

**Borough of Matawan
Public Session
February 21, 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 21, 2012. The meeting was called to order at 7:00 PM by Mayor Buccellato presiding. Mayor Buccellato called the meeting to order, pursuant to Section 5 of the Open Public Meetings Act that adequate notice of this meeting has been provided in the notice which was published in *The Independent* on January 12, 2012, by sending notice to the *Asbury Park Press*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

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

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

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

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

Approval of Minutes

Mayor Buccellato requested a motion to approve the minutes of September 6, 2011. Councilman Urbano made the motion, seconded by Councilman Gould. Council agreed. Motion passed.

Public Hearing – ABC Liquor License

Mayor Buccellato requested a motion to open the public hearing for the Transfer of Liquor License #1329-33-016-009 from Charlie Browns of Matawan to Mediterranean Chateau Corp. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed. Ms. Montfort explained the place to place transfer of Charlie Brown's liquor license to Mediterranean Chateau Corp. to be located in Charlie Brown's location on Route 79. There were no comments. Mayor Buccellato requested a motion to close the Public Hearing for the Transfer of Liquor License #1329-33-016-009 from Charlie Browns of Matawan to Mediterranean Chateau Corp. Councilman Lopez made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Privilege of the Floor – Agenda Items Only

Mayor Buccellato opened the Privilege of the Floor.

There were no comments.

Mayor Buccellato closed the Privilege of the Floor.

Old Business

Mayor Buccellato read by title Ordinance 12-01: Ordinance to Amend the Code of the Borough of Matawan – Chapter 13 – Building & Construction. Mayor Buccellato requested a motion to open the public hearing. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilwoman Angelini made the motion, seconded by Councilwoman Gould. Council agreed. Motion passed. Mayor

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Buccellato requested a motion to adopt. Councilman Urbano made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**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 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.

Clerk's Report

Ms. Montfort reported Washington Engine Company has requested a social affairs permit and having fulfilled all requirements requests approval authorization. Mayor Buccellato requested a motion to grant the Borough Clerk authorization to sign the permit on behalf of the Borough. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Council agreed. Motion passed.

Ms. Montfort reminded Council of the meeting with MELJIF representative in the Main Meeting Room immediately prior to the March 6, 2012 Council meeting. Councilwoman Clifton informed she will be unable to attend.

Ms. Montfort informed Council she will be out of the office next week.

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Mayor's Report

Mayor Buccellato presented a flag given to the Borough by Governor Christie. This flag flew over the World Trade Center site on September 11, 2001. Mayor Buccellato will have the certification with accompanying letter laminated and will have all placed in an appropriate public Borough location.

Mayor Buccellato asked Al Savolaine to approach the podium to assist in the Mayor's report on the cataloging of historical buildings within the Borough.

Al Savolaine, 7 Edgemere Drive, Matawan. Mr. Savolaine informed he is the Vice Chair of the Matawan Historic Sites Commission, is a Historical Society Trustee, a Docent at the Burrowes Mansion Museum, and a Historian of Rose Hill Cemetery. The Historic Sites Commission is cataloging 100 year and older buildings in the Borough researching each property's history to incorporate a report to be presented at a later date. Council thanked Mr. Savolaine for all efforts expended in this task.

Ray Bassford, 8 Spring Street, Matawan. Mr. Bassford offered records from the Fire Department to assist Mr. Savolaine.

Administrator's Report

Ms. Bascom reported in accordance with the Recycling Shared Services Agreement with Aberdeen in addition to conforming to State mandate to have a Certified Recycling Officer, a recycling drop off center must be designated. The Borough will utilize Aberdeen Township's Cliffwood Beach recycling center. A notice will be sent to all residents.

Ms. Bascom related previous meeting discussions of feral cats. Research shows most rescues or feral cat programs are done by volunteer groups. Most municipalities do not have a feral cat programs. Councilwoman Gould thanked Ms. Bascom for her time.

