

**Borough of Matawan
Workshop Session
October 2, 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 October 1, 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 was Pasquale Menna, Esq., Borough Attorney.

Mayor Buccellato asked everyone to stand for a moment of silence keeping in mind Firefighter Clifton.

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 September 18, 2012. Councilman Lopez made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed.

Mayor Buccellato informed of a change in the order of the Agenda.

Old Business

Mayor Buccellato read by title Ordinance 12-15: Amending Chapter 34 – Development Regulations of the Code of the Borough of Matawan Creating a New Mixed Use Development (MUD) District. Mr. Menna reminded this was the second and continued public hearing for this Ordinance. A memorialized resolution reflecting comments and approval was received from the Borough of Matawan Unified Planning/Zoning Board of Adjustments. Mayor Buccellato requested a motion to open the public hearing. Councilwoman Clifton made the motion, seconded by Councilwoman Angelini. 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 Councilwoman Clifton. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 12-15: Amending Chapter 34 – Development Regulations of the Code of the Borough of Matawan Creating a New Mixed Use Development (MUD) District. Mayor Buccellato requested a motion to adopt. Councilman Lopez made the motion, seconded by Councilwoman Angelini.

Councilman Fitzsimmons expressed concern over the five story height limitation.

John Maczuga, Planner, T&M Associates, stated he had been involved with the drafting of this ordinance and it does allow for a five story building. Councilman Lopez stated the ordinance states you can build up to a five story building. Mayor Buccellato related the PZ Board six month review they wanted to include allowing for a five story building because at that point the building is then construction out of steel framing and masonry, which can happen in a four story building. Mr. Maczuga stated that they also wanted to ensure that there were elevators in the building and also an attempt to block the view of the power lines. Councilman Lopez stated the

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fire department had reviewed the ordinance and felt that with the fire truck that we are purchasing there would not be a problem. Mayor Buccellato stated the ordinance also has in provisions for set-backs so one would not even notice the five stories. Mr. Maczuga stated it is required that the building façade be “stepped” look to avoid a big box façade. Mr. Maczuga stated the Planning/Zoning Board did an excellent job in adding features to the ordinance. He stated this area is currently zoned Industrial, this change is long overdue.

Mayor Buccellato requested a motion to close the Public Hearing. Councilman Lopez made the motion, seconded by Councilwoman Clifton. Mayor Buccellato read by title on third and final Ordinance 12-15: Amending Chapter 34 – Development Regulations of the Code of the Borough of Matawan Creating a New Mixed Use Development (MUD) District. 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.

**ORDINANCE 12-15
AMENDING CHAPTER 34 – DEVELOPMENT REGULATIONS
OF THE CODE OF THE BOROUGH OF MATAWAN
CREATING A NEW MIXED USE DEVELOPMENT (MUD) DISTRICT**

Section 1. *Section 34-57, Zone Districts, is hereby amended to add a new zone district as follows:*

MUD Mixed Use Development District

Section 2. *Section 34-58, Zoning Map, is hereby amended to add a new subsection c. as follows:*

c. Amendment to Zoning Map. The Zoning Map is amended to change the zoning district designation of Block 40, Lots 6 and 7 to MUD, Mixed Use Development.

Section 3. *A new Section 34-73.1 is hereby created as follows:*

34-73.1 MUD – MIXED USE DEVELOPMENT DISTRICT

a. Purpose:

The purpose of the Mixed Use Development District is to promote the development of compact, self-contained, transit oriented, mixed use development that incorporates both non-residential and multi-family residential development compatible with adjoining residential, non-residential and public areas.

b. General Requirements:

- 1. The Mixed Use Development shall provide for an overall architectural theme for all buildings and site amenities, e.g. signage, lighting, and streetscape improvements, within the development, in accordance with the standards set forth in subsection i. below.*
- 2. The layout of the Mixed Use Development provides for internal pedestrian circulation and connection to off-site pedestrian features.*
- 3. The Mixed Use Development shall provide amenities and features to promote and encourage the use of non-automobile and public transportation, such as bicycle racks, taxi stops, bus shelters, commuter drop off areas, etc. The provision of shuttle service to the train station shall be required, and any approval of a mixed use development shall set forth standards and conditions for such service and the discontinuance of such service in the event of lack of ridership or other cause beyond the control of the owner.*

