

**Borough of Matawan
Public Session
February 7, 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 February 7, 2012. The meeting was called to order at 7:05 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in The Independent on January 12, 2012, by sending notice to the Asbury Park Press, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

Yes: Councilwoman Gould (via phone)
 Councilman Lopez
 Councilwoman Angelini
 Councilman Urbano
 Councilwoman Clifton
 Councilman Fitzsimmons

Also, present were Barbara Bascom, Business Administrator, Pat Menna, Borough Attorney, and Robert Keady, Borough Engineer.

Mayor Buccellato stated that Councilwoman Gould was not feeling well and would be joining them via phone.

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

Mayor Buccellato asked everyone to stand in the Salute to the Flag. He asked the Fire Department to lead the Salute.

Mayor Buccellato requested a motion to approve the August 2, 2011 minutes. Councilwoman Angelini made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Workshop Items

Main Street

Mayor Buccellato because Councilwoman Gould is the Council liaison for the Main Street Project he will be holding that discussion until the next meeting. He stated he and Councilwoman Gould had distributed a study that was done several years ago to the governing body for their review.

Solar Power

Mayor Buccellato stated that he had some discussions with other municipalities and there are professionals that will provide services for us to install solar panels on the roof of this building and at our pumping stations. Mayor Buccellato requested Mrs. Bascom copies of one year's electric bills to see if it is feasible. They will do this without charge. He requested Mrs. Bascom to also look for other avenues they could explore. Councilman Urbano asked if there were any kind of rebates that the Borough could look into. Mayor Buccellato stated they had looked into some of them. The most viable one is to put an RFQ out and have the various utility companies have them come back to us, because you actually sell power back to the grid and in turn they give you a reduction.

Mayor Buccellato stated the First Presbyterian Church has requested the Council waive the municipal fee for their Building Permit for their new fire alarm system. The fee is \$112.00. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Council agreed. Motion passed. Mrs. Montfort stated that this would be memorized at their next regular meeting.

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Old Business

Mayor Buccellato read by title Resolution 12-01-72: Authorizing the Execution of a Shared Services Agreement for Animal Control and Impoundment Services with Borough of Helmetta. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Motion passed. Councilwoman Gould objected to their policy on feral cats. She stated she had been provided additional information; however, she was still against it. Councilwoman Angelini asked if there were any “No Kill” facilities. Mr. Menna stated that there are some that before a decision is made they all take proactive steps to try to get the cats adopted. He stated that it didn’t seem that this was Helmetta policy. Councilwoman Angelini stated she agreed with Councilwoman Gould and is not comfortable with Helmetta’s policy. Mayor Buccellato requested a motion to hold this resolution. Councilwoman Clifton requested they table this resolution she feels the same as Councilwomen Gould and Angelini. Councilwoman Gould will check to see if there are any “No Kill” shelters available in the area. Councilman Fitzsimmons suggested Mrs. Bascom call the Old Bridge facility as he believed they have a more proactive policy than Helmetta. Mrs. Bascom stated Mrs. Montfort had contacted the Helmetta facility today and was told they do not actively trap feral cats, but will come if contacted by the Police Department or the Health Official. Mrs. Bascom stated that there are actually two contracts with Helmetta on this one for animal control and animal shelter. Both contract ended December 31, 2011. Mayor Buccellato stated right now the old agreement with Helmetta is still in place. The same provisions apply. Mayor Buccellato directed Mrs. Bascom to get some additional information to the Council by Monday. Councilwoman Angelini asked how much last year did the Borough pay for shelter services. Councilman Fitzsimmons made a motion to table the resolution, seconded by Councilwoman Clifton. Council agreed. Motion passed.

Councilman Fitzsimmons requested the Report of the Treasurer be written into the minutes for the months of September, 2011, October, 2011, November 2011, and December, 2011.

*Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of September 30, 2011*

<i>Current Account</i>	<i>TD Bank</i>	<i>\$1,199,970.37</i>
<i>Tax Collector Trust Fund</i>	<i>TD Bank</i>	<i>\$ 0.00</i>
<i>Water & Sewer Account</i>	<i>TD Bank</i>	<i>\$ 579,522.42</i>
<i>Borough Capital Account</i>	<i>TD Bank</i>	<i>\$3,215,381.12</i>
<i>Utility Capital Account</i>	<i>TD Bank</i>	<i>\$1,293,587.00</i>
<i>Borough Trust Account</i>	<i>TD Bank</i>	<i>\$ 290,846.19</i>
<i>Boro Trust Summary – TD Bank</i>	<i>Cash Balances</i>	
<i>As of: September 30, 2011</i>		
<i>Fire Safety</i>	<i>\$32,733.59</i>	
<i>Fire Prevention/Dedicated Penalty</i>	<i>\$9,593.07</i>	
<i>Escrow</i>	<i>\$112,173.19</i>	
<i>Tax Redemptions</i>	<i>\$18,258.56</i>	
<i>POAA</i>	<i>\$726.44</i>	
<i>Donation</i>	<i>\$32,742.49</i>	
<i>Premiums</i>	<i>\$43,951.00</i>	
<i>Off Duty Police</i>	<i>\$34,509.19</i>	
<i>Public Defender</i>	<i>\$6,158.66</i>	
<i>Total</i>	<i>\$290,846.19</i>	
<i>Dog Tax Trust Account</i>	<i>TD Bank</i>	<i>\$3,287.03</i>

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Unemployment Insurance Account	TD Bank	\$3,304.16
Recreation Special Account	TD Bank	\$35,126.35

Recreation Trust Summary –TD Bank	Cash Balances	
As of: September 30, 2011		

Turkey Trot	\$21,822.61	
Summer Recreation	-\$30.05	
Summer Recreation Trips	\$1,691.60	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$780.97	
Men's Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	
Total	\$35,126.35	

Accutrack Developers Escrow Acct	TD Bank	\$423,551.03
Law Enforcement Account	TD Bank	\$6,910.48
Railroad Parking Lot Trust	TD Bank	\$175,095.30

<i>Total</i>		<u>\$7,226,581.45</u>
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Respectfully,
(Signature on File)
Monica Antista

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of October 31, 2011

Current Account	TD Bank	\$1,118,491.35
Tax Collector Trust Fund	TD Bank	\$ 0.00
Water & Sewer Account	TD Bank	\$ 456,517.40
Borough Capital Account	TD Bank	\$2,853,477.90
Utility Capital Account	TD Bank	\$1,599,202.48
Borough Trust Account	TD Bank	\$ 309,759.51

Boro Trust Summary – TD Bank	Cash Balances	
As of: October 31, 2011		

Fire Safety	\$32,733.59	
Fire Prevention/Dedicated Penalty	\$9,593.07	
Escrow	\$115,702.10	
Tax Redemptions	\$39,503.90	
POAA	\$782.44	
Donation	\$32,742.49	
Premiums	\$43,951.00	
Off Duty Police	\$28,537.26	
Public Defender	\$6,313.66	
Total	\$309,859.51	

Dog Tax Trust Account	TD Bank	\$3,225.23
Unemployment Insurance Account	TD Bank	\$3,304.16
Recreation Special Account	TD Bank	\$34,201.57

Recreation Trust Summary –TD Bank	Cash Balances	
As of: October 31, 2011		

Turkey Trot	\$22,617.61	
Summer Recreation	-\$30.05	

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Summer Recreation Trips	\$107.82
Matawan Day	-\$762.30
Basketball Tournament	-\$156.81
Canoe Rentals	-\$916.97
Men's Over 30 Basketball	\$1,804.00
NNO Vender	\$0.00
Yoga/Kickboxing	\$709.00
Fireworks Donations	\$1,108.94
Capital Improvements	\$9,720.33
Total	\$34,201.57

Accutrack Developers Escrow Acct	TD Bank	\$420,430.41
Law Enforcement Account	TD Bank	\$6,911.16
Railroad Parking Lot Trust	TD Bank	\$172,480.08

Total **\$6,978,001.25**

Respectfully,
(Signature on File)
Monica Antista

*Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of November 30, 2011*

<i>Current Account</i>	<i>TD Bank</i>	<i>\$2,594,939.47</i>
<i>Tax Collector Trust Fund</i>	<i>TD Bank</i>	<i>\$ 0.00</i>
<i>Water & Sewer Account</i>	<i>TD Bank</i>	<i>\$ 389,562.25</i>
<i>Borough Capital Account</i>	<i>TD Bank</i>	<i>\$2,579,810.54</i>
<i>Utility Capital Account</i>	<i>TD Bank</i>	<i>\$1,591,702.48</i>
<i>Borough Trust Account</i>	<i>TD Bank</i>	<i>\$ 282,946.10</i>

Boro Trust Summary – TD Bank *Cash Balances*
As of: November 30, 2011

<i>Fire Safety</i>	<i>\$32,733.59</i>
<i>Fire Prevention/Dedicated Penalty</i>	<i>\$9,593.07</i>
<i>Escrow</i>	<i>\$114,917.27</i>
<i>Tax Redemptions</i>	<i>\$20,890.76</i>
<i>POAA</i>	<i>\$796.44</i>
<i>Donation</i>	<i>\$32,742.49</i>
<i>Premiums</i>	<i>\$40,351.00</i>
<i>Off Duty Police</i>	<i>\$24,587.82</i>
<i>Public Defender</i>	<i>\$6,333.66</i>
<i>Total</i>	<i>\$282,946.10</i>

