

**Borough of Matawan
Public Session
October 16, 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 October 16, 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
 Councilwoman Angelini
 Councilman Urbano
 Councilwoman Clifton
 Councilman Fitzsimmons

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

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

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

Approval of Minutes

Mayor Buccellato requested a motion to approve the minutes of October 2, 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.

There were no comments.

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

Old Business

Mayor Buccellato read by title Ordinance 12-17: Bond Ordinance Amending Bond Ordinance Number 10-18 Finally Adopted by the Borough Council of the Borough of Matawan, New Jersey on October 19, 2010. Mayor Buccellato requested a motion to open the public hearing. Councilman Lopez 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 Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 12-17: Bond Ordinance Amending Bond Ordinance Number 10-18 Finally Adopted by the Borough Council of the Borough of Matawan, New Jersey on October 19, 2010 requesting a motion to adopt. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Gould
 Councilwoman Angelini

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Councilman Lopez
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**ORDINANCE 12-17
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 10-18 FINALLY ADOPTED BY THE
BOROUGH COUNCIL OF THE
BOROUGH OF MATAWAN, NEW JERSEY
ON OCTOBER 19, 2010**

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

Section 1. The Bond Ordinance of the Borough Council of the Borough of Matawan, in the County of Monmouth, New Jersey (the "Borough") entitled "Bond Ordinance Providing An Appropriation Of \$1,150,000 For Replacement Of Water Mains On Various Streets For And By The Borough Of Matawan In The County Of Monmouth, New Jersey And, Authorizing The Issuance Of \$1,092,500 Bonds Or Notes Of The Borough For Financing Part Of The Appropriation" finally adopted on October 19, 2010 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 3(a) of the Ordinance is hereby amended in its entirety as follows:

"(a) The improvements authorized and the purpose for the financing of which said obligations are to be issued is for replacement of water mains on various roads, including but not limited to, on Rustic Lane, Aberdeen Road, Matawan Avenue, Indian Trail, Fawn Drive, Sutton Drive and Wilson Avenue, and replacement of water meters, including all work materials, necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications on file with the Borough Clerk."

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

Section 4. This Section 4 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,092,500.

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

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

Clerk's Report

No report.

Mayor's Report

Mayor Buccellato requested a motion to support the Presbyterian Church request for a waiver of fees for a signage application. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed. A memorializing Resolution will be presented at the next Council meeting.

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Attorney's Report

No report.

Engineer's Report

Mr. Keady presented a status report on the Water Plant Rehabilitation Project. Mr. Keady informed as instructed, T&M has submitted the Borough's application for the William Street municipal aid grant program to the New Jersey State Department of Transportation.

Personnel, Redevelopment, Main Street, Construction, Community Affairs

Councilwoman Gould reported she and Mr. Hourihan met with Old Bridge Township Mayor Owen Henry to coordinate lake clean up. A follow up meeting with Old Bridge Councilwoman Mary Sohar is to be scheduled. This meeting is open to the public.

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

No report.

Police, Railroad Parking, Library

No report.

Public Works, Water/Sewer, Property Maintenance

Councilman Urbano thanked everyone for the success of Matawan Day.

Councilman Urbano requested Council hold payment for Green Leaf Landscape #13220, the grass cutting service, in order to clear up differences between the Borough and the contractor.

Recreation, Historic Sites, Technnology

Councilwoman Clifton reiterated Councilman Urbano's comments on the success of Matawan Day reminding everyone for upcoming Recreation events, i.e., Halloween and the annual Turkey Trot.

Finance, Sanitation/Recycling

No report.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-10-16 through and including 12-10-20 requesting a motion to adopt en masse. Councilman Lopez 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.

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**RESOLUTION 12-10-16
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR CCTS CAPITAL, LLC
CERTIFICATE #10-00009**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00009 which was sold to US Bank Cust for CCTS Capital, LLC, 2 Liberty Pl., 2 Liberty Pl., 50 S 16th St., Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #10-00009 has been paid and fully redeemed for the property owner, Block 11, Lot 23 otherwise known as 2 Johnson Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$55,067.67 and a Premium of \$4,500.00 to the above for the redemption of Tax Sale Certificate #10-00009.