Ms. Bascom presented drawings and design plans of the traffic signal at Main and High Streets railroad crossing stating they are in her office for public viewing.

Attorney's Report

Mr. Menna requested Council establishment of an ADA Compliance Committee. Mayor Buccellato stated he pursue.

Engineer's Report

Mr. Keady provided an update on the 2011 Road Program informing of the installation of the Sutton Drive under drains and water main, and completion of the majority of the concrete curbing; Aberdeen Road water main installation from Matawan Avenue to Sutton Drive with fire hydrants. That portion of the main will be charged today with services to follow. They will then continue up Aberdeen Road for the remainder of the main.

The Water Plant Rehabilitation Project preconstruction meeting was held last week. The contractor will be submitting a schedule, shop drawings and coordination of staging areas with the Superintendent of the Department of Public Works, Jake Applegate, within the next two weeks. The majority of the work should begin after the plant shutdown on October 1, 2012. Any minor work not affecting plant operations will begin prior to that date.

Councilman Fitzsimmons asked Mr. Keady to provide as much advance notice as possible of contractor utilization of nearby parking which may affect the baseball league parking. Mr. Keady informed Mr. Applegate met with a league representative to assess their needs to incorporate into the staging area discussions.

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Personnel, Redevelopment, Main Street, Construction, Community Affairs

Councilwoman Gould gave the January report which includes year to date of the Construction Department fees collected:

- Permit income - \$10,873.00
- Business certificate of occupancy and miscellaneous fees - \$225.00
- Training fees - \$496.00
- Matawan fund payment - \$11,594.00
- Value of construction work - \$381,496.00
- Permits issued - 47

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

Councilman Lopez reported the Fire Department responded to 45 calls in the month of January.

Fire Chief Carl Bommer, Hook and Ladder, described the type of calls received.

Police, Railroad Parking, Library

No report.

Public Works, Water/Sewer, Property Maintenance

Councilman Urbano thanked Mr. Keady for the update.

Recreation, Historic Sites, Technology

Councilwoman Clifton reported Recreation is participating in the Matawan-Aberdeen Chamber of Commerce Business Expo at St. Clement on March 27, 2012. The Easter Egg Hunt will be on March 31, 2012 with more details to follow. She thanked Mr. Savolaine and the Historic Sites Commission on their cataloging duties as well as the Council for passing Ordinance 12-01. Lastly, if interested in applying for a preservation award, please contact herself and/or applications can be found on monmouthhistory@comcast.net.

Finance, Sanitation/Recycling

Councilman Fitzsimmons requested the January 31, 2012 Treasurer's Report be added to the record.

Report of the Treasurer
To the Mayor and Council of the Borough of Matawan
Bank Balances as of January 31, 2012

Current Account	TD Bank	\$1,194,724.25
Tax Collector Trust Fund	TD Bank	\$ 0.00
Water & Sewer Account	TD Bank	\$ 386,738.61
Borough Capital Account	TD Bank	\$2,072,850.80
Utility Capital Account	TD Bank	\$1,585,059.07
Borough Trust Account	TD Bank	\$ 683,428.40
Boro Trust Summary – TD Bank As of: January 31, 2012	Cash Balances	
Fire Safety		\$32,802.09
Fire Prevention/Dedicated Penalty		\$10,093.07

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Escrow	\$109,948.01	
Tax Redemptions	\$130,171.35	
POAA	\$824.44	
Donation	\$32,742.49	
Premiums	\$339,901.00	
Off Duty Police	\$20,562.29	
Public Defender	\$6,383.66	
Total	\$683,428.40	
Dog Tax Trust Account	TD Bank	\$4,858.43
Unemployment Insurance Account	TD Bank	\$730.43
Recreation Special Account	TD Bank	\$38,228.72
Recreation Trust Summary –TD Bank	Cash Balances	
As of: January 31, 2012		
Turkey Trot	\$26,644.76	
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	\$38,228.72	
Accutrack Developers Escrow Acct	TD Bank	\$377,055.61
Law Enforcement Account	TD Bank	\$7,272.97
Railroad Parking Lot Trust	TD Bank	\$364,389.63
Total		<u>\$6,715,336.92</u>

Respectfully,
(Signature on File)
Monica Antista

Also, Bill Garofalo, Ms. Bascom and himself will be meeting this week to begin the budget process.