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4. *All development within the Mixed Use Development District shall contain both a residential and non-residential component. A minimum of fifty percent (50%) of the total floor area of the mixed use development shall be utilized for residential use.*
- c. *Permitted Principal Uses:*
1. *Multi-family residential development in mixed use buildings only and further provided no living area shall be located on the ground level;*
 2. *Municipal offices, civic centers, and community facilities;*
 3. *Business and commercial uses as follows, provided that no individual non-residential use or user within a mixed use building shall exceed 10,000 square feet in gross floor area:*
 - a) *Retail sales limited to the following: prepared and packaged food; furniture and home furnishings; antiques; jewelry; electronics; books and stationary; drug stores; health and beauty products; music and musical instruments; clothing and accessories; and sporting goods;*
 - b) *Personal service establishments limited to the following: real estate; insurance; banking and financial services; legal; engineering; architecture; accounting; medical; barber and beauty shops; credit agencies; servicing and repair of electronics; mail and shipping services, education and learning centers; and dance and martial arts schools;*
 - c) *Banks and financial services;*
 - d) *General business offices;*
 - e) *Medical offices, excluding veterinarians;*
 - f) *Restaurants, excluding drive-up and drive-through facilities; delicatessens;*
 - g) *Government offices and services;*
 - h) *Bars and taverns, but excluding nightclubs;*
 - i) *Sports and fitness centers; and*
 - j) *Child and adult day care facilities.*
- d. *Permitted Accessory Uses and Structures:*
1. *Walls and fences;*
 2. *Swimming pools;*
 3. *Kiosks and sidewalk café seating;*
 4. *Fountains and other decorative water features;*
 5. *Flagpoles, clock towers, statues and other street art;*
 6. *Bus shelter, taxi stops, bicycle racks, and features and structures appropriate to facilitate and promote public transportation; and*
 7. *Necessary public utilities and services per Section 34-77.*
- e. *Required Off-Street Parking:*
1. *Residential Uses: Per the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b)*
 2. *Non-residential uses: As specified in Section 34-43*
 3. *Notwithstanding 1. and 2. above, a shared parking approach may be permitted subject to the review and approval of the Board in accordance with the following:*
 - a) *An applicant requesting approval of a shared parking approach shall prepare and submit a shared parking analysis report to the Board and its professionals for review. In preparing the analysis, the applicant shall follow the procedures for shared parking specified in the current edition of the Urban Land Institute (ULI), Shared Parking Manual and the Institute of Transportation Engineers (ITE) Parking Generation. The report shall evaluate and illustrate the temporal distribution of the parking demand for all the uses proposed and confirm that the peak parking demand can be fully met on-site or through and off-site parking agreement with the Borough or private entity, to be approved by the Board, for utilization of a parking lot or facility within an acceptable walking distance.*
 - b) *For the purpose of calculating the peak parking demand for a shared parking approach, the minimum number of parking spaces for each residential use shall be as required pursuant to the New Jersey Residential Site Improvement Standards, NJAC 5:21-4.14(b).*

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- c) *Any approval of a shared parking approach in conjunction with a site plan approval of a mixed use development shall be conditioned upon maintaining substantially the same mix of uses as originally approved. Any proposed change in use within a mixed use development, to a use with a higher parking requirement, as set forth in Section 34-43, shall require the submission and approval of a zoning permit. Said zoning permit application shall include a revised shared parking analysis report. The approval of the zoning permit by the zoning official shall be made only after a finding of the Borough Engineer that the peak parking demand can continue to be fully met consistent with the originally approved shared parking approach. The cost of the review of the revised shared parking analysis shall be borne by the applicant.*

- f. *Signs: As specified in Section 34-44, except as otherwise provided in this section.*

- g. *Bulk Requirements:*
 - 1. *Principal buildings:*
 - a) *Minimum lot width: One hundred (100) feet*
 - b) *Minimum front yard setback: Fifty (50) feet*
 - c) *Minimum side yard setback: Twenty-five (25) feet; Fifty (50) feet to any lot line of a residential use, residential zone, or publicly owned property*
 - d) *Minimum rear yard setback: Fifty (50) feet*
 - e) *Maximum building height: Five (5) stories and Sixty-five (65) feet*
 - f) *The following additional standards shall apply to mixed used buildings:*
 - i. *The entire first floor area of the mixed use building shall be utilized for non-residential uses with the exception of the following, which may serve the residential component: Foyers; stairways; elevators; mechanical rooms; lounges; bicycle/storage lockers; mail room; meeting rooms; fitness/recreation rooms; and leasing or sales office and further provided such areas shall not exceed fifteen percent (15%) of the total first floor area;*
 - ii. *A minimum of twelve and one-half percent (12.5%) of the total floor area and eighty-five percent (85%) of the first floor area of a mixed use building shall be utilized for business and commercial uses permitted pursuant to c.3. of this Section*
 - 2. *Accessory buildings and structures:*
 - a) *Minimum front, side and rear yard setback: Ten (10) feet*