<i>Dog Tax Trust Account</i>	<i>TD Bank</i>	<i>\$3,287.23</i>
<i>Unemployment Insurance Account</i>	<i>TD Bank</i>	<i>\$730.43</i>
<i>Recreation Special Account</i>	<i>TD Bank</i>	<i>\$41,889.18</i>

Recreation Trust Summary –TD Bank *Cash Balances*
As of: November 30, 2011

<i>Turkey Trot</i>	<i>\$30,305.22</i>
<i>Summer Recreation</i>	<i>-\$30.05</i>
<i>Summer Recreation Trips</i>	<i>\$107.82</i>
<i>Matawan Day</i>	<i>-\$762.30</i>
<i>Basketball Tournament</i>	<i>-\$156.81</i>
<i>Canoe Rentals</i>	<i>-\$916.97</i>
<i>Men's Over 30 Basketball</i>	<i>\$1,804.00</i>
<i>NNO Vender</i>	<i>\$0.00</i>
<i>Yoga/Kickboxing</i>	<i>\$709.00</i>
<i>Fireworks Donations</i>	<i>\$1,108.94</i>

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<i>Capital Improvements</i>	\$9,720.33	
<i>Total</i>	\$41,889.18	
<i>Accutrack Developers Escrow Acct</i>	TD Bank	\$420,403.41
<i>Law Enforcement Account</i>	TD Bank	\$6,343.07
<i>Railroad Parking Lot Trust</i>	TD Bank	\$171,297.88
 <i>Total</i>		 <u>\$8,082,912.04</u>

*Respectfully,
(Signature on File)
Monica Antista*

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of December 31, 2011

Current Account	TD Bank	\$1,381,400.53
Tax Collector Trust Fund	TD Bank	\$ 0.00
Water & Sewer Account	TD Bank	\$ 688,226.75
Borough Capital Account	TD Bank	\$2,297,261.82
Utility Capital Account	TD Bank	\$1,587,414.60
Borough Trust Account	TD Bank	\$ 592,568.92
Boro Trust Summary – TD Bank As of: December 31, 2011	Cash Balances	
Fire Safety	\$32,802.09	
Fire Prevention/Dedicated Penalty	\$10,093.07	
Escrow	\$112,626.51	
Tax Redemptions	\$26,318.87	
POAA	\$812.44	
Donation	\$32,742.49	
Premiums	\$341,001.00	
Off Duty Police	\$29,813.79	
Public Defender	\$6,358.66	
Total	\$592,568.92	
Dog Tax Trust Account	TD Bank	\$3,337.03
Unemployment Insurance Account	TD Bank	\$730.43
Recreation Special Account	TD Bank	\$38,203.08
Recreation Trust Summary –TD Bank As of: December 31, 2011	Cash Balances	
Turkey Trot	\$26,619.12	
Summer Recreation	-\$30.05	
Summer Recreation Trips	\$107.82	
Matawan Day	-\$762.30	
Basketball Tournament	-\$156.81	
Canoe Rentals	-\$916.97	
Men's Over 30 Basketball	\$1,804.00	
NNO Vender	\$0.00	
Yoga/Kickboxing	\$709.00	
Fireworks Donations	\$1,108.94	
Capital Improvements	\$9,720.33	
Total	\$38,203.08	
Accutrack Developers Escrow Acct	TD Bank	\$417,808.14
Law Enforcement Account	TD Bank	\$6,343.07
Railroad Parking Lot Trust	TD Bank	\$355,150.43
 Total		 <u>\$7,368,445.43</u>

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Respectfully,
(Signature on File)
Monica Antista

Councilman Lopez requested approval of some candidates for the Fire Department:

Jesse Hedlund, Matawan, Washington Engine Company
Gary Foti, Cliffwood, Washington Engine Company
Daniele Descarlo, Aberdeen, Washington Engine Company
Jessica Schorn, Laurence Harbor, ME Haley Hose

Councilman Lopez made a motion to approve, seconded by Councilwoman Clifton. Council agreed. Motion passed.

Mayor Buccellato stated he was holding Resolution 12-02-25: Authorizing the Mayor of the Borough of Matawan to Execute Professional Services Contracts between Devine/Kalleberg, LLC and the Borough of Matawan to Conduct an Organizational Assessment of the Matawan Police Department, pending Certification of Funding.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-02-02 through 12-02-15 requesting a motion to approve en masse. Councilman Lopez 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 12-02-02
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR LIEN LOGIC FUND I, LLC
CERTIFICATE #08-00083**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #08-00083 which was sold to US Bank Cust for Lien Logic Fund I, LLC, 50 South 16th St., Suite 1950, Philadelphia, PA 19102-2513; and

WHEREAS, Certificate #08-00083 has been paid and fully redeemed for the property owner, Block 69, Lot 3.0108 otherwise known as 400 Cross Rd., #A-8.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$7,283.35 to the above for the redemption of Tax Sale Certificate #08-00083.

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

**RESOLUTION 12-02-03
REDEMPTION OF TAX SALE CERTIFICATE
KMM REAL ESTATE INVESTMENTS, LLC
CERTIFICATE #09-00041**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #09-00041 which was sold to KMM Real Estate Investments, LLC, 79 William St., Ste 202, Tinton Falls, NJ 07747; and

WHEREAS, Certificate #09-00041 has been paid and fully redeemed for the property owner, Block 47.02, Lot 68 otherwise known as 3 Kimberly Dr.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$65.03 to the above for the redemption of Tax Sale Certificate #09-00041.

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

**RESOLUTION 12-02-04
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00015**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00015 which was sold to Wen Lu, 144-90 41st Ave., Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00015 has been paid and fully redeemed for the property owner, Block 14, Lot 1 otherwise known as Atlantic Ave.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$302.91 and a premium of \$200.00 to the above for the redemption of Tax Sale Certificate #11-00015.

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

**RESOLUTION 12-02-05
REDEMPTION OF TAX SALE CERTIFICATE
ACE PLUS, LLC
CERTIFICATE #11-00055**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00055 which was sold to Ace Plus, 1416 Avenue L, Brooklyn, NY 11230; and

WHEREAS, Certificate #11-00055 has been paid and fully redeemed for the property owner, Block 65.01, Lot 19 otherwise known as 7 Marc Dr.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$4,648.98 and a Premium of \$5,400.00 to the above for the redemption of Tax Sale Certificate #11-00055.

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

**RESOLUTION 12-02-06
REDEMPTION OF TAX SALE CERTIFICATE
US BANK FOR CRESTAR CAPITAL, LLC
CERTIFICATE #11-00068**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00068 which was sold to US Bank for Crestar Capital, LLC, 50 South 16th St., Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #11-00068 has been paid and fully redeemed for the property owner, Block 71, Lot 58 otherwise known as 4 Maple Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$11,254.05 and a Premium of \$16,000.00 to the above for the redemption of Tax Sale Certificate #11-00068.

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

**RESOLUTION 12-02-07
REDEMPTION OF TAX SALE CERTIFICATE
INGENIOUS INTELLIGENCE BNC, INC.
CERTIFICATE #11-00089**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00089 which was sold to Ingenious Intelligence BNC, Inc., 253 Main Street, Matawan, NJ 07747; and

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WHEREAS, Certificate #11-00089 has been paid and fully redeemed for the property owner, Block 115, Lot 13 otherwise known as Highway 34.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,130.85 to the above for the redemption of Tax Sale Certificate #11-00089.

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

**RESOLUTION 12-02-08
ALLOWING VETERAN EXEMPTION**

WHEREAS, the following property has been granted a Veteran exemption by the Department of Veterans Affairs and should be against the 2012 property taxes; and

WHEREAS, as long as said property qualifies for said exemption his property shall bear no tax.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Tax Collector grant an exemption to the following:

<i>Block/Lot</i>	<i>Vendor</i>	<i>Notation</i>
120/45.03	John A Pesce	Veteran Exemption

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

**RESOLUTION 12-02-09
APPROVAL OF RAFFLE LICENSE
OLD BRIDGE HIGH SCHOOL PTSA
50/50 CASH
RL-605**

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

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
Sterling Gardens 227 Freneau Avenue Matawan, New Jersey 07747	March 2, 2012 6:00 PM – 11:30 PM

**RESOLUTION 12-02-10
APPROVAL OF RAFFLE LICENSE
DOUGLASS ORGANIZATION FOR
OCCUPATIONAL & RELATED EDUCATIONAL SERVICE
50/50 CASH
RL-606**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Douglass Organization for Occupational & Related Educational Service Fundraiser.