Consent Agenda

Mayor Buccellato read by title Resolutions 12-02-35 through 12-02-38 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 12-02-35
REDEMPTION OF TAX SALE CERTIFICATE
SCHWAB TAX LIEN SERVICES, LLC
CERTIFICATE #10-00081**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00081 which was sold to Schwab Tax Lien Services, LLC, PO Box 131, Lakewood, NJ 08701-0131; and

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WHEREAS, Certificate #10-00081 has been paid and fully redeemed for the property owner, Block 119, Lot 13 otherwise known as 9 Sutphin Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,891.65 to the above for the redemption of Tax Sale Certificate #10-00081.

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

**RESOLUTION 12-02-36
REDEMPTION OF TAX SALE CERTIFICATE
ACE PLUS, LLC
CERTIFICATE #10-00087**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #10-00087 which was sold to Ace Plus, LLC, 1416 Avenue L, Brooklyn, NY 11230; and

WHEREAS, Certificate #10-00087 has been paid and fully redeemed for the property owner, Block 122, Lot 3 otherwise known as 5 Lola Lane.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,387.45 to the above for the redemption of Tax Sale Certificate #10-00087.

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

**RESOLUTION 12-02-37
REDEMPTION OF TAX SALE CERTIFICATE
MTAG SERVICES AS CUST FOR ATCF II NEW JERSEY, LLC
CERTIFICATE #11-00086**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00086 which was sold to MTAG Services as Cust for ATCF II New Jersey, LLC, PO Box 54292, New Orleans, LA 70154-4292; and

WHEREAS, Certificate #11-00086 has been paid and fully redeemed for the property owner, Block 113, Lot 2 otherwise known as 7 Elm Place.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,376.59 and a Premium of \$6,800.00 to the above for the redemption of Tax Sale Certificate #11-00086.

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

**RESOLUTION 12-02-38
REDEMPTION OF TAX SALE CERTIFICATE
PACIFIC SUNSET CAPITAL, LLC
CERTIFICATE #11-00094**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00094 which was sold to Pacific Sunset Capital, LLC, PO Box 131, Lakewood, NJ 08701-0131; and

WHEREAS, Certificate #11-00094 has been paid and fully redeemed for the property owner, Block 119, Lot 13 otherwise known as 9 Sutphin Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,490.94 to the above for the redemption of Tax Sale Certificate #11-00094.

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

New Business

Mayor Buccellato read by title Resolution 12-02-39: Approval of Masseur License – Ying Wang La. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-02-39
APPROVING OF MASSEUSE LICENSE
YING WANG LA**

WHEREAS, Ying Wang La (Masseuse) has passed the required Police Department background checks; and

WHEREAS, on the condition that Ying Wang La 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: Ying Wang La
c/o Oriental Massage
1008 Route 34, Suite 8
Matawan, New Jersey 07747*

*Applicant: Ying Wang La
140-65 Beech Avenue
Flushing, New York 11355*

Mayor Buccellato read by title Resolution 12-02-40: Authorizing the Issuance of Summer Parking Passes Railroad Parking. 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 12-02-40
AUTHORIZING THE ISSUANCE OF
SUMMER PARKING PASSES
RAILROAD PARKING**

WHEREAS, there is a need for additional parking for people working during the summer months; and

WHEREAS, there is also a decrease of regular permit holder using the parking lot during this same time period.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby authorizes the issuance of Summer Railroad Parking Permits for the period of May 1, 2012 through August 31, 2012 for a fee of \$225.00.