- h. *Additional Zoning Standards:*
 - 1. *Minimum tract area for Mixed Use Development: Four (4) acres;*
 - 2. *Maximum residential density: Twenty (20) dwelling units per acre;*
 - 3. *Maximum building coverage: Thirty percent (30%); and*
 - 4. *Maximum lot coverage: Eighty percent (80%)*

- i. *Design Standards:*
 - 1. *New buildings shall maintain a primary orientation to public streets both functionally and visually.*
 - 2. *Mixed use buildings of three stories or greater shall provide elevator service.*
 - 3. *Multiple buildings within a development shall maintain a consistent style/architectural theme utilizing common color schemes and materials. Architectural themes should be in keeping with village character of other areas within the Main Street area of the Borough, including Victorian, Colonial and Traditional.*
 - 4. *All facades visible from adjoining properties shall include visually pleasing architectural features similar to the front façade of the building.*
 - 5. *Buildings shall be designed to avoid exterior elevations from containing large expanses of blank or featureless walls. No building façade, as viewed from any public street or public parking area, shall have an unbroken horizontal length of greater than sixty (60) feet without of a break of a minimum of twelve (12) inches. Balconettes (non-accessible balconies for visual effect) are*

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recommended on front and side facades. Balconies shall only be permitted on rear facades, and further provided, no balcony shall be located on any façade that faces a public street.

- 6. Mixed use buildings four or more stories in height, in addition to the required horizontal façade breaks above, shall provide one or more vertical breaks as viewed from any public street.*
- 7. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Dormers or other architectural features may be used to minimize the apparent mass of the buildings. Variations within an architectural style are highly encouraged. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged. Gabled, hip or combination roof types are permitted.*
- 8. Heating and cooling equipment and other mechanical features shall be located to minimize visual and acoustical impacts.*
- 9. Entranceways shall be in keeping with the architectural character of the building and shall be clearly and appropriately framed architecturally.*
- 10. Covered entryways or porticos for building entrances facing the street are highly encouraged.*
- 11. Non-residential uses on the ground floor of mixed use buildings to the maximum extent practical shall incorporate window displays to stimulate interest and exposure of retail goods and services to pedestrians. Window glass of individual uses on the ground floor shall comprise a minimum of forty percent (40%) of the building façade facing any public street or public parking area and shall be clear glass to provide unencumbered views to window displays. Tinted glass is prohibited.*
- 12. No unit shall have more than two bedrooms and a minimum of forty percent (40%) of the units shall be one bedroom units.*
- 13. Each dwelling unit in a mixed use building shall have a minimum floor area of nine hundred fifty (950) square feet.*
- 14. Each dwelling unit in a mixed use building shall be provided with a minimum of eighteen (18) square feet of storage with a vertical height of a minimum of eight (8) feet, exclusive of living area closet space.*
- 15. The design of any mixed use building shall include ground floor bicycle/storage lockers assignable to a significant percentage of the units/residents. Such percentage shall be subject to the approval of the Board.*

Section 4. Section 34-3, Definitions, is hereby amended to add the following definitions:

Mixed Use Building shall mean a building within a mixed use development containing both residential and non-residential uses.

Mixed Use Development shall mean a tract of land developed with a variety of complementary and integrated uses in a compact urban form.

Parking, Shared shall mean the joint utilization of a parking area for more than one use in which the spaces are used at different times by different uses resulting in a lower peak demand than would otherwise result from a cumulative addition of the individual parking requirements of all permitted uses on site.

