten (10) feet in width extending five (5) feet on each side of the centerline of the natural gas line(s) installed approximately as depicted on the New Jersey Natural Gas Company Drawing No. RW-7272475-B attached hereto as Exhibit A and made a part hereof.

Grantor hereby reserves the right to use said land, the subject of this agreement, in such a manner that will not prevent or interfere with the exercise by Grantee of its rights hereunder; provided, however, that Grantor shall not construct nor permit to be constructed, any house, building or other structure or improvement on, over or within said easement and right-of-way, which may, in the sole judgment of the Grantee, interfere in any way with the installation, construction, maintenance, repair, replacement, removal or other safe operation of any gas facilities installed or to be installed pursuant to this Agreement without the express prior consent of the Grantee. If Grantor plants or permits to be planted any trees, shrubbery or vegetation other

¹ The term *pipeline* shall also include such surface or subsurface pipeline appurtenances and facilities as are necessary or convenient, in the judgment of Grantee, for the operation or maintenance of any such pipeline.

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than grass, on the subject land, Grantee may remove same in order to exercise the rights and privileges conveyed herein, without compensation or restitution to Grantor. In addition, Grantee shall have the right from time to time to cut all trees, undergrowth and other obstructions that, in its judgment, may injure, endanger or interfere with the exercise by Grantee of the rights, privileges and easements herein granted.

The Grantor warrants, covenants and represents that it is lawfully seized and possessed of the lands hereinabove described, and that it has good and lawful right and title to grant and convey the easement and right-of-way described in this Agreement.

The easement and right-of-way herein granted shall run with the lands and shall be binding on the parties hereto, their heirs, assigns, and successors in title or interest in perpetuity. Grantee may, in its discretion and at its convenience, release said easement and right-of-way by an instrument in writing duly recorded.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of this Agreement may require.

Wherever in this Agreement any part shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation.

IN WITNESS WHEREOF, the Parties have duly executed this Agreement as of the day and year written below.

GRANTEE:
New Jersey Natural Gas Company

BY: _____/_____
Craig A. Lynch (Date)
Vice President - Energy Delivery

Attest:

BY: _____/_____
Rhonda M. Figueroa (Date)
Corporate Secretary

GRANTOR:
Borough of Matawan

BY: _____/_____
(print name) (Date)

(print title) _____

Attest or Witness²:

BY: _____/_____
(print name) (Date)

(print title) _____

STATE OF NEW JERSEY)

² If Corporation, must be Attested and Corporate Seal must be affixed.

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) SS.:
COUNTY OF MONMOUTH)

Be it remembered that on this _____ day of _____, 2012, before me, the subscriber, a Notary Public, personally appeared _____, who I am satisfied is the _____ of the *Borough of Matawan*, the Grantor named in the foregoing instrument; that said instrument was signed and delivered by _____, the _____ of the Grantor, and that said _____ acknowledged that he/she signed and delivered said instrument as the voluntary act of said Grantor, and that deponent affixed his/her name to said instrument as an attesting witness to the execution thereof.

Signature of Attesting Witness

Print Name of Attesting Witness

Sworn and subscribed to before me
at _____, New Jersey, on
the date aforesaid.