Mayor Buccellato read by title Resolution 12-02-41: Resolution To Transfer Plenary Retail Consumption License From Charlie Browns Of Matawan To Mediterranean Chateau Corp.

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#1329-33-016-009. 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 12-02-41
RESOLUTION TO TRANSFER
PLENARY RETAIL CONSUMPTION LICENSE
FROM CHARLIE BROWNS OF MATAWAN
TO MEDITERRANEAN CHATEAU CORP.
#1329-33-016-009**

WHEREAS, an application has been filed for a Place to Place Transfer and a Person to Person Transfer of Plenary Retail Consumption License Number 1329-33-009-005, heretofore issued to Charlie Browns of Matawan, Inc., 27 Freneau Ave, Rt. 79, Matawan, New Jersey 07747; and

WHEREAS, Mediterranean Chateau Corp. submitted application form which has been deemed to be complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business; and

NOW, THEREFORE, BE IT RESOLVED that the Matawan Borough Governing Body does hereby approve the Place to Place Transfer and Person to Person Transfer of the aforesaid Plenary Retail Consumption License held by Charlie Browns of Matawan to the Mediterranean Corp., 27 Freneau Avenue (Route 79), Matawan, New Jersey 07747.

Mayor Buccellato read by title Resolution 12-02-42: Authorizing the Waiver of Fees – First Presbyterian Church – 883 Route 34. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Abstain: Councilman Lopez

Motion passed.

**RESOLUTION 12-02-42
AUTHORIZING THE WAIVER OF FEES
FIRST PRESBYTERIAN CHURCH
883 ROUTE 34**

WHEREAS, the First Presbyterian Church is a long standing member of the Matawan community; and,

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WHEREAS, the First Presbyterian Church is in the process of upgrading its fire alarm system; and

WHEREAS, the First Presbyterian Church is requesting the Borough, as an expression of support and encouragement, waive the municipal and electrical permit fees of One Hundred Twelve Dollars and No Cents (\$112.00) and One Hundred Thirty Five Dollars and No Cents (\$135.00), respectively, for a total of Two Hundred Forty Seven Dollars and No Cents (\$247.00).

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby waives the municipal and electrical permit fees totaling Two Hundred Forty Seven Dollars and No Cents (\$247.00) for the upgrade of a fire alarm system for the First Presbyterian Church located at 883 Route 34, Matawan.

Mayor Buccellato read by title Resolution 12-02-43: 2011 Road Program Authorizing Change Order No. 3. 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 12-02-43
2011 ROAD PROGRAM
AUTHORIZING CHANGE ORDER NO. 3**

WHEREAS, T&M Associates has informed the Council that Items A19, B18 and C12 have been reduced to reflect as-built quantities and Item C19 has been reduced to reflect field conditions to the 2011 Road Program for a total deduction of Eighty Three Thousand, Four Hundred Thirty Eight Dollars and Fifty Five Cents (\$83,438.55); and

WHEREAS, T&M Associates has informed the Council that Items SA-1, SB-1, C55 and SC11 have been increased to reflect as built quantities to the 2011 Road Program for a total increase of Fifty One Thousand Five Hundred Sixty Nine Dollars and Ninety Five Cents (\$51,569.95); and

WHEREAS, T&M Associates has informed the Council that Item S-1 has been increased to reflect field conditions and S-2 has been increased to reflect removal and disposal of stockpiled material for the 2011 Road Program for a total increase of Forty One Thousand Four Hundred Fifty Dollars and No Cents (\$41,450.00).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, based upon the recommendations of Robert Keady, T&M Associates, that they hereby authorize Change Order No. 3 for the 2011 Road Program an increase in the amount of Nine Thousand Five Hundred Eighty One Dollars and Forty Cents (\$9,581.40).