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
St. Clement Reception Center 172 Freneau Avenue Matawan, New Jersey 07747	March 24, 2012 6:00 PM – 11:00 PM

**RESOLUTION 12-02-11
APPROVAL OF RAFFLE LICENSE
DOUGLASS ORGANIZATION FOR
OCCUPATIONAL & RELATED EDUCATIONAL SERVICE
GIFT AUCTION
RL-607**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Douglass Organization for Occupational & Related Educational Service Fundraiser.

<u>Name & Location of Organization's Event</u>	<u>Date & Time</u>
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*St. Clement Reception Center
172 Freneau Avenue
Matawan, New Jersey 07747*

*March 24, 2012
6:00 PM – 11:00 PM*

**RESOLUTION 12-02-12
APPROVAL OF RAFFLE LICENSE
ST. MARY'S ROMAN CATHOLIC CHURCH
CASINO NIGHT
RL-608**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for St. Mary's Roman Catholic Church Fundraiser.

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

Date & Time
*February 25, 2012
5:00 PM – 9:00 PM*

**RESOLUTION 12-02-13
APPROVAL OF RAFFLE LICENSE
MATAWAN-ABERDEEN ROTARY CLUB
50/50 CASH
RL-609**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for Matawan-Aberdeen Rotary Club Fundraiser.

Name & Location of Organization's Event
*Buttonwood Manor
Rt. 34
Matawan, New Jersey 07747*

Date & Time
*May 24, 2012
12:30 PM – 1:30 PM*

**RESOLUTION 12-02-14
APPROVING RENEWAL OF SIDEWALK CAFÉ LICENSE
ABY'S MEXICAN RESTAURANT**

WHEREAS, *Aby's Mexican Restaurant*, (Restaurant/Cafe) has passed the required Police Department background checks; and

WHEREAS, on the condition that *Aby's Mexican Restaurant*, has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following sidewalk café license renewal:

Business: *Aby's Mexican Restaurant
141 Main Street
Matawan, New Jersey 07747*

Applicant: *Leonor Martinez
4 Barnes Street
Keyport, New Jersey 07735*

**RESOLUTION 12-02-15
APPROVING RENEWAL OF SIDEWALK CAFÉ LICENSE
BAGEL TIME DELI**

WHEREAS, *Bagel Time Deli*, (Restaurant/Cafe) has passed the required Police Department background checks; and

WHEREAS, on the condition that *Bagel Time Deli*, has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the following sidewalk café license renewal:

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*Business: Bagel Time Deli
341 Main Street
Matawan, New Jersey 07747*

*Applicant: Patrick Agha-Ghassem
34 Edinburg Circle
Matawan, New Jersey 07747*

New Business

Mayor Buccellato read by title Resolution 12-02-16: Approving Renewal of Massage Parlor License – Rapunzel’s Salon & Day Spa. Mayor Buccellato requested a motion. Councilwoman Clifton 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 12-02-16
APPROVING RENEWAL OF MASSAGE PARLOR LICENSE
RAPUNZEL’S SALON & DAY SPA**

WHEREAS, Rapunzel’s Salon & Day Spa (Massage Parlor) has passed the required Police Department background checks; and

WHEREAS, on the condition that Rapunzel’s Salon & Day Spa has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve renewal of the following Massage Parlor license:

*Business: Rapunzel’s Salon & Day Spa
241-243 Main Street
Matawan, New Jersey 07747*

*Applicant: Donna Scacco
16 East Lawn Drive
Holmdel, New Jersey 07733*

Mayor Buccellato read by title Resolution 12-02-17: Approving Renewal of Masseuse License – Victoria Buckel. 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 12-02-17
APPROVING RENEWAL OF MASSEUSE LICENSE**

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VICTORIA BUCKEL

WHEREAS, Victoria Buckel (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Victoria Buckel has received the required permits from the Construction Office, Fire Prevention Office and the Board of Health.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve renewal of the following Masseuse license:

*Business: Victoria Buckel
c/o Rapunzel Salon & Day Spa
243 Main Street
Matawan, New Jersey 07747*

*Applicant: Victoria Buckel
20 Minuteman Road
Hazlet, New Jersey 07730*

Mayor Buccellato read by title Resolution 12-02-18: Authorizing the Waiver of Fees – Second Baptist Church – 45 Orchard Street. 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 12-02-18
AUTHORIZING THE WAIVER OF FEES
SECOND BAPTIST CHURCH
45 ORCHARD STREET**

WHEREAS, the Second Baptist Church is a long standing member of the Matawan community; and,

*WHEREAS, the Second Baptist Church's basement ceiling recently collapsed due to a broken water pipe;
and*

WHEREAS, the Second Baptist Church is in the process of replacing it; and

WHEREAS, the Second Baptist Church's budget did not include such a large expense, placing a financial burden on the Church; and

WHEREAS, the Second Baptist Church is requesting the Borough, as an expression of support and encouragement, waive the municipal fees for the building and electrical permits.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan do hereby waive the Borough of Matawan fees for the building and electrical permit for 45 Orchard Street.

Mayor Buccellato read by title Resolution 12-02-19: Award of Bid for Middlesex Road Water Treatment Plant Improvements (Re-Bid). Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman 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 12-02-19
AWARD OF BID FOR
MIDDLESEX ROAD WATER TREATMENT PLANT IMPROVEMENTS
(RE-BID)**

WHEREAS, the Borough of Matawan previously authorized the receipt of bids for the Middlesex Road Water Treatment Plant Improvements (Re-Bid); and

WHEREAS, pursuant to law the Borough of Matawan solicited bids for the Middlesex Road Water Treatment Plant Improvements (Re-Bid); and

WHEREAS, the Borough of Matawan received five (5) bids for the aforesaid contract; and

WHEREAS, Robert R. Keady, Jr., the Borough of Matawan Engineer, has reviewed, approved and recommended:

- *On the Base Bid Form (Page 4 of 14), APS Contracting only provide the numeric value of each bid item noted and did not write out the lump sum or unit price amount bid for each item as requested. The total amount of the five bid items was provided in both numeric and written format as requested.*
- *On the Alternate Bid form (Page 6 of 14), APS again did not provide the written amount of the alternate bid items as requested though the total for each bid alternate was provided in both numeric and written format as requested.*
- *On the Form of Proposal Signature (Page 11 of 14), APS Contracting, as a Corporation, was to have its President and another officer sign on the form where indicated. The form only includes the signature of the President of the company.*

In speaking with the Borough Attorney, in 2011 there was an amendment to NJSA 40A:11-23.3 permitting contractors to request withdrawals due to a mistake on the bid. After the first bid opening, APS Contracting requested a withdrawal and, as a result of this and other reasons, the project was rebid. The amendment to the statute continues to indicate that the bidder is disqualified from future bidding on the project, including whenever all bids are rejected pursuant to NJSA 40A:11-13.2. Therefore, based on the amended statute, the Borough cannot award the project to the low bidder APS Contracting, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the contract for the Middlesex Road Water Treatment Plant Improvements be and is hereby awarded to MBE Mark III Electric, Inc. (Second Low Bidder) for the amounts of the base bid plus Alternate #1 (\$4,444,000.00) and in accordance with all bid specifications, contracts and documents, commencing twenty (20) days after publication, 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, approval of the New Jersey Department of Environmental Protection and the Mayor is hereby authorized to execute any necessary documents to implement the aforesaid award of contract, commencing twenty (20) days after publication.

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 Water/Sewer Capital Budget of the Borough of Matawan will be made available from the New Jersey Environment Infrastructure Financing Program (NJEIFP) Project No.: 1329001-001 and 002, to be awarded to the Borough of Matawan for this purpose for the contract awarded to MBE Mark III Electric, Inc., for the Middlesex Road Water Treatment Plant Improvements (Re-Bid) in an amount not to exceed Four Million, Four Hundred and Forty-four Thousand Dollars (\$4,444,000.00).

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: February 7, 2012

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Mayor Buccellato read by title Resolution 12-02-20: Approving Professional Services for Dynamic Testing Service. 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 12-02-20
APPROVING PROFESSIONAL SERVICES FOR
DYNAMIC TESTING SERVICE**

WHEREAS, the Borough of Matawan requires professional services related to the CDL Random Alcohol and Drug Testing Program; and

WHEREAS, Dynamic Testing Service, 230 Main Street, Suite C, Toms River, New Jersey 08753 has submitted proposal for said professional services attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve Dynamic Testing Service's proposal dated January 10, 2012, term of said contract April 1, 2012 through March 31, 2013, for DOT 5 Panel Urine Drug Screen - \$45.00 per test, Breath Alcohol with Confirmation - \$35.00 per test and Split Specimen Testing - \$210.00 per test, said contract not to exceed One Thousand Dollars and No Cents (\$1,000.00).

BE IT FURTHER RESOLVED, the Council of the Borough of Matawan resolves that Paul Buccellato or the successor to the office of Mayor is hereby authorized as signatory on behalf of the Borough of Matawan.

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 2-01-26-290-200 Budget of the Borough of Matawan to Dynamic Testing Service for the Borough of Matawan in an amount not to exceed One Thousand Dollars and No Cents (\$1,000.00).

