

**Borough of Matawan
Public Session
November 20, 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, Matawan, New Jersey on November 20, 2012. The meeting was called to order at 7:00 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in *The Independent* on January 12, 2012, by sending notice to the *Asbury Park Press*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Councilpersons Angelini, Clifton and Fitzsimmons were not in attendance.

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

Mayor Buccellato asked everyone to stand for a moment of silence asking to keep all those devastated by Hurricane Sandy in their thoughts at this Thanksgiving season.

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 October 16, 2012. Councilman Lopez made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Privilege of the Floor – Agenda Items Only

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

There were no comments.

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

Mayor Buccellato announced that Resolutions 12-11-07, 12-11-12, 12-11-14 and 12-11-15 would be held until the December 6, 2012 meeting.

Old Business

Mayor Buccellato informed Ordinance 12-18: Ordinance Amending Chapter 2, Administration, of the Code of the Borough of Matawan – Establishing a Disability Accessibility Committee – Chapter 2-40 will be held until the December 6, 2012 meeting.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-11-02 through and including 12-11-06 requesting a motion to adopt en masse. Councilman Urbano made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

**RESOLUTION 12-11-02
REDEMPTION OF TAX SALE CERTIFICATE
MTAG SERVICES AS CUST FOR ATCF II NEW JERSEY, LLC
CERTIFICATE #11-00013**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00013 which was sold to MTAG Services as Cust for ATCF II New Jersey, LLC, PO Box 54292, New Orleans, LA 70154-4292; and

WHEREAS, Certificate #11-00013 has been paid and fully redeemed for the property owner, Block 11, Lot 31.02 otherwise known as 20 Johnson Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$11,500.86 and a Premium of \$5,000.00 to the above for the redemption of Tax Sale Certificate #11-00013.

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

**RESOLUTION 12-11-03
APPROVING TAXI DRIVER LICENSE
JUAN G. CASTRO-SERRANO**

WHEREAS, Juan G. Castro-Serrano, has passed the required Police Department background checks; and

WHEREAS, Juan G. Castro-Serrano, 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: Juan G. Castro-Serrano
349 Maple Place
Keyport, New Jersey 07735*

**RESOLUTION 12-11-04
APPROVING TAXI DRIVER LICENSE
HENRY K. CHAN**

WHEREAS, Henry K. Chan, has passed the required Police Department background checks; and

WHEREAS, Henry K. Chan, 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: Henry K. Chan
723 Shore Conference
Cliffwood Beach, New Jersey 07735-5171*

**RESOLUTION 12-11-05
APPROVING TAXI DRIVER LICENSE
SYED A. HUSSAIN**

WHEREAS, Syed A. Hussain, has passed the required Police Department background checks; and

WHEREAS, Syed A. Hussain, 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: Syed A. Hussain
400 Matawan Avenue. Apt. 304A
Cliffwood, New Jersey 07721-1260*

RESOLUTION 12-11-06

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

***APPROVING TAXI DRIVER LICENSE
YAMIN M. SHAWESH***

WHEREAS, Yamin M. Shawesh, has passed the required Police Department background checks; and

WHEREAS, Yamin M. Shawesh, 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: Yamin M. Shawesh
28 E. Front Street, 2nd Fl.
Keyport, New Jersey 07735-1543*

New Business

Mayor Buccellato read by title Resolution 12-11-08: A Resolution Regarding 2013 Reorganization Meeting of the Governing Body. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

***RESOLUTION 12-11-08
A RESOLUTION REGARDING
2013 REORGANIZATION MEETING OF THE GOVERNING BODY***

BE IT RESOLVED by the Governing Body of the Borough of Matawan that the reorganization of the Mayor and Council of the Borough of Matawan is hereby scheduled for Tuesday, January 1, 2013 at 12:00 Noon in the Matawan Community Center, 201 Broad Street, Matawan, New Jersey.

BE IT FURTHER RESOLVED that the agenda for this meeting shall be the reorganization of the Governing Body of the Borough, including appointments and such other matters as may come before the Governing Body. Formal action will be taken.

BE IT FURTHER RESOLVED that the Clerk caused notice of this meeting to be appropriately posted and to be given to be published in one of the official newspapers of the Borough.

Mayor Buccellato read by title Resolution 12-11-09: Authorizing the Waiver of Fees – First Presbyterian Church. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Urbano

No: Councilman Lopez as there is no amount reflected in the Resolution

Motion passed.