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

**RESOLUTION 12-10-17
REDEMPTION OF TAX SALE CERTIFICATE
NEW JERSEY LIEN GROUP, LLC
CERTIFICATE #10-00010**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00010 which was sold to New Jersey Lien Group, LLC, 732 Newman Springs Road., Suite 100, Lincroft, NJ 07738; and

WHEREAS, Certificate #10-00010 has been paid and fully redeemed for the property owner, Block 11, Lot 24 otherwise known as Johnson Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$95,311.38 to the above for the redemption of Tax Sale Certificate #10-00010.

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 12-10-18
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00058**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00058 which was sold to Wen Lu, 144-90 41st Avenue, Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00058 has been paid and fully redeemed for the property owner, Block 65.02, Lot 38 otherwise known as 24 Chestnut Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,155.70 and a Premium of \$500.00 to the above for the redemption of Tax Sale Certificate #11-00058.

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

**RESOLUTION 12-10-19
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00093**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00093 which was sold to Wen Lu, 144-90 41st Ave., Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00093 has been paid and fully redeemed for the property owner, Block 119, Lot 4 otherwise known as 17 Center Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,599.54 and a Premium of \$400.00 to the above for the redemption of Tax Sale Certificate #11-00093.

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

**RESOLUTION 12-10-20
APPROVING TAXI DRIVER LICENSE
MOHAMMAD TARIQ**

WHEREAS, Mohammad Tariq, has passed the required Police Department background checks;
and
WHEREAS, Mohammad Tariq, 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: Mohammad Tariq
 5713 Wells Drive
 Parlin, New Jersey 08859

New Business

Mayor Buccellato read by title Resolution 12-10-21: Set Curfew – 2012 Halloween Season. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Lopez. 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 12-10-21
SET CURFEW
2012 HALLOWEEN SEASON**

WHEREAS, the Halloween Season can be dangerous to children walking the streets of the Borough of Matawan after daylight hours; and

WHEREAS, it is the desire of the Borough Council to set a reasonable period to allow for Halloween activities and also to protect its residents; and

WHEREAS, the Police Department of the Borough of Matawan has recommended that curfew be set for persons 16 years, unless accompanied by an adult (18 years or older) or traveling to or from place of employment of age as follows:

- Monday, October 29th from 7:30 PM until 5:00 AM the following day
- Tuesday, October 30th from 7:30 PM until 5:00 AM the following day
- Wednesday, October 31st from 8:30 PM until 5:00 AM the following day

NOW, THEREFORE, BE IT RESOLVED that a curfew be set for persons 16 years of age and under to be off the streets at streets from 7:30 PM to 5:00 AM the following day on October 29 and October 30, 2012 and from 8:30 PM to 5:00 AM the following day on October 31, 2012, unless accompanied by an adult (18 years or older) or traveling to or from place of employment.

Mayor Buccellato read by title Resolution 12-10-22: Release of Cash Performance Bond for American Properties at Matawan, LLC – 59 Freneau Avenue – Block 120, Lots 5, 5.01 and 6. 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.

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

Motion passed.

**RESOLUTION 12-10-22
RELEASE OF CASH PERFORMANCE BOND FOR
AMERICAN PROPERTIES AT MATAWAN, LLC
59 FRENEAU AVENUE
BLOCK 120, LOTS 5, 5.01 & 6**

WHEREAS, on October 29, 2007, American Properties at Matawan, LLC posted Lexon Insurance Company Performance Bond No. 1023902 in the amount of \$2,544,991.92; and

WHEREAS, on November 7, 2007, American Properties posted a Cash Bond in the amount of \$282,776.88 for the development of "The Preserve" condominium project to be done on his property, Block 120, Lots 5, 5.01 & 6, also known as 59 Freneau Avenue; and

WHEREAS, on August 6, 2008, Resolution 08-08-19: Reduction of Performance Guarantee Bond and Escrow Calculation – American Properties at Matawan, LLC – Block 120, Lot 5.01 reduced the Original Performance Bond to \$1,017,996.77 and the Original Cash Bond to \$113,110.75; and

WHEREAS, American Properties has requested the release of the Original Performance and Cash Bonds; and

WHEREAS, Robert Keady, Jr., PE, of T&M Associates has recommended the return of the Original Performance Bond and the release of the Cash Bond with the posting of American Properties at Matawan, LLC's two (2) year Lexon Insurance Company Maintenance Surety Bond #1067522 in the amount of \$424,165.32 posted on February 8, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Matawan hereby approves the return of the Original Performance Bond No. 1023902 and the release of Cash Bond in the amount of One Hundred Fourteen Thousand One Hundred Ninety Two Dollars and Seventy Eight Cents (\$114,192.78) posted by American Properties at Matawan, LLC.