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: February 7, 2012*

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Dynamic Testing Service

11. The service fee for "Post Accident" and "Reasonable Suspicion" testing, when called for the sole purpose of either test, will be a flat fee of \$200.00 per incident.
12. Dynamic Testing Service agrees to be available for telephone consultation as is required by the Client. If the Client requests a consultation at their location Dynamic Testing Service will make every effort to schedule a meeting when in the area of the Client's office to offset expenses for both parties. Should it be necessary for Dynamic Testing Service to travel to the Client's office for the sole purpose of consultation the fee would follow the same format as for "post accident" and "reasonable suspicion" testing.
13. Dynamic Testing Service will generate invoices when services are rendered unless otherwise noted by Client. All invoices are payable within 30 days.
14. Client agrees to hold Dynamic Testing Service harmless for any of the Client's actions including negligence of that not in accordance with federal regulations or Client's controlled substance abuse/alcohol misuse policy.
15. This Contract is governed by the laws of the State of New Jersey. Any action arising from or relating to this Contract shall be filed with a Court of appropriate jurisdiction with the County of Ocean, New Jersey.
16. If any one or more of the provisions of this Contract are determined to be unenforceable, in whole or in part, the remaining provisions shall remain fully operative.
17. The provisions of N.J.S.A. 10:2.4, dealing with discrimination in employment regarding public contracts, and N.J.S.A. 17:27-1 et seq., dealing with affirmative action and the rules and regulations promulgated pursuant thereto, shall be incorporated herein by reference and made binding upon Dynamic Testing Service.
18. Any necessary reports will be provided by Dynamic Testing Service.


Patricia Lukowiak
Dynamic Testing Service

Borough of Matawan Representative

1/10/12
Date

Date

Fee Schedule

DOT 5 Panel Urine Drug Screen	\$45.00
Breath Alcohol with Confirmation	\$35.00
Spit Specimen Testing	\$210.00

Mayor Buccellato read by title Resolution 12-02-21: Authorizing T&M Associates to Provide Professional Services for Emergency Repair Services for the Emergency Generator Middlesex Road Water Treatment Plant 2012-2013. 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 12-02-21
AUTHORIZING T&M ASSOCIATES TO PROVIDE
PROFESSIONAL SERVICES FOR
EMERGENCY REPAIR SERVICES FOR THE
EMERGENCY GENERATOR
MIDDLESEX ROAD WATER TREATMENT PLANT
2012 - 2013**

WHEREAS, the Mayor and Council of the Borough of Matawan received an estimate from T&M

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Associates for professional services for Emergency Repair Services for the Emergency Generator.

NOW, THEREFORE BE IT RESOLVED that the Council of the Borough of Matawan do hereby award the contract for professional services to T&M Associates to prepare specifications for said work and advertise the proposal for the purpose of receiving bids for Emergency Repair Services for the Emergency Generator in an amount not to exceed Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available in the 2-09-55-500-200 Budget of the Borough of Matawan for T&M Associates associated with Emergency Repair Services for the Emergency Generator in an amount not to exceed (\$2,500.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista

Dated: February 7, 2012

Mayor Buccellato read by title Resolution 12-02-22: Authorizing T&M Associates to Provide Professional Services for Emergency Repair Services for Water & Sanitary Sewer Middlesex Road Water Treatment Plant 2012-2013. 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 12-02-22
AUTHORIZING T&M ASSOCIATES TO PROVIDE
PROFESSIONAL SERVICES FOR
EMERGENCY REPAIR SERVICES FOR WATER & SANITARY SEWER
MIDDLESEX ROAD WATER TREATMENT PLANT
2012 - 2013**

WHEREAS, the Mayor and Council of the Borough of Matawan received an estimate from T&M Associates for professional services for Emergency Repair Services for Water and Sanitary Sewer.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan do hereby award the contract for professional services to T&M Associates to prepare specifications for said work and advertise the proposal for the purpose of receiving bids for Emergency Repair Services for Water and Sanitary Sewer in an amount not to exceed Three Thousand Five Hundred Dollars and No Cents (\$3,500.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available in the 2-09-55-500-200 Budget of the Borough of Matawan for T&M Associates associated with Emergency Repair Services for Water and Sanitary Sewer in an amount not to exceed Three Thousand Five Hundred Dollars and No Cents (\$3,500.00).

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

Chief Financial Officer

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(Signature on File)

Monica Antista

Dated: February 7, 2012

Mayor Buccellato read by title Resolution 12-02-23: Authorizing T&M Associates to Provide Professional Services for Iron Sludge Removal Middlesex Road Water Treatment Plant 2012-2013. 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
Councilwoman Angelini
Councilman Urbano
Councilwoman Clifton
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-02-23
AUTHORIZING T&M ASSOCIATES TO PROVIDE
PROFESSIONAL SERVICES FOR
IRON SLUDGE REMOVAL
MIDDLESEX ROAD WATER TREATMENT PLANT
2012 - 2013**

WHEREAS, the Borough of Matawan requires work be performed for the removal and disposal of water treatment plant iron sludge.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Matawan authorizes the Borough Engineer to prepare specifications for said work and advertise the proposal for the purpose of receiving bids in an amount not to exceed Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available from the 2-09-55-500-200 Budget of the Borough of Matawan to T&M Associates for Professional Engineering Services Sludge Removal Contract the Borough of Matawan in an amount not to exceed Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: February 7, 2012

Mayor Buccellato read by title Resolution 12-02-24: Authorizing T&M Associates to Provide Professional Services for Well and High Pump Maintenance Middlesex Road Water Treatment Plant 2012-2013. 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

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Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-02-24
AUTHORIZING T&M ASSOCIATES TO PROVIDE
PROFESSIONAL SERVICES FOR
WELL AND HIGH PUMP MAINTENANCE
MIDDLESEX ROAD WATER TREATMENT PLANT
2012 - 2013**

WHEREAS, the Mayor and Council of the Borough of Matawan received an estimate from T&M Associates for professional services for Well and High Pump Maintenance.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan do hereby award the contract for professional services to T&M Associates for to prepare specifications for said work and advertise the proposal for the purpose of receiving bids Well and High Pump Maintenance in an amount not to exceed Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available in the 2-09-55-500-200 Budget of the Borough of Matawan for T&M Associates associated with Well and High Pump Maintenance in an amount not to exceed Two Thousand Five Hundred Dollars and No Cents (\$2,500.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista

Dated: February 7, 2012

Mayor Buccellato read by title Resolution 12-02-26: Resolution Directing the Historic Sites Commission of the Borough of Matawan to Establish and Catalog Inventory of Structures in the Borough Dating Over 100 Years Old. 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 12-02-26
RESOLUTION DIRECTING THE HISTORIC SITES COMMISSION OF THE BOROUGH OF MATAWAN
TO ESTABLISH AND CATALOG A INVENTORY OF STRUCTURES IN THE BOROUGH DATING OVER
100 YEARS OLD**

WHEREAS, the Mayor and Council of the Borough of Matawan wished to protect our historic structures within the Borough of Matawan by inventory and catalog; and

WHEREAS, the Historic Sites Commission has the knowledge and the expertise to compile and catalog such an inventory; and

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council of the Borough of Matawan directs the Historic Sites Commission to inventory and catalog all structures in the Borough of Matawan over the age of one hundred 100 years.

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Mayor Buccellato read by title Resolution 12-02-27: Resolution Authorizing Police Lieutenant Contract – Jason Gallo – February 1, 2012 through December 31, 2014. 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 12-02-27
RESOLUTION AUTHORIZING POLICE LIEUTENANT CONTRACT
JASON GALLO**

February 1, 2012 through December 31, 2014

WHEREAS, the Mayor and Council have previously named Jason Gallo as Police Lieutenant of the Matawan Police Department; and

WHEREAS, there is a proposed Contract of Employment for the position of Police Lieutenant; and

WHEREAS, the Contract calls for a salary which complies and is in accordance with the Borough Salary Ordinance for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Mayor be and is hereby authorize to enter the aforementioned Contract which is attached hereto and made a part hereof.

**AGREEMENT
between
JASON GALLO
and
THE BOROUGH OF MATAWAN**

This Agreement is entered into this 1st day of February 2012 through December 31, 2014 is made and entered into by and between the Borough of Matawan, a Municipal Corporation of State of New Jersey, hereinafter referred to as "Employer"; and Jason Gallo, Lieutenant, Borough of Matawan Police Department, Monmouth County, New Jersey, Hereinafter referred to as "Lieutenant", or "employee".