***RESOLUTION 12-11-09
AUTHORIZING THE WAIVER OF FEES
FIRST PRESBYTERIAN CHURCH***

WHEREAS, the First Presbyterian Church has applied to the Borough of Matawan for a construction permit for a new sign; and

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

***WHEREAS**, the First Presbyterian Church has applied to the Borough of Matawan for a electrical permit for a new sign; and*

***WHEREAS**, the First Presbyterian Church 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 for construction and electrical permits for a new sign.*

Mayor Buccellato read by title Resolution 12-11-10: Authorizing the Waiver of UCC Construction Fees – Damages from Hurricane Sandy. Mayor Buccellato requested a motion. Councilwoman Gould made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

**RESOLUTION 12-11-10
AUTHORIZING THE WAIVER OF UCC CONSTRUCTION FEES
DAMAGES FROM HURRICANE SANDY**

***WHEREAS**, various properties within the Borough of Matawan sustained damages from Hurricane Sandy; and*

***WHEREAS**, these damages have added a financial hardship on the property owners here within the Borough; and*

***WHEREAS**, the Mayor and Council wishes to lighten the financial hardship on the property owners by waiving the UCC Construction fees for permits for work made necessary by Hurricane Sandy damage; and*

***WHEREAS**, the Department of Community Affairs, Division of Codes and Standards has advised all municipalities pursuant to N.J.A.C. 5:23-4.19(b)6, if the municipality waives the UCC Construction fees for permits for work made necessary by Hurricane Sandy damage, then the State permit surcharge fee is also waived.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, that they hereby authorize the waiver of the Borough of Matawan UCC Construction fees for various properties within the Borough of Matawan which sustained damages from Hurricane Sandy.*

***BE IT FURTHER RESOLVED** by the Council of the Borough of Matawan that John Quinn, the Construction Official, or his representative will review all applications for completeness and accuracy.*

Mayor Buccellato read by title Resolution 12-11-11: Approving Request to Carry Vacation to 2013 Patrolman Joseph Dzwil. Mayor Buccellato informs the Resolution needs to be revised to reflect a revision of two twelve hour days less. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

**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*

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

requesting seventy (70) 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 seventy (70) 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 has agreed if he should retire in 2013, he will utilized the seventy (70) vacation hours prior to any payout governed by the PBA contract.

Mayor Buccellato read by title Resolution 12-11-13: Fair and Open Request for Qualification for Professional Services and to Direct the Clerk to Advertise for Requests for Qualifications under the Fair and Open Process. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

***RESOLUTION 12-11-13
FAIR AND OPEN REQUEST FOR QUALIFICATION FOR PROFESSIONAL SERVICES AND TO DIRECT
THE CLERK TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS UNDER THE FAIR AND OPEN
PROCESS***

WHEREAS, the Borough of Matawan has elected to undertake the appointment of a Municipal Prosecutor pursuant to the State authorized Fair and Open Process promulgated by the State of New Jersey for professional services for various professionals for the Borough of Matawan; and,

WHEREAS, the statutory enactment of the Fair and Open Process is guided by the rules and regulations adopted by the State under NJSA 19:44-A20, et seq; and,

WHEREAS, the Governing Body has determined that all professional appointments and candidates who answer and Requests for Qualification for appointments will not include any remuneration as employees of the Borough of Matawan, but all professionals shall be subcontractors of the Borough of Matawan, and that the municipality and will not provide any pension contribution to any of its professionals as part of remuneration; and,

WHEREAS, it is the sense of the Governing Body that professional appointments are confidential appointments of the Governing Body; and therefore, it is the desire of the Council to solicit more candidates for various positions of professional appointments, so that the Council can make a determination submitted under the Requests for Proposals that will be proffered to the Fair and Open Process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that it acts as follows:

1. The Clerk is authorized and empowered to advertise for Requests, pursuant to the Fair and Open.

Mayor Buccellato read by title Resolution 12-11-16: Authorizing the Transfer of Funds from Current and Utility Accounts in the 2012 Budget. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

RESOLUTION 12-11-16

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

***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>		<u>Transfer To:</u>	
Account Number	Amount of Transfer	Account Number	Amount of Transfer
2-01-26-290-200 Streets & Roads Other Expenses	\$10,000.00	2-01-26-290-100 Streets & Roads Salary & Wages	\$10,000.00
2-01-20-165-200 Engineering Other Expenses	\$20,000.00	2-01-20-155-200 Legal Other Expenses	\$20,000.00
2-01-25-275-200 Prosecutor Other Expenses	\$8,750.00	2-01-26-305-200 Garbage Other Expenses	\$8,750.00
2-01-26-300-200 Shade Tree Other Expenses	\$4,000.00	2-01-26-305-200 Garbage Other Expenses	\$4,000.00

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 12-11-18: Borough of Matawan, County of Monmouth Resolution Authorizing Settlement of Office of Administrative Law Review of New Jersey Department of Environmental Protection Action. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

***RESOLUTION 12-11-18
BOROUGH OF MATAWAN, COUNTY OF MONMOUTH
RESOLUTION AUTHORIZING SETTLEMENT OF
OFFICE OF ADMINISTRATIVE LAW REVIEW OF
NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION ACTION***

WHEREAS, the Borough had requested a review by the Office of Administrative Law of an action brought by the New Jersey Department of Environmental Protection concerning implementation of the applicable rules and regulations under the New Jersey PDES Tier A Municipal Stormwater General Permit of April 1, 2004; and

WHEREAS, the Department of Environmental Protection and the Borough of Matawan have resolved their differences;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby authorizes

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

the Mayor to execute a Withdrawal of Request for Administrative Action by the Office of Administrative Law and to execute the Settlement Agreement with the New Jersey Department of Environmental Protection regarding the Borough's appeal of the New Jersey Department of Environmental Protection's Action.