Mayor Buccellato read by title Resolution 12-07-40: Awarding 2012 Biennial Contract for Emergency & Maintenance Repair Services for Water & Sanitary Sewer System Repair to B&W Construction Co. 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 12-07-40
AWARDING 2012 BIENNIAL CONTRACT FOR**

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**EMERGENCY & MAINTENANCE REPAIR SERVICES FOR
WATER & SANITARY SEWER SYSTEM REPAIRS
TO B&W CONSTRUCTION CO.**

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the 2012 Biennial Contract for Emergency & Maintenance Repair Services for Water & Sanitary Sewer System Repairs; and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Emergency & Maintenance Repair Services for Water & Sanitary Sewer System Repairs; and

WHEREAS, the Borough of Matawan received two (2) bids for the aforesaid contract; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan upon recommendation of T&M Associates, Borough Engineer, do hereby award the 2012 Biennial Contract for the Emergency & Maintenance Repair Services for Water & Sanitary Sewer System Repairs to B&W Construction Co. for Emergency & Maintenance Repair Services for Water & Sanitary Sewer System Repairs in an amount not to exceed One Hundred Seventy-Six Thousand Four Hundred Twenty-One Dollars and Sixty Cents (\$176,421.60).

BE IT FURTHER RESOLVED said contract is performed in accordance with all bid specifications, contracts and documents, and subject to certification by the Chief Financial Officer that funds are available, review and approval of bid documents by the Borough Attorney and approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance, and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Chief Financial Officer and Superintendent of the Department of Public Works.

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 in the 2-09-55-500-200 Budget of the Borough of Matawan for B&W Construction Co. associated with Emergency & Maintenance Repair Services for Water & Sanitary Sewer Repair in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista

Dated: July 17, 2012

MATN-00457

July 11, 2012

Barbara Bascom, Business Administrator
Borough of Matawan
201 Broad Street
Matawan, New Jersey 07747

**Re: 2012 Biennial Contract for Emergency & Maintenance Repair Services for Water, Sanitary Sewer, and Drainage
Recommendation of Award**

Dear Mayor and Council:

On July 10, 2012, two (2) bids were received for 2012 Biennial Contract for Emergency and Maintenance Repair Services for Water, Sanitary Sewer, and Drainage. The apparent low bidder is B&W Construction of South River, New Jersey, in the amount of \$370,173.00. An itemized list of bid prices is attached. It should be noted that this is a two (2) year contract.

We have reviewed the bid packet and find that the documents are in order, and the unit prices bid are comparable to last year's bid. Therefore, based upon the above, this office recommends the contract be awarded to B&W Construction, subject to: a) certification by the Chief Financial Officer that funds are available; b) review and approval of the bid documents by the Borough Attorney; and c) approval of the New Jersey Department of Labor, Division of Wage and Hour Compliance.

We have attached the low bid for Attorney review.

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

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Very truly yours,

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

*JACLYN J. FLOR, P.E., P.P., C.M.E.
SUPERVISING ENGINEER*

RRK:JJF:JLS

Enclosure

*cc: Jean B. Montfort, RMC, Borough Clerk (Via Email w/Enclosure)
Monica Antista, CFO
Jake Applegate, Superintendent of Public Works and Water Department
Pasquale Menna, Esq., Borough Attorney (Enclosure w/copy of Low Bid)*

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Workshop Items

Parking Lot – Broad and Little Streets

Mayor Buccellato related past discussions which include imposing fees for businesses and and/or residents utilizing the lot overnight or over an extended period stating the municipality has the right to establish reasonable rate structure for the maintenance and improvement of the lot. Mr. Menna explained the legalities.

Meters, permits, portion off lot area, time restriction, or a combination thereof was discussed. Council agreed to impose a \$50.00 per vehicle per year for a residential permit fee and a \$30.00 per vehicle per month permit for a commercial permit fee to offset the expense of the repair and maintenance of the lot. Mr. Menna was asked to draft an ordinance for the Council.

Establishment of a Disability Accessibility Committee

Mayor Buccellato related Council's establishment a Committee by resolution with tonight's agenda introducing 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 highlighted key points in the Ordinance, such as, composition of the Committee, and reporting requirements asking Ms. Montfort to revise Ordinance 12-18, Section 2-40.3 Reports to Borough of Matawan Clerk "shall submit quarterly reports in writing to the Borough Clerk and Council." Council agreed.

Ms. Montfort recommended Section 2-40.5 Organization require the Committee meet the second Monday in January for their reorganization at which time the Committee will set dates for their quarterly meetings with dates advertised by newspaper. Council agreed.