It is understood and agreed that this Agreement shall not be interpreted to reduce or limit this employee rights created and protected by the laws of New Jersey, including N.J.S.A 40A:14-118 through and inclusive of 40A:14-176;

It is further understood that due to the variable schedule of employees of the Matawan Police Department all days should be converted to hours for purposes of computing vacation, sick and personal time (i.e. 1 day =8 hours; example 240 hours is 30 days for employee on 8 hour shift and 20 days for employees on 12 hour shift);

It is further understood that in the Absence of a Chief of Police, the employee's Supervisor would be the next highest ranking officer and in the absence of such the Business Administrator shall be considered the Supervisor for the purposes so indicated in this agreement;

Now, therefore, it is mutually agreed between the parties hereto that the following terms shall constitute the entire Agreement between the subject parties:

1. *This agreement shall govern all wages, hours and other conditions of employment hereinafter set forth. The employee is also subject to any and all Borough ordinances, policy and procedures, rules and regulations of the Borough of Matawan and any applicable state statutes.*
2. *Base Salary:*
 - a. *Effective January 1, 2011 - \$113,597.40 (reflects a 2% increase over 2010 base)*
 - b. *Effective January 1, 2012 - \$115,869.34 (reflects a 2% increase over 2011 base)*

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- c. *Effective January 1, 2013 – 118,476.40(reflects a 2 ¼% increase over 2012 base)*
- d. *Effective January 1, 2014 – 121,438.31(reflects a 2 ½% increase over 2013 base)*

3. *Holiday Schedule. The Borough agrees to guarantee the following holidays:*

<i>New Year's Day</i>	<i>Labor Day</i>
<i>Lincoln's Birthday</i>	<i>Columbus Day</i>
<i>Washington's Birthday</i>	<i>Veteran's Day</i>
<i>Good Friday</i>	<i>Thanksgiving Day</i>
<i>Memorial Day</i>	<i>Christmas Day</i>
<i>Independence Day</i>	<i>Martin Luther King Day</i>

3. *Jason Gallo shall be entitled to longevity payments in accordance with the following schedule:*

- 10% of base salary commencing in the 20th year of service.*
- 12.5% of base salary commencing in the 24th year of service.*

4. *Jason Gallo shall be entitled to an annual clothing and maintenance allowance of \$1000.00. All new uniform requirements will be supplied by the Borough of Matawan. Any changes or additions to said uniform requirements shall be issued by the Borough without cost to the employee. The cleaning (dry or wet) of said uniforms prescribed by the police department shall be assumed by the Borough of Matawan.*

5. *Jason Gallo shall be entitled to four (4) personal days per year. Notice of intention to exercise the personal days shall be given in writing to the Supervisor in advance of their use; unused personal days may not be carried over into a subsequent year.*

Funeral Leave -

In the event of a death in his immediate family, a Borough employee shall be entitled to a leave of absence. During such leave, the employee shall be paid his regular salary for a maximum of three consecutive, regular scheduled workdays.

The employee's immediate family shall be defined as: spouse, child, stepchild, mother, father, stepmother, mother-in-law, father-in-law, brother, stepbrother, sister, stepsister, brother-in-law, sister-in-law, grandmother, grandfather, spouse's grandmother, spouse's grandfather, son-in-law, daughter-in-law, and grandchildren, or as determined by the Employer.

Vacation

Vacation shall be in keeping with the following schedule:

<i>Years of Service: 15 -21 Years</i>	<i>Vacation: 28 Working Days</i>
<i>Years of Service: 22 years and over</i>	<i>Vacation: 35 Working Days</i>

Unused vacation pay may be carried over into the next calendar year only, with the approval of the Mayor and Council.

Separation From Service: Vacation Pay

If Jason Gallo is laid off, resigns, or is otherwise separated from the service of the Borough but not as a result of misconduct, he shall receive vacation pay for all of his accrued vacation up his separation from employment with the Borough. The amount of payment for all unused vacation shall be calculated based upon the employee's regular straight time hourly rate of pay in effect for the employee's regular job, on the last workday of the employee's employment.

Insurance

Group Life and Accidental Death Dismemberment Insurance. The Borough shall provide Jason Gallo with a \$10,000.00 Life Insurance Policy and equal amount of Accidental Death and Dismemberment (AD&D) coverage.

Right to Select Carrier: The Borough reserves the right to provide the above life and accidental death and dismemberment coverage through a self-insured plan or under a group insurance policy or policies covered by an insurance company or insurance companies selected by the Borough. Notwithstanding any such changes, the level of benefits shall remain substantially similar to or greater than existing than existing benefits.

Medical Insurance

The Borough shall maintain a group medical, major medical, and hospital insurance policy, and shall pay

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all premium costs during the course of employment for hospital insurance, including dental benefits of Jason Gallo , dependents and spouse in keeping with the provision of insurance coverage currently in effect at the signing of this Agreement. For the term of this Agreement, the Borough agrees to continue to provide the above benefit upon retirement with 25 years or more years of service to the borough. Upon retirement, if the employee has Medicare entitlement, the employee is required to enroll in Medicare and Borough policy shall be deemed secondary.

Right to Select Carrier: The benefits provided for here in shall be provided through a self-insured plan or under group insurance policy or policies issued by an insurance company or insurance companies selected by the Borough. "Insurance Companies" include regular life insurance companies and non-profit organizations providing hospital, surgical or medical benefits. If these benefits are insured by an insurance company, all benefits are subject to the provision of the policies between the Borough and the insurance company. Notwithstanding any such change, the level of benefits shall remain substantially similar to or greater than existing benefits.

Non-Duplication of Benefits

All parties agree to coordinate benefits in situations where spouse has coverage. It is employees expressed responsibility to provide employer with spouse insurance information, including but not limited to, spouse's current employer, a copy of spouse's insurance policies, declaration pages, premium amounts and proof of premium payment.

In the event spouse obtains insurance coverage or changes coverage, the employee shall notify employer and provide the aforesaid documentation within 30 days.

Optical Plan

The Borough shall assume the cost of providing Jason Gallo with an eye Examination, at an optometrist selected by the Borough, once every twenty-four (24) months. The Borough shall grant Jason Gallo an allowance of seventy-five (\$75.00) dollars toward the cost of one (1) pair prescription glasses in each twenty-four (24) month period. The Borough shall not be required to pay for more than one (1) eye examination or pay for more than one (1) eye glass allowance for Jason Gallo in any twenty-four (24) month period.

Sick Leave/Injury

Sick Leave and Duty Injury Leave/Sick Leave Accumulation Rate

The employee shall be entitled to accumulate sick leave as follows at the rate of ten (10) hours of sick leave for each completed month of service, such sick leave to be accrued at the rate of 5 (five) hours per pay period. Except for job related injuries, no employee will accrue sick time while on sick or injury leave.

Sick Leave Utilization Requirements

The employee with accrued sick leave credit shall be allowed to utilize such sick leave for the following purposes:

1. *Personal Illness or Disability*

Any employee who has contracted or incurred and is suffering from any non-service connected sickness or disability, which renders them unable to perform the duties of their position, shall be eligible to receive paid sick leave. This also includes periods during which the employee is under enforced quarantine in accordance with community health regulation, or restricted due to exposure to a contagious disease in accordance with a doctor's order. Employees shall also be eligible to utilize their accrued sick leave following the expiration of their duty injury leave benefits.

2. *Family Illness Disability*

Employees shall be eligible to receive paid sick leave when there is a sickness or disability involving a member of their immediate family which requires the employee's personal care and attendance, provided that requiring the employee to report for work would cause a serious hardship on the member of the immediate family suffering from the illness or disability. The determination as to whether or not there exists a hardship shall be made by the employee's Supervisor after the employee has provided sufficient and satisfactory medical documentation of the illness or disability.

Maternity, Medical and Extended Duty Injury Leave

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Employees shall be eligible to receive paid sick leave, to the extent they have accrued sick leave credit, approved medical leave, and approved extended duty injury leave. Maternity leave shall be treated the same as any other disability as proved by law.

Vacation and Personal Leave

When an employee becomes eligible for paid sick leave while on vacation or during an approved personal leave, sick leave may be used in place of vacation time or personal leave hours, provided satisfactory evidence and certification of the illness or disability is presented to the Supervisor. The determination as to whether or not sick leave time may be used under this provision shall be made by the employees Supervisor.

Sick Leave Pay

The rate of sick leave pay shall be the employee's regular straight-time hourly rate of pay in effect for the employee's regular job at the time sick leave is approved.

Duty Injury Leave

A duty incurred sickness or disability shall not be charged against the accumulated sick leave of an employee for one (1) year during which the employee is on approved duty injury leave and eligible for duty injury leave benefits in accordance with applicable law, beginning with the date of injury or date of beginning illness.

Sick Leave Notification

It is the responsibility of this employee requesting paid sick leave to notify his Supervisor in writing.

Employees who are requesting paid sick leave shall notify or cause notification to be made to the Supervisor in writing. Where someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for that notification being made. If an employee becomes sick or ill during their work shift, they must notify or cause notification to be made to the employee's Supervisor in writing.

In the event no sick leave notification is made within thirty (30) minutes after the start of the workday, or after an employee becomes sick or ill and leaves work, the Supervisor shall consider and handle the employee's absence without pay, unless the employee can later substantiate with documentation that it was impossible to make or cause such notification. The decision is to be made by the Supervisor.

Sick leave notification as outlined above must be made for each workday that paid sick leave is being requested, unless this requirement is expressly waived by the Supervisor.