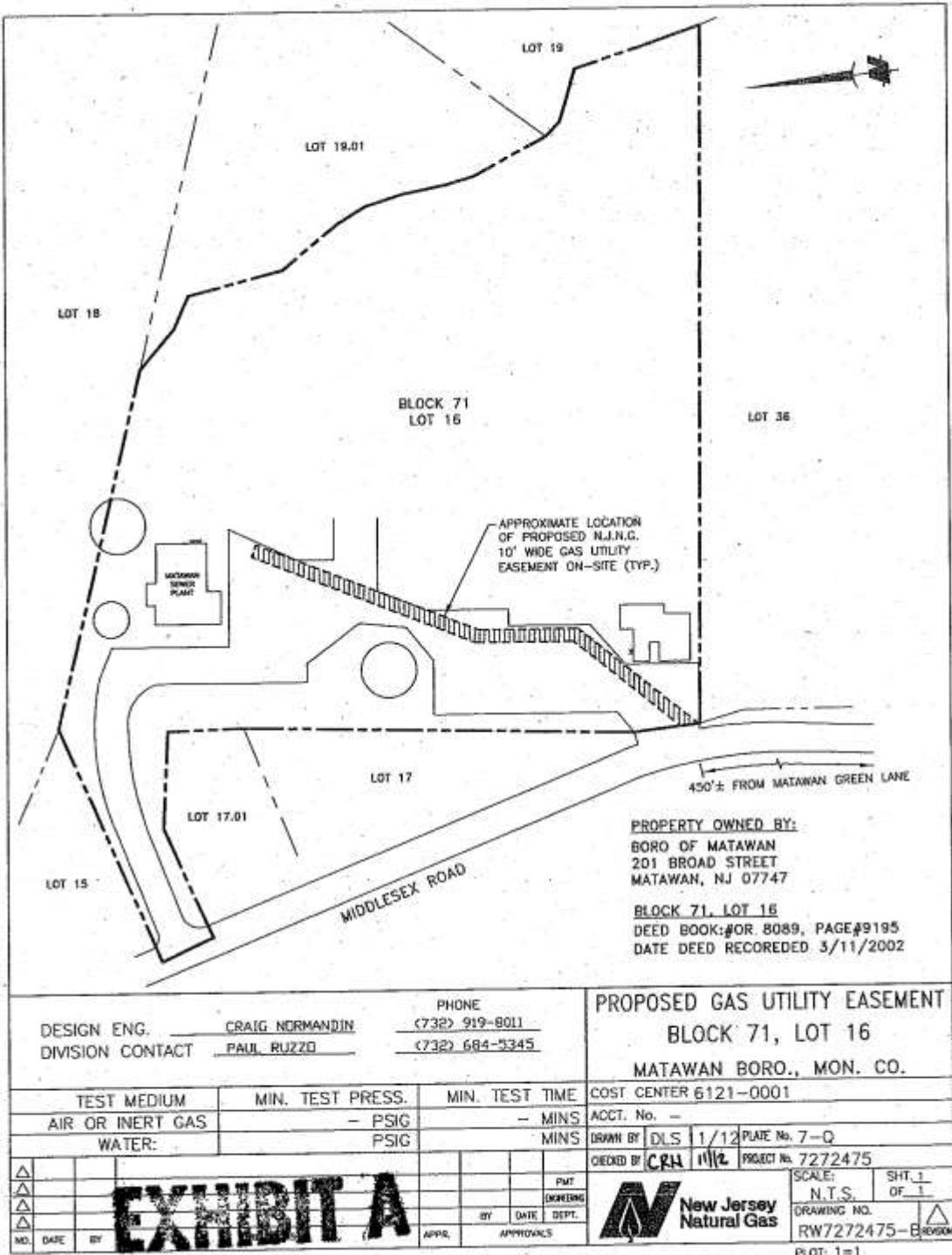
Notary Public of New Jersey

Be it remembered that on this ____ day of _____, 2012 before me, the subscriber, a Notary Public of New Jersey, personally appeared **Rhonda M. Figueroa**, being duly sworn, made proof to my satisfaction, that she is Secretary of New Jersey Natural Gas Company, the Grantee named in the foregoing instrument; that she well knows the corporate seal of said corporation; that the seal affixed to said instrument is the corporate seal of said corporation; that said instrument was signed and delivered by Craig A. Lynch, Vice President – Energy Delivery of said corporation, and that Mr. Lynch acknowledged that he signed and delivered said instrument as the voluntary act of said corporation, and that deponent affixed her name to said instrument as an attesting witness to the execution thereof.

Sworn and subscribed before me
at Wall Township, New Jersey, on
the date aforesaid.

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Mayor Buccellato read by title Resolution 12-12-12: Payment of Bills. Upon recommendation by Jake Applegate, Superintendent of Public Works, Councilman Urbano requested payment to Vendor 13220 - Greenleaf Landscape, be withheld. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 12-12-12
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>\$1,230,948.95</i>
<i>Water & Sewer</i>	<i>\$100,600.89</i>
<i>Water Capital</i>	<i>\$537,406.70</i>
<i>Grant</i>	<i>\$2,141.60</i>
<i>Borough Trust</i>	<i>\$28,502.20</i>
<i>Developers Escrow Account</i>	<i>\$74.50</i>
<i>Dog Tax Trust</i>	<i>\$12.00</i>
<i>Railroad Parking Trust</i>	<i>\$11,502.00</i>
<i>Recreation Trust</i>	<i>\$3,924.00</i>
<i>Total</i>	<i>\$1,915,112.84</i>

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Jeremiah E. Hourihan, Sr., 13 Edgewater Drive, Matawan. Mr. Hourihan urged all Council members to work together in the New Year regardless of party differences citing the unfortunate loss of Councilman Lopez. He informed of resident approval of Council performance before, during and after Hurricane Sandy.

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 7:20 PM.

(signature on file)

Jean B. Montfort, RMC
Municipal Clerk