2012 Road Program

Mayor Buccellato stated the Borough has a NJSDOT grant for Monroe Street (a portion of Sunset Avenue) and we are applying for a grant for Williams Street, which is on tonight's agenda Resolution 12-10-10: Approval to Submit a Loan Application and Execute a Loan Application with the NJSDOT Municipal Aid through the SAGE Program – William Street. Mayor Buccellato recommended the 2012 Road Program focus on Daniel Drive, Ned Drive and finish Mohawk Drive. This will complete Marc Woods. Then we can move forward and concentrate on other areas of the Borough.

Mayor Buccellato asked for guidance on tree, curbs, driveway apron and sidewalk replacement/installation. In the past the Borough has absorbed these costs when completing

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portions of the Road Programs. He asked if the Council wanted to continue with this practice. He stated in the past if a sidewalk was in fairly good shape they did not replace it. After discussion Council agreed should a Borough owned tree damage a sidewalk, the Borough will assume the cost of tree removal and repair the damaged portion of sidewalk. Driveway aprons will no longer be included in future Road Programs.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-10-02 through and including 12-10-06 requesting a motion to approve en masse. Councilwoman Clifton 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.

**RESOLUTION 12-10-02
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR LIENLOGIC FUND I, LLC
CERTIFICATE #09-00113**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #09-00113 which was sold to US Bank Cust for LienLogic Fund I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #09-00113 has been paid and fully redeemed for the property owner, Block 123.02, Lot 4 otherwise known as 9 Somerset Place.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,217.17 to the above for the redemption of Tax Sale Certificate #09-00113.

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

**RESOLUTION 12-10-03
REDEMPTION OF TAX SALE CERTIFICATE
FNA JERSEY LIEN SERVICES, LLC
CERTIFICATE #10-00030**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00030 which was sold to FNA Jersey Lien Services, LLC, PO Box 1030, Brick, NJ 08723; and

WHEREAS, Certificate #10-00030 has been paid and fully redeemed for the property owner, Block 34, Lot 18 otherwise known as 20 Orchard St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,561.67 to the above for the redemption of Tax Sale Certificate #10-00030.

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

**RESOLUTION 12-10-04
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR TOWER DBW
CERTIFICATE #11-00047**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00047 which was sold to US Bank Cust For Tower DBW, 50 S 16th St., Ste 1950 TOW, Philadelphia, PA 19102; and

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WHEREAS, Certificate #11-00047 has been paid and fully redeemed for the property owner, Block 49, Lot 21.02 otherwise known as 300 Broad St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,120.67 to the above for the redemption of Tax Sale Certificate #11-00047.

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 12-10-05
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PROCAPITAL I, LLC
CERTIFICATE #11-00113**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00113 which was sold to US Bank Cust for Procapital I, LLC, 50 South 16th Street, Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #11-00113 has been paid and fully redeemed for the property owner, Block 123.02, Lot 4 otherwise known as 9 Somerset Place.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,031.12 to the above for the redemption of Tax Sale Certificate #11-00113.

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

**RESOLUTION 12-10-06
APPROVAL OF RAFFLE LICENSE
M. SCOTT CARPENTER PTA
CASINO NIGHT
RL-622**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for M. Scott Carpenter PTA Fundraiser.

Name & Location of Organization's Event
Sterling Gardens
227 Freneau Avenue
Matawan, New Jersey 07747

Date & Time
October 26, 2012
7:00 PM to 12:00 Midnight

New Business

Mayor Buccellato read by title Resolution 12-10-07: Resolution Supporting Appeal of Tax Court Decision – Hopewell v. Verizon. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Mayor Buccellato stated this branched off from a court ruling which would no longer require Verizon to pay a Franchise Tax to certain municipalities; the Borough is a recipient of \$50,000 to \$60,000 annually. 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 12-10-07
RESOLUTION SUPPORTING APPEAL OF TAX COURT DECISION HOPEWELL V. VERIZON**

WHEREAS, the Borough of Matawan along with other various municipalities have been informed that Verizon New Jersey, Inc. is no longer required to file a Return of Tangible Personal Property Used in Business by Local Business Exchange Companies Form PT-10 to the affected municipalities and, therefore, will not be required

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to pay property taxes on their Tangible Personal Property for the tax year 2013; and

WHEREAS, NJSA 54:4-1 defines a “Local Exchange Telephone Company” as a telecommunications carrier providing dial tone and access to 51% of a local telephone exchange within a municipality; and

WHEREAS, Verizon New Jersey, Inc. has determined that they are not providing 51% or more of dial tone service to the Borough of Matawan along with the affected municipalities and will not file the required form and not pay the property taxes pursuant to NJSA 54:4-1; and

WHEREAS, the Borough of Matawan in Monmouth County, New Jersey, with the support of the New Jersey League of Municipalities, has contested Verizon’s decision and has asked the affected municipalities to join them in their efforts to continue contesting this matter and has asked that the municipalities contribute \$220.00 towards this cause.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan shall join the League of Municipalities in their continued efforts to appeal the tax court decision in the matter of Hopewell v. Verizon and that the Borough Treasurer is hereby authorized and directed to issue a check in the amount of \$220.00 made payable to the New Jersey League of Municipalities.