Sick Leave Certification and Approval

If the Borough has reasonable grounds to believe sick leave is being abused, it may at its discretion require any employee requesting paid sick leave to furnish substantiating evidence of a statement from their attending physician certifying that absence from work was required due to one of the reasons set forth above. In any case, such certification must be presented whenever sick leave is requested for three (3) or more consecutive workdays.

Sick Leave Release

This employee who is sick or disabled for three (3) or more consecutive work days may be required at the Borough's discretion; and any employee who is sick or disabled for six (6) or more consecutive workdays shall be required to secure and submit a physicians release certifying that they are fit to return to work. This release must be submitted to the Supervisor before the employee will be permitted to return to work. The Borough may also require, at its discretion, that an employee take a medical physical in conjunction with the above sick leave procedure.

If the two (2) doctors disagree, the parties agree to consult with the Monmouth County Medical Society Selective to select a third qualified physician. Such physician cost will be submitted to the Employer's insurance carrier. Any cost not covered under the employee's policy shall be paid by the Borough. Such doctor's determination shall be binding upon the parties.

Extended Leave

After using thirty (30) days of sick leave, the employee who shall be injured, ill or disabled from any cause not connected with his service as an employee so as to become physically unfit for work, shall be entitled to a leave of absence with pay, provided that said leave of absence is authorized by resolution of the Borough Council and in

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accordance with the following schedule:

If the employee has served for more than ten (10) years, shall be entitled to a leave of absence with full pay for twenty-six (26) weeks, plus an additional thirteen (13) weeks at half (1/2) pay.

Separation from Services

Employees shall be paid for one-half (1/2) of their total accrued sick leave upon their, retirement, including disability retirement, upon their resignation following 10 (10) or more consecutive years of service in the Borough; or to their beneficiaries in case of death to a maximum of \$12,000.00. The amount of payment shall be calculated based upon the employee's prevailing hourly rate of pay in effect for the employee's regular job on the last work day of the employee's employment.

7. This agreement shall be effective through and including December 31, 2014.

The Borough and Jason Gallo shall mutually enter into negotiations for a successor Agreement prior to the expiration of the within Agreement.

The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution. The employee expressly and without duress voluntarily waives any right to counsel. The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution. The employee expressly and without duress voluntarily waives any right to counsel.

In witness whereof, the parties hereto have caused these presents to be signed by their duly authorized representatives this ____ day _____, 2012.

BOROUGH OF MATAWAN

Paul Buccellato, Mayor Date _____

ATTEST:

Jean B. Montfort, RMC Date: _____
Municipal Clerk

EMPLOYEE

Jason Gallo, Lieutenant Date: _____

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Mayor Buccellato read by title Resolution 12-02-28: Resolution Authorizing Police Lieutenant Contract – Benedict J. Smith, III – February 1, 2012 through December 31, 2014. 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 Clifton
Councilman Lopez
Councilwoman Angelini
Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons

Motion passed.

**RESOLUTION 12-02-28
RESOLUTION AUTHORIZING POLICE LIEUTENANT CONTRACT
BENEDICT J. SMITH, III
February 1, 2012 through December 31, 2014**

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WHEREAS, the Mayor and Council have previously named Benedict J. Smith, III as Police Lieutenant of the Matawan Police Department; and

WHEREAS, there is a proposed Contract of Employment for the position of Police Lieutenant; and

WHEREAS, the Contract calls for a salary which complies and is in accordance with the Borough Salary Ordinance for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Mayor be and is hereby authorize to enter the aforementioned Contract which is attached hereto and made a part hereof.

**AGREEMENT
between
BENEDICT J. SMITH, III
and
THE BOROUGH OF MATAWAN**

This Agreement is entered into this 1st day of February 2012 through December 31, 2014 is made and entered into by and between the Borough of Matawan, a Municipal Corporation of State of New Jersey, hereinafter referred to as "Employer"; and Benedict J. Smith, III, Lieutenant, Borough of Matawan Police Department, Monmouth County, New Jersey, Hereinafter referred to as "Lieutenant", or "employee".

It is understood and agreed that this Agreement shall not be interpreted to reduce or limit this employee rights created and protected by the laws of New Jersey, including N.J.S.A 40A:14-118 through and inclusive of 40A:14-176;

It is further understood that due to the variable schedule of employees of the Matawan Police Department all days should be converted to hours for purposes of computing vacation, sick and personal time (i.e. 1 day =8 hours; example 240 hours is 30 days for employee on 8 hour shift and 20 days for employees on 12 hour shift);

It is further understood that in the Absence of a Chief of Police, the employee's Supervisor would be the next highest ranking officer and in the absence of such the Business Administrator shall be considered the Supervisor for the purposes so indicated in this agreement;

Now, therefore, it is mutually agreed between the parties hereto that the following terms shall constitute the entire Agreement between the subject parties:

6. *This agreement shall govern all wages, hours and other conditions of employment hereinafter set forth. The employee is also subject to any and all Borough ordinances, policy and procedures, rules and regulations of the Borough of Matawan and any applicable state statues.*
7. *Base Salary:*
 - a. *Effective January 1, 2011 - \$113,597.40 (reflects a 2% increase over 2010 base)*
 - b. *Effective January 1, 2012 - \$115,869.34 (reflects a 2% increase over 2011 base)*
 - c. *Effective January 1, 2013 – 118,476.40(reflects a 2 ¼% increase over 2012 base)*
 - d. *Effective January 1, 2014 – 121,438.31(reflects a 2 ½% increase over 2013 base)*
3. *Holiday Schedule. The Borough agrees to guarantee the following holidays:*

<i>New Year's Day</i>	<i>Labor Day</i>
<i>Lincoln's Birthday</i>	<i>Columbus Day</i>
<i>Washington's Birthday</i>	<i>Veteran's Day</i>
<i>Good Friday</i>	<i>Thanksgiving Day</i>
<i>Memorial Day</i>	<i>Christmas Day</i>
<i>Independence Day</i>	<i>Martin Luther King Day</i>
8. *Benedict J. Smith, III shall be entitled to longevity payments in accordance with the following schedule:*

12.5% of base salary commencing in the 24th year of service.
9. *Benedict J. Smith, III shall be entitled to an annual clothing and maintenance allowance of \$1000.00. All new uniform requirements will be supplied by the Borough of Matawan. Any changes or additions to said uniform requirements shall be issued by the Borough without cost to the employee. The cleaning (dry or wet) of said uniforms prescribed by the police department shall be assumed by the Borough of Matawan.*

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10. *Benedict J. Smith, III shall be entitled to four (4) personal days per year. Notice of intention to exercise the personal days shall be given in writing to the Supervisor in advance of their use; unused personal days may not be carried over into a subsequent year.*

Funeral Leave -

In the event of a death in his immediate family, a Borough employee shall be entitled to a leave of absence. During such leave, the employee shall be paid his regular salary for a maximum of three consecutive, regular scheduled workdays.

The employee's immediate family shall be defined as: spouse, child, stepchild, mother, father, stepmother, mother-in-law, father-in-law, brother, stepbrother, sister, stepsister, brother-in-law, sister-in-law, grandmother, grandfather, spouse's grandmother, spouse's grandfather, son-in-law, daughter-in-law, and grandchildren, or as determined by the Employer.

Vacation

Vacation shall be in keeping with the following schedule:

Years of Service: 15 -21 Years

Vacation: 28 Working Days

Years of Service: 22 years and over

Vacation: 35 Working Days

Unused vacation pay may be carried over into the next calendar year only, with the approval of the Mayor and Council.

Separation From Service: Vacation Pay

If Benedict J. Smith, III is laid off, resigns, or is otherwise separated from the service of the Borough but not as a result of misconduct, he shall receive vacation pay for all of his accrued vacation up his separation from employment with the Borough. The amount of payment for all unused vacation shall be calculated based upon the employee's regular straight time hourly rate of pay in effect for the employee's regular job, on the last workday of the employee's employment.

Insurance

Group Life and Accidental Death Dismemberment Insurance. The Borough shall provide Benedict J. Smith, III with a \$10,000.00 Life Insurance Policy and equal amount of Accidental Death and Dismemberment (AD&D) coverage.

Right to Select Carrier: The Borough reserves the right to provide the above life and accidental death and dismemberment coverage through a self-insured plan or under a group insurance policy or policies covered by an insurance company or insurance companies selected by the Borough. Notwithstanding any such changes, the level of benefits shall remain substantially similar to or greater than existing than existing benefits.

Medical Insurance

The Borough shall maintain a group medical, major medical, and hospital insurance policy, and shall pay all premium costs during the course of employment for hospital insurance, including dental benefits of Benedict J. Smith, III, dependents and spouse in keeping with the provision of insurance coverage currently in effect at the signing of this Agreement. For the term of this Agreement, the Borough agrees to continue to provide the above benefit upon retirement with 25 years or more years of service to the borough. Upon retirement, if the employee has Medicare entitlement, the employee is required to enroll in Medicare and Borough policy shall be deemed secondary.