CERTIFICATION FOR RELEASE OF FUNDS

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of the Cash Performance Bond Escrow Account for American Properties balance is approximately One Hundred Fourteen Thousand One Hundred Ninety Two Dollars and Seventy Eight Cents (\$114,192.78).

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: October 16, 2012*

Mayor Buccellato read by title Resolution 12-10-23: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey State Department of Transportation for the William Street Project. Mayor Buccellato requested a motion. Councilman Urbano 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

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Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-10-23
APPROVAL TO SUBMIT A GRANT APPLICATION AND
EXECUTE A GRANT CONTRACT WITH
THE NEW JERSEY STATE DEPARTMENT OF TRANSPORTATION
FOR THE WILLIAM STREET PROJECT**

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2013-Matawan Borough-00327 to the New Jersey Department of Transportation on behalf of the Borough of Matawan.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Matawan and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Mayor Buccellato read by title Resolution 12-10-24: Middlesex Road Water Treatment Plant Improvements Authorizing Change Order No. 2. 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 12-10-24
MIDDLESEX ROAD WATER TREATMENT PLANT IMPROVEMENTS
AUTHORIZING CHANGE ORDER NO. 2**

WHEREAS, T&M Associates has informed the Council that during preparation of the Middlesex Road Water Treatment Plant's existing suction tank dome the exterior walls, the cover and its underside, the interior section, as well as the supporting steel beams are deteriorating and in need of replacement; and

WHEREAS, T&M Associates has informed the Council the best possible approach was to replace the entire top cover with new support beams welded to the top of the suction tank to support the new cover.

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. 2 for the Middlesex Road Water Treatment Plant Improvement, an increase in the amount of Twenty Five Thousand Three Hundred One Dollars and Seventy Five Cents (\$25,301.75).

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

, based upon the recommendations of Robert Keady, T&M Associates, that they hereby authorize Change Order No. 2 for the Middlesex Road Water Treatment Plant Improvement, an increase in the amount of Twenty Five Thousand Three Hundred One Dollars and Seventy Five Cents (\$25,301.75).

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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 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 Twenty Five Thousand Three Hundred One Dollars and Seventy Five Cents (\$25,301.75).

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: October 16, 2012

Mayor Buccellato read by title Resolution 12-10-25: Payment of Bills with the exception of #13220 Green Leaf Landscaping. 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

Motion passed.

***RESOLUTION 12-10-25
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 to the Borough Collector signed by the Mayor and attested by the Borough Clerk as required by law.

<i>Current</i>	<i>\$391,565.36</i>
<i>Water & Sewer</i>	<i>\$46,203.80</i>
<i>Borough Capital</i>	<i>\$25,000.00</i>
<i>Borough Trust</i>	<i>\$18,119.41</i>
<i>Developers Escrow Account</i>	<i>\$1,514.25</i>
<i>Dog Tax Trust</i>	<i>\$3,060.00</i>
<i>Railroad Parking Trust</i>	<i>\$13.75</i>
<i>Total</i>	<i>\$485,476.57</i>

Mayor Buccellato introduced Al Savolaine, Historical Sites Vice Chairman, who gave a report on houses and buildings in Matawan over 100 years old.

Mr. Savolaine related the upcoming weekend tour of Rose Hill Cemetery.

Council thanked Mr. Savolaine on his extended research and effort.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

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Kevin Mendes, 165 Broad Street, Matawan. Mr. Mendes stated his position of charging businesses not residents for parking at municipal lots.

Angelo Gallego, Jr., 29 Park Avenue, Matawan. Mr. Gallego read and submitted his letter to Mayor and Council against charging for parking.

Councilwoman Gould stepped off the dais 7:26 PM returning at 7:28 PM.

Mary Aufsesser, 103 Broad Street, Matawan. Ms. Aufsesser reiterated Messrs. Mendes and Gallego's opinion citing other municipalities' procedure for handling the same issue.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

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

Meeting adjourned at 7:40 PM.

(signature on file)

Jean B. Montfort, RMC
Municipal Clerk