BE IT FURTHER RESOLVED, the Municipal Clerk is hereby directed to send a certified copy of this Resolution to Senator Ronald L. Rice and Assemblyman Ralph R. Caputo.

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 2-01-20-155-200 Budget of the Borough of Matawan to the New Jersey League of Municipalities for the Borough of Matawan in an amount not to exceed \$220.00

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: October 2, 2012

Mayor Buccellato read by title Resolution 12-10-08: Appointing Community Development Representative and Community Development Alternate Representative. Mayor Buccellato requested a motion. 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
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-10-08
APPOINTING COMMUNITY DEVELOPMENT REPRESENTATIVE AND
COMMUNITY DEVELOPMENT ALTERNATE REPRESENTATIVE**

WHEREAS, there exists in the Borough of Matawan, County of Monmouth, the need for a Community Development Representative and a Community Development Alternate Representative; and

WHEREAS, Paul Buccellato is qualified for said position of Community Development Representative; and

WHEREAS, Jean B. Montfort is qualified for said position of Community Development Alternate Representative.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that Paul Buccellato be appointed as Community Development Representative and Jean B. Montfort be appointed as Community Development Alternate Representative.

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***BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to Community Development, Hall of Records Annex, One East Main Street, Freehold, New Jersey 07728.*

Mayor Buccellato read by title Resolution 12-10-09: Authorization to Sign on Behalf of the Borough of Matawan an Agreement between Matawan BP and the Borough of Matawan, the Township of Aberdeen and the Matawan-Aberdeen Regional School District Vehicles. 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 12-10-09

AUTHORIZATION TO SIGN ON BEHALF OF THE BOROUGH OF MATAWAN AN AGREEMENT BETWEEN MATAWAN BP AND THE BOROUGH OF MATAWAN, THE TOWNSHIP OF ABERDEEN AND THE MATAWAN-ABERDEEN REGIONAL SCHOOL DISTRICT VEHICLES

***WHEREAS**, pursuant to provisions of the Local Public Contracts Law, NJSA 40A:11-1 et seq, specifications and bid proposals were prepared and duly advertised by the Township of Aberdeen for the purchase of non-leaded gasoline and diesel fuel for the Borough of Matawan, Township of Aberdeen and Matawan-Aberdeen Regional School District Vehicles; and*

***WHEREAS**, bids were advertised on two (2) occasions and on both occasions no bids were received by the Township Manager of the Township of Aberdeen; and*

***WHEREAS**, NJSA 40A:11-5.3 allows a municipality to negotiate a contract if on two occasions no bids were received; and*

***WHEREAS**, the Purchasing Assistant of the Township of Aberdeen has received price quotes for non-leaded gasoline as follows:*

- *Matawan BP on Highway 34 & Cambridge Drive*
.03 cents per gallon station discount
.02 cents per gallon corporate discount

***NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Borough of Matawan, that a contract for the purchase of non-leaded gasoline be awarded to Matawan BP on Highway 34 & Cambridge Drive, Aberdeen, New Jersey and hereby authorizes the Mayor to execute the agreement consistent with the terms set forth herein not to exceed Fifty-five Thousand Dollars (\$45,000.00).*

***BE IT FURTHER RESOLVED**, that this resolution is subject to the Borough's Chief Financial Officer's certification of the availability of funds.*

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 2-01-31-460-200 Budget of the Borough of Matawan to Matawan BP as for purchase of non-leaded gasoline for the Borough of Matawan in an amount not to exceed Fifty-five Thousand Dollars (\$55,000.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

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Dated: October 2, 2012

Mayor Buccellato read by title Resolution 12-10-10: Approval to Submit a Loan Application and Execute a Loan Application with the NJSDOT Municipal Aid through the SAGE Program – William Street. 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
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-10-10
APPROVAL TO SUBMIT A LOAN APPLICATION AND
EXECUTE A LOAN APPLICATION WITH
THE NJSDOT MUNICIPAL AID THROUGH THE SAGE PROGRAM WILLIAM STREET**

WHEREAS, the Mayor and Council of the Borough of Matawan wish to apply the NJSDOT Municipal Aid through the SAGE program for William Street; and

WHEREAS, the Council authorizes T&M Associates, Borough Engineer, to perform a site visit and take preliminary measurements, prepare a cost estimate, prepare an application for municipal aid, and submit the grant application through the SAGE program for a fee not to exceed Two Thousand Dollars and No Cents (\$2,000.00).