Right to Select Carrier: The benefits provided for here in shall be provided through a self-insured plan or under group insurance policy or policies issued by an insurance company or insurance companies selected by the Borough. "Insurance Companies" include regular life insurance companies and non-profit organizations providing hospital, surgical or medical benefits. If these benefits are insured by an insurance company, all benefits are subject to the provision of the policies between the Borough and the insurance company. Notwithstanding any such change, the level of benefits shall remain substantially similar to or greater than existing benefits.

Non-Duplication of Benefits

All parties agree to coordinate benefits in situations where spouse has coverage. It is employees expressed responsibility to provide employer with spouse insurance information, including but not limited to, spouse's current employer, a copy of spouse's insurance policies, declaration pages, premium amounts and proof of premium

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payment.

In the event spouse obtains insurance coverage or changes coverage, the employee shall notify employer and provide the aforesaid documentation within 30 days.

Optical Plan

The Borough shall assume the cost of providing Benedict J. Smith, III with an eye Examination, at an optometrist selected by the Borough, once every twenty-four (24) months. The Borough shall grant Benedict J. Smith, III an allowance of seventy-five (\$75.00) dollars toward the cost of one (1) pair prescription glasses in each twenty-four (24) month period. The Borough shall not be required to pay for more than one (1) eye examination or pay for more than one (1) eye glass allowance for Benedict J. Smith, III in any twenty-four (24) month period.

Sick Leave/Injury

Sick Leave and Duty Injury Leave/Sick Leave Accumulation Rate

The employee shall be entitled to accumulate sick leave as follows at the rate of ten (10) hours of sick leave for each completed month of service, such sick leave to be accrued at the rate of 5 (five) hours per pay period. Except for job related injuries, no employee will accrue sick time while on sick or injury leave.

Sick Leave Utilization Requirements

The employee with accrued sick leave credit shall be allowed to utilize such sick leave for the following purposes:

1. Personal Illness or Disability

Any employee who has contracted or incurred and is suffering from any non-service connected sickness or disability, which renders them unable to perform the duties of their position, shall be eligible to receive paid sick leave. This also includes periods during which the employee is under enforced quarantine in accordance with community health regulation, or restricted due to exposure to a contagious disease in accordance with a doctor's order. Employees shall also be eligible to utilize their accrued sick leave following the expiration of their duty injury leave benefits.

2. Family Illness Disability

Employees shall be eligible to receive paid sick leave when there is a sickness or disability involving a member of their immediate family which requires the employee's personal care and attendance, provided that requiring the employee to report for work would cause a serious hardship on the member of the immediate family suffering from the illness or disability. The determination as to whether or not there exists a hardship shall be made by the employee's Supervisor after the employee has provided sufficient and satisfactory medical documentation of the illness or disability.

Maternity, Medical and Extended Duty Injury Leave

Employees shall be eligible to receive paid sick leave, to the extent they have accrued sick leave credit, approved medical leave, and approved extended duty injury leave. Maternity leave shall be treated the same as any other disability as proved by law.

Vacation and Personal Leave

When an employee becomes eligible for paid sick leave while on vacation or during an approved personal leave, sick leave may be used in place of vacation time or personal leave hours, provided satisfactory evidence and certification of the illness or disability is presented to the Supervisor. The determination as to whether or not sick leave time may be used under this provision shall be made by the employees Supervisor.

Sick Leave Pay

The rate of sick leave pay shall be the employee's regular straight-time hourly rate of pay in effect for the employee's regular job at the time sick leave is approved.

Duty Injury Leave

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A duty incurred sickness or disability shall not be charged against the accumulated sick leave of an employee for one (1) year during which the employee is on approved duty injury leave and eligible for duty injury leave benefits in accordance with applicable law, beginning with the date of injury or date of beginning illness.

Sick Leave Notification

It is the responsibility of this employee requesting paid sick leave to notify his Supervisor in writing.

Employees who are requesting paid sick leave shall notify or cause notification to be made to the Supervisor in writing. Where someone other than the employee is or has been requested to make the required notification, the employee will be solely responsible for that notification being made. If an employee becomes sick or ill during their work shift, they must notify or cause notification to be made to the employee's Supervisor in writing.

In the event no sick leave notification is made within thirty (30) minutes after the start of the workday, or after an employee becomes sick or ill and leaves work, the Supervisor shall consider and handle the employee's absence without pay, unless the employee can later substantiate with documentation that it was impossible to make or cause such notification. The decision is to be made by the Supervisor.

Sick leave notification as outlined above must be made for each workday that paid sick leave is being requested, unless this requirement is expressly waived by the Supervisor.

Sick Leave Certification and Approval

If the Borough has reasonable grounds to believe sick leave is being abused, it may at its discretion require any employee requesting paid sick leave to furnish substantiating evidence of a statement from their attending physician certifying that absence from work was required due to one of the reasons set forth above. In any case, such certification must be presented whenever sick leave is requested for three (3) or more consecutive workdays.

Sick Leave Release

This employee who is sick or disabled for three (3) or more consecutive work days may be required at the Borough's discretion; and any employee who is sick or disabled for six (6) or more consecutive workdays shall be required to secure and submit a physician's release certifying that they are fit to return to work. This release must be submitted to the Supervisor before the employee will be permitted to return to work. The Borough may also require, at its discretion, that an employee take a medical physical in conjunction with the above sick leave procedure.

If the two (2) doctors disagree, the parties agree to consult with the Monmouth County Medical Society Selective to select a third qualified physician. Such physician cost will be submitted to the Employer's insurance carrier. Any cost not covered under the employee's policy shall be paid by the Borough. Such doctor's determination shall be binding upon the parties.

Extended Leave

After using thirty (30) days of sick leave, the employee who shall be injured, ill or disabled from any cause not connected with his service as an employee so as to become physically unfit for work, shall be entitled to a leave of absence with pay, provided that said leave of absence is authorized by resolution of the Borough Council and in accordance with the following schedule:

If the employee has served for more than ten (10) years, shall be entitled to a leave of absence with full pay for twenty-six (26) weeks, plus an additional thirteen (13) weeks at half (1/2) pay.

Separation from Services

Employees shall be paid for one-half (1/2) of their total accrued sick leave upon their, retirement, including disability retirement, upon their resignation following 10 (10) or more consecutive years of service in the Borough; or to their beneficiaries in case of death to a maximum of \$12,000.00. The amount of payment shall be calculated based upon the employee's prevailing hourly rate of pay in effect for the employee's regular job on the last work day of the employee's employment.

7. *This agreement shall be effective through and including December 31, 2014.*

The Borough and Benedict J. Smith, III shall mutually enter into negotiations for a successor Agreement prior to the expiration of the within Agreement.

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The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution. The employee expressly and without duress voluntarily waives any right to counsel. The employee acknowledges that he has the right to seek legal counsel in conjunction with the negotiation of this contract and with its execution. The employee expressly and without duress voluntarily waives any right to counsel.

In witness whereof, the parties hereto have caused these presents to be signed by their duly authorized representatives this ____ day _____, 2012.

BOROUGH OF MATAWAN

Paul Buccellato, Mayor
ATTEST:

Date _____

Jean B. Montfort, RMC
Municipal Clerk

Date: _____

EMPLOYEE

Benedict J. Smith, III, Lieutenant

Date: _____

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Mayor Buccellato read by title Resolution 12-02-29: Authorizing the Hiring of Class Two – Police Department. Mayor Buccellato requested a motion. Councilwoman Angelini made the motion, seconded by Councilman Lopez. Councilman Fitzsimmons asked if this was the second Special they were hiring. Mayor Buccellato stated no, the first. They had discussed hiring two, however, there were only three or four that applied, two were interviewed. 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 12-02-29
AUTHORIZING THE HIRING OF CLASS TWO SPECIAL
POLICE DEPARTMENT**

WHEREAS, the Mayor and Council has been advised that there is a need for a Class Two Special within the Borough of Matawan; and

WHEREAS, applications have been received, said applications have been reviewed and applicants were duly screened pursuant to law.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan authorizes the temporary hiring of Jonathan M. Borsari on as needed basis Class Two Special (part time hourly employee) in the Police Department, effective February 16, 2012, for no more than Twenty-Five hours per week at the rate of compensation of \$15.00 per hour, not to exceed Eighteen Thousand Dollars and No Cents (\$18,000.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this

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certification funds are available from the 2-01-25-240-100 Budget of the Borough of Matawan to Jonathan M. Borsari for Class Two Special for the Borough of Matawan in an amount not to exceed Eighteen Thousand Dollars and No Cents (\$18,000.00).

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: February 7, 2012

Mayor Buccellato read by title Resolution 12-02-30: Requirements for Special Duty Assignment of Police Officers Specifically Section 2-62.d and 2-62.e. 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
Councilman Fitzsimmons

Abstain: Councilwoman Clifton

Motion passed.

Mayor Buccellato requested Mrs. Bascom look into what other municipalities are charging for traffic duty.