Mayor Buccellato read by title Resolution 12-11-17: Payment of Bills. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
Councilman Lopez
Councilman Urbano

Motion passed.

**RESOLUTION 12-11-17
PAYMENT OF BILLS**

BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, New Jersey. That the following numbered vouchers be paid to the persons therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers and that warrants be issued therefore, directed to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.

Current	\$3,311,672.48
Water & Sewer	\$362,674.32
Borough Capital	\$13,154.24
Water Capital	\$558,143.65
Borough Trust	\$180,729.85
Developers Escrow Account	\$130,373.93
Dog Tax Trust	\$21.60
Law Enforcement Trust	\$1,300.00
Railroad Parking Trust	\$12,951.50
Recreation Trust	\$1,562.84
Unemployment Trust	\$11,187.04
Total	\$4,583,771.45

Mayor Buccellato read a statement “More than three weeks ago Super Storm Sandy made landfall in New Jersey and we all know what happened. Homes destroyed, peoples’ lives changed forever and infrastructure damaged. In Matawan we came together. I would like to take this time to thank our OEM Coordinator, Sgt. Thomas Falco, his first Deputy OEM Coordinator, Rich Michitisch and his second Deputy OEM Coordinator, Timothy Clifton. I would also like to thank the emergency responders and the DPW and, in particular, I would like to point out our volunteer Fire Department. The Fire Department positioned themselves at Washington Engine Company and set up a cooking station to feed the emergency responders and members of our community. This effort could not have happened without the help of two Matawan residents, Bruce McCutchen and Marcus Pettijohn. We thank these individuals for their time and commitment to Matawan. I would also like to thank the Borough Council for their time and support to the Borough and its residents. Last but not least I would like to thank the residents of Matawan. As a community we came together; helped our neighbors and friends and supported each other. I would also like to conclude with a Happy Thanksgiving and please, again, let us not forget those who suffered devastating loss this year from this storm.”

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

David Grippi, 68B Wyckoff Street, Matawan. Mr. Grippi thanked all parties who assisted residents during the Hurricane. Mr. Grippi questioned future tree trimming to avoid future loss of power or home. Mayor Buccellato replied he will request Council to consider an ordinance or

**Borough of Matawan
Public Session
November 20, 2012
7:00 PM**

set aside a line item each budget year to commence tree removal in any right of way between street and sidewalk. Mayor also stated he will inquire with the Borough Attorney as to any possibility to impose repercussions should a resident's tree fall and take down wires causing a service interruption. Ms. Hanlon replied private property rights prohibit most municipal interference but the current Shade Tree Ordinance should be reviewed.

Mr. Grippi then questioned recent correspondence from the Borough Water Department citing water contaminants. Mayor Buccellato reminded of the current water plant rehabilitation and the Ryers Lane water tank has been reconditioned. The notice reflects testing that is four to five months old.

Mr. Grippi commended the Police Department on the loitering issue by the old 7-11 property questioning if the Borough planned on any future ordinance providing direction on the type of businesses for that area. Mayor Buccellato replied no, nothing at this time but Council discussion continue.

Officer Andrew Marsala, PBA President Local 179, resident of 7 Highland Avenue, Matawan. Officer Marsala requested Council begin the hiring process for new officers. With upcoming retirements manpower and overtime will become an issue. Officer Marsala also requested Council diligently pursue the hiring of a qualified Borough Administrator thanking the Mayor who is presently serving in the capacity of Administrator but citing the need for someone at Borough Hall in the day-to-day operations. Mayor Buccellato replied in his conversation last night Lt. Gallo did not raise these issues but will contact Lt. Gallo in this regard.

Rosemary Conte, 4 Eisenhower Court, Matawan. Ms. Conte stated she will send a letter with copy to Councilman Urbano to the US Post Office to accommodate seating for those with disabilities.

Mayor Buccellato closed the Privilege of the Floor.

Engineer's Report

Mayor Buccellato requested an Engineer's Report. Mr. Keady provided an update on the Water Plant Rehabilitation project stating the majority of demolition has been completed with the installation of a concrete pad for the backwash tank. There has been a significant amount of interior work in preparation for the new filter installations as well as ongoing exterior block and brick work.

Mayor Buccellato, on behalf of himself and Council, wished everyone a Happy and safe Thanksgiving.

Adjournment

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

Meeting adjourned at 7:25 PM.

(signature on file)

Jean B. Montfort, RMC
Municipal Clerk