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan does hereby award the contract for professional services to T&M Associates to submit and execute a Municipal Aid SAGE program loan application with the New Jersey State Department of Transportation.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to sign the loan agreement on behalf of the Borough of Matawan and that their signatures constitutes acceptance of the terms and conditions of the SAGE program.

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 2-01-20-165-200 Budget of the Borough of Matawan to T&M Associates to perform a site visit and take preliminary measurements, prepare a cost estimate, prepare an application for municipal aid, and submit the grant application through the SAGE program for a fee not to exceed Two Thousand Dollars (\$2,000.00).

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

Chief Financial Officer

(Signature on File)

*Monica Antista, CMFO
Dated: October 2, 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 25, 2012
jean.montfort@matawanborough.com

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

**Re: Authorization to Prepare a NJDOT Application for Municipal Aid
William Street**

Dear Ms. Montfort:

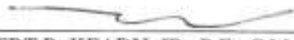
T&M Associates is seeking authorization to prepare a NJDOT Application for Municipal Aid for William Street which will extend from Freneau Avenue (Route 79) to Ryer's Lane. The actual length will be determined based on the estimated construction cost. T&M Associates will perform a site visit and take preliminary measurements, prepare a cost estimate, prepare an application for municipal aid, and submit the grant application through the SAGE program for an anticipated fee of \$2,000. Please note, this grant application is due October 16, 2012.

Please advise as to proceeding with the above.

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

Very truly yours,

T&M ASSOCIATES


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

RRK:dk

c: Karen Wynne, Deputy Clerk
Jake Applegate, Superintendent, Borough of Matawan Water Department

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Mayor Buccellato read by title Resolution 12-10-11: Fixing Recreation Fees and Uses. 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
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

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**RESOLUTION 12-10-11
FIXING RECREATION FEES AND USES**

***BE IT RESOLVED**, by the Council of the Borough of Matawan, based on the recommendation of the Recreation Commission that effective immediately the following fees shall be fixed for the year 2012 and future years. These are in addition to the fees established by Ordinance 91-13.*

Turkey Trot Registration Fee

- *Registration Prior to November 1st* *\$20.00*
- *Registration As of November 1st to Race Day* *\$25.00*

Mayor Buccellato read by title Resolution 12-10-12: Authorizing the Waiver of Fee for Fire Safety Permit – Matawan Day Food Vendors. Mayor Buccellato requested a motion. 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.

**RESOLUTION 12-10-12
AUTHORIZING THE WAIVER OF FIRE SAFETY PERMIT FEES
MATAWAN DAY FOOD VENDORS**

***WHEREAS**, Matawan Day has been celebrated for many years in the Borough of Matawan; and,*

***WHEREAS**, Moyers Insurance Agency in association the Recreation Department of the Borough of Matawan are sponsoring this year’s Matawan Day; and*

***WHEREAS**, the Moyers Insurance Agency and the Recreation Department of the Borough of Matawan have requested the Council of the Borough of Matawan, as an expression of support and encouragement, waive the \$42.00 Fire Prevention Department Fire Safety Permit Fee for the Matawan Day food vendors.*

***NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Matawan do hereby waive the \$42.00 Fire Prevention Department Fire Safety Permit Fee for the Matawan Day food vendors.*

Mayor Buccellato read by title Resolution 12-10-13: Resolution Authorizing the Award of a Contract for Extraordinary Unspecifiable Service – Purchase of Water Meters. 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
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-10-13
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR EXTRAORDINARY
UNSPECIFIABLE SERVICE
PURCHASE OF WATER METERS**

***WHEREAS**, the Borough of Matawan has a need to acquire an Extraordinary Unspecifiable Service; which are services specialized and qualitative in nature requiring expertise, extensive training and proven reputation in the field of endeavor in accordance with NJSA 40a:11-2(7), for the purchase of residential water*