***RESOLUTION 12-02-30
REQUIREMENTS FOR SPECIAL DUTY ASSIGNMENT OF POLICE OFFICERS
SPECIFICALLY SECTION 2-62.d and 2-62.e***

WHEREAS, Section 2-62 of the Borough of Matawan Code requires a Contractor to pay for services rendered by the Borough of Matawan Police Department in connection with Special Duty Services; and

WHEREAS, it has been noted that when a contractor is performing a Borough Public Works Contract the Administrative and Police Vehicle charges should be waived; and

WHEREAS, the current Road Project Contractor has been invoiced at a rate of Eighty-four Dollars and Seventy-nine Cents (\$84.79), which included the Administrative charges as specified in the Code.

BE IT THEREFORE RESOLVED that effective January 1, 2012, James R. Ientile, Inc. new rate for Special Duty Assignment of Police Officers be Seventy-five Dollars and Thirty-five Cents (\$75.35) per hour.

BE IT FURTHER RESOLVED that a change order will be prepared by the Borough Engineer to reflect the corrected charges for the contract through December 31, 2011.

BE IT FURTHER RESOLVED that the Council of the Borough of Matawan hereby authorizes the Administrator to prepare an Ordinance to be prepared that will specifically amend Section 2-62 "Contractors Requirements for Special Duty Assignment of Police Officers" to eliminate the Administrative fee in the amount of Twelve Dollars (\$12.00) per hour for each man hour of Special Duty Officer engaged with the Contractor and the Five Dollars (\$5.00) per hour for the cost of the use of a Police Vehicle each hour the Officer is engaged with the Contractor.

Mayor Buccellato read by title Resolution 12-02-31: Authorizing the Transfer of Unexpended Balances in Certain 2011 Appropriation Reserve Accounts. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-02-31
AUTHORIZING THE TRANSFER OF
UNEXPENDED BALANCES IN CERTAIN
2011 APPROPRIATION RESERVE ACCOUNTS**

WHEREAS, N.J.S.A. 40A:4-59 provides for the transfers within certain appropriations within the Municipal Budget during the first three months of the following year: and

WHEREAS, there are unexpended balances in certain 2011 appropriation reserve accounts; and

WHEREAS, additional funds are required in certain other 2011 appropriation reserve accounts.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the following transfers are authorized from and to the following accounts:

<i>Transfer From</i>	<i>Amount of Transfer</i>	<i>Account Number</i>	<i>Transfer To</i>	<i>Amount of Transfer</i>
<i>1-01-20-165-200 Engineering Other Expenses</i>	<i>\$2,500.00</i>	<i>1-01-20-130-200</i>	<i>Finance Other Expenses</i>	<i>\$2,500.00</i>
<i>1-01-20-165-200 Engineering Other Expenses</i>	<i>\$10,000.00</i>	<i>1-01-20-155-200</i>	<i>Legal Other Expenses</i>	<i>\$10,000.00</i>
<i>1-09-55-500-200 Water/Sewer Other Expenses</i>	<i>\$14,000.00</i>	<i>1-09-55-508-200</i>	<i>Bulk Water Purchase Other Expenses</i>	<i>\$14,000.00</i>

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

Mayor Buccellato read by title Resolution 12-02-32: Emergency Temporary Appropriation. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-02-32
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2012 temporary budget for the aforesaid purposes; and

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WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2012 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$3,732,747.45.

NOW, THEREFORE, BE IT RESOLVED (not less than two thirds of all member of the Council of the Borough of Matawan, New Jersey affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. *An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.*
2. *That said emergency temporary appropriations will be provided for in the 2011 budget under the appropriate titles.*
3. *That one certified copy of this resolution be filed with the Director of Local Government Services.*

BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2012 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.

2012 Temporary Budget for February 7, 2012 Meeting

	<i>Salary & Wages</i>	<i>Other Expenses</i>
<i>Mayor & Council</i>		<i>\$600.00</i>
<i>Subtotal</i>		<i>\$600.00</i>
<i>Total Temporary Emergency Appropriations</i>		<i>\$600.00</i>

Mayor Buccellato read by title on introduction Ordinance 12-01: Ordinance to Amend the Code of the Borough of Matawan, Chapter 13 Building and Construction. 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.

Mrs. Montfort stated the Public Hearing on this Ordinance will be February 21, 2012.

**ORDINANCE 12-01
ORDINANCE TO AMEND THE CODE OF
THE BOROUGH OF MATAWAN
CHAPTER 13 BUILDING AND CONSTRUCTION**

13-2.4 Notice to Adjoining Property Owners.

No permit to remove a building or other structure shall be issued until notice of application has been given to the owners of property adjoining the property upon or from which the building or structure is to be moved and to the owners of wires or other impediment, the temporary removal of which will be necessary, and an opportunity has been given the owners to be heard upon the application.

13-2.5 Approval and Issuance of Permit.

The Construction Official, upon receipt of an application for a removal or demolition permit, shall immediately notify, in writing the Tax Assessor, the Historic Site Commission and Health Officer. Each entity shall review and examine the application within twenty (20) days of receipt. Findings and facts regarding the review of

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the application shall be in writing and submitted to the Borough Clerk for distribution. Representative of one or all entities may be required to present their report at the hearing before the governing body.

Any building or other structure, that is the subject of application for demolition and is classified over one hundred (100) years in age by the Historic Site Commission, shall have a public hearing. Said hearing shall be held before the governing body and receive permission by resolution before any permits are issued. The hearing shall be in held in public within thirty (30) days after receipt of any comments and reviews required in 13-2.5.

If, after permission is granted by the governing body by resolution for any building or other structure classified over one hundred (100) years or after examination by the Construction Official of those not classified over one hundred (100) year, he, finds no objections to the same and it appears that the proposed work will be in compliance with the applicable laws and ordinances and the proposed construction or work will be safe, he shall approve the application and give written notice to the applicant, who shall cause a rodent, vermin and insect extermination to be carried out in the premises and furnish written certification to the Construction Official. The Construction Official shall then issue a permit for the proposed work provided that commencement shall not take place until at least twenty-four (24) hours advance notice has been given to the Construction official and the owners or tenants of properties adjoining the property in question. A permit under which no work is commenced within six (6) months after issuance shall expire by limitation and a new permit shall be secured before work is commenced.

Mayor Buccellato read by title Resolution 12-02-33: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-02-33
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	\$2,244,594.86
Water & Sewer	\$134,087.99
Borough Capital	\$2,623.18
Water Capital	\$75,468.04
Grant	\$647.50
Borough Trust	\$136,759.71
Developers Escrow Account	\$45,628.14
Dog Tax Trust	\$12.00
Railroad Parking Trust	\$11,500.00
Unemployment Trust	\$126.36
Total	\$2,651,447.78

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Chief Bommer, Hook and Ladder Chief, thanked the Council for approving the new firemen. He asked when they were getting their fire truck. Mrs. Bascom stated they have to wait for the Auditor to give them the go ahead. The Auditor was in today and is working on the Budget. Chief Bommer stated every time he turns around he has to call on another municipality for their ladder truck. He said he was just looking out for the safety of the residents of the Borough.

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February 7, 2012**

Mayor Buccellato stated as he had told him and the other Fire Chiefs last week there is a process the Borough has to follow before spending public funds. Mr. Bommer stated just so everyone knows if another municipality is on their way to Matawan for a fire call and a call comes in for their municipality they will go to their fire call first. Mrs. Bascom stated these rules are set by the State. Mayor Buccellato

Geraldine Crocket, Second Baptist Church, thanked the Council for waiving the fees.

Mayor Buccellato closed the Privilege of the Floor

Mrs. Bascom stated she had met will Maser on updating and expanding the GSI program. She said we have had one for several years, but had not been used much. Right now the Water/Sewer Department is on it. She would like to bring in the Police Department, Emergency Management, Assessor's office, her office. There will be limited public access.

Mrs. Bascom stated she had sent out the final version of the ordinance for the use of the MMCC. She hopes to introduce this ordinance at next meeting. She asked the Council to review.

Mrs. Bascom handed out a copy of the Agreement with BRSA. They want the comments by the end of this month. They would like to execute a new agreement by April. This agreement brings all the members into the same period, expiration date, beginning date, ending date, and changes the way each municipality is being billed. She asked the Council to review. Mayor Buccellato asked Mrs. Bascom to speak to the Administrators of the different municipalities it was his understanding there were still problems with the agreement. Mrs. Bascom stated the Engineer has requested they look into TV of sewer lines every five years.

Mayor Buccellato stated that since the Council had completed their formal actions He could disconnect Councilwoman Gould if she desired. Councilwoman Gould said goodnight to everyone. The time was 8:00 PM.

Mrs. Bascom stated they had heard from "New Jersey Clean Energy". They had sent a copy of the check given to Hutchinsons. This is part of the "Energy Conservation Block Grant".

Mrs. Bascom stated Aberdeen has sent notice of their public hearing on the redevelopment of their area around the train station, February 15, 2012.

Mrs. Bascom said the MELjif is sending information regarding OHSAs new requirement for hearing and repertory for certain employees. She will forward the information to the governing body when she receives it.

Adjournment

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

Meeting adjourned at 8:15 PM.

Jean B. Montfort, RMC
Municipal Clerk