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meters; and,

WHEREAS, John Applegate, Director of the Department of Public Works, has determined and certified in writing that the value of the acquisition will exceed \$17,500; and,

WHEREAS, RIO Supply, Inc., the only Authorized Neptune Distributor for sales, service and warranty of Neptune water products in the State of New Jersey, has submitted a proposal stating they will provide the residential water meters for the cost not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00); and

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of the Matawan authorizes the Mayor to enter into and execute a contract with RIO Supply, Inc. as described herein; and,

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

BE IT FURTHER RESOLVED that the Clerk is directed to publish in full as required (NJSA 40A:11-5(1)(a)(i).

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 2-09-55-501-200 Budget of the Borough of Matawan to RIO Supply, Inc. for the purchase of residential and commercial water meters for the Borough of Matawan in an amount not to exceed Twenty Five Thousand Dollars and No Cents (\$25,000.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: October 2, 2012

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STATE OF NEW JERSEY, COUNTY OF MONMOUTH

SS.:

JOHN APPLGATE of full age, being duly sworn according to law, certifies as follows:

1. I am employed by the Borough of Matawan, and I am the Director of the Department of Public Works of the Borough of Matawan. As such, I am charged with the responsibility of securing price quotes for various parts and equipment that are required by the Water and Sewer Department.
2. The Water and Sewer Department of the Borough of Matawan is supplied by Neptune Water Products, produced by Neptune Technology Group, Inc., in Tallassee, Alabama.
3. As such, the only appropriate parts that can be used to replace and repair damaged parts are those that are provided by Neptune Technology Group, Inc., since the use of 3rd party products would entail the loss of the warranty on the underlying equipment and parts. Consequently, I have researched the field and have concluded that the only authorized Neptune Water Products distributor in New Jersey that would could maintain the warranty protection on the equipment is RIO Supply, Inc., of 100 Allied Parkway, Sicklerville, NJ 08081.
4. Due to the specific and unique parts required, I am recommending that the Borough of Matawan secure the required parts from RIO Supply, Inc., without

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competitive bids since no other producer, manufacturer and/or distributors exist in the state of New Jersey for the parts that are required by the Borough of Matawan.

I certify that the foregoing statements made by me are true to the best of my personal knowledge, information and belief. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.


JOHN APPLGATE
Director, Department of Public Works
Borough of Matawan

Dated: 9/24/12

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 introduce. 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
Councilman Lopez
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

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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 and Council.

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.

Mayor Buccellato read by title Resolution 12-10-14: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

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Yes: Councilwoman Gould
Councilman Lopez
Councilwoman Angelini – Abstaining from Vendor #09905
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-10-14
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>\$1,544,695.65</i>
<i>Water & Sewer</i>	<i>\$368,578.44</i>
<i>Water Capital</i>	<i>\$213,459.58</i>
<i>Grant</i>	<i>\$2,346.76</i>
<i>Developers Escrow Account</i>	<i>\$1,929.00</i>
<i>Railroad Parking Trust</i>	<i>\$11,504.00</i>
Total	\$2,142,513.43

Councilman Lopez requested Council approval for Borough of Matawan Midway Hose Company Volunteer Firefighter Joseph Tamborello. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Council agreed. Motion passed.

Ms. Montfort requested, based on Mr. Menna and the Matawan Police Department endorsement, Council approval of La Riviera Application for ABC Special Liquor License for Matawan Day. Council agreed. Motion passed.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Rosemary Conte, 4 Eisenhower Court, stated she will ask the newly established ADA Accessibility Committee to address the lack of seating at the Post Office. Mayor Buccellato asked Councilman Urbano to schedule a meeting prior to adoption of Ordinance 12-18 in order to address Committee concerns to the Council at its November 18, 2012 meeting.

Jeremiah E. Hourihan, Sr., 13 Edgewater Drive, commended the water contractor on a recent response and repair. He then expressed dissatisfaction with the imposition of fees at Broad and Little Streets municipal parking lot and lack of free municipal parking.

Mayor Buccellato closed the Privilege of the Floor.

Mayor Buccellato informed he and Councilpersons Angelini and Lopez met with a resident who is a new Borough business owner who is relocating his vegan café from Keyport to Matawan urging all to visit to show support.

Adjournment

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

Meeting adjourned at 8:00 PM.

(signature on file)

Jean B. Montfort, RMC
Municipal Clerk