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 Road – C04-55-911-101 and Water – W096-55-551-101 Budget of the Borough of Matawan for the contract awarded to James R. Ientile, Inc, for the 2011 Road Program in an amount not to exceed Nine Thousand Five Hundred Eighty One Dollars and Forty Cents (\$9,581.40).

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 21, 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
Split Specimen Testing	\$210.00

Mayor Buccellato read by title Resolution 12-02-44: Approval to Submit a Loan Application and Execute a Loan Application with the Environmental Infrastructure Trust Program – Matawan Borough Water Treatment Plant – Alternate 2. 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 12-02-44
APPROVAL TO SUBMIT A LOAN APPLICATION
AND EXECUTE A LOAN APPLICATION WITH THE
ENVIRONMENTAL INFRASTRUCTURE TRUST PROGRAM MATAWAN BOROUGH WATER
TREATMENT PLANT - ALTERNATE 2**

WHEREAS, the Mayor and Council of the Borough of Matawan wishes to apply for the the Environmental Infrastructure Trust Program to include Alternate 2 in the rehabilitating of the Borough's water treatment plant; and

WHEREAS, the Council authorizes T&M Associates, Borough Engineer, to prepare the necessary revisions to the plans, specifications and filing of the permits for the alternate methods of rehabilitating the Borough's water treatment plant and submit loan application to the Environmental Infrastructure Trust Program for a design fee not to exceed Three Thousand, Two Hundred and Fifty Dollars (\$3,250.00).

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

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 any revisions to the plans, specifications and filing of the permits for the alternate methods of rehabilitating the

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Borough's water treatment plant and submit loan application to the Environmental Infrastructure Trust Program in an amount not to exceed Three Thousand, Two Hundred and Fifty Dollars (\$3,250.00).

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

Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: February 21, 2012

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



MATN-01342

February 8, 2012

Barbara L. Bascom, Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

Re: Middlesex Road Water Storage Tank

Dear Ms. Bascom:

As you are aware and as previously discussed, there is a Resolution on the Agenda for the Council Meeting of February 7, 2012 for the award of the Water Treatment Plant Base Bid plus Alternate 1.

As it has been discussed, Alternate 2 is also in need of rehabilitation; however, there was not sufficient funds through the EIT Program to award this alternate. Therefore, should the Borough wish to proceed with the 2013 Funding Cycle of the Environmental Infrastructure Trust Program, T&M will repackage the design and specifications for the Middlesex Road Water Storage Tank, submit the new loan application and address comments from the DEP. This cost also includes evaluating the inspection report, which is anticipated to be performed by others.

T&M Associates could perform the above tasks in the amount of \$3,250. Please be advised that if the inspection report identifies additional work beyond what has been anticipated, then additional funds would be required for revisions.

In addition, please be aware that the deadline for the 2013 Environmental Infrastructure Trust funding is Monday, March 5, 2012. Therefore, a prompt authorization would be greatly appreciated.

Very truly yours,

T&M ASSOCIATES



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

RRK:dk
cc: Jean Montfort, RMC, Borough Clerk
Jake Applegate, Superintendent

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Mayor Buccellato read by title Resolution 12-02-45: Resolution Authorizing The Execution And Delivery Of Loan Agreements To Be Executed By The Borough Of Matawan And Each Of The New Jersey Environmental Infrastructure Trust And The State Of New Jersey, Acting By And Through The Department Of Environmental Protection, And Further Authorizing The Execution And Delivery Of An Escrow Agreement, All Pursuant To The State Fiscal Year 2012 New Jersey Environmental Infrastructure Trust Financing Program For The Purpose Of Financing Various Water Treatment Plant Improvements. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

RESOLUTION 12-02-45

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE BOROUGH OF MATAWAN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE PURPOSE OF FINANCING VARIOUS WATER TREATMENT PLANT IMPROVEMENTS

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WHEREAS, the Borough of Matawan (the "Local Unit") in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the "Project"), as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement" and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the 2012 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2012A to the Trust in an aggregate principal amount not to exceed \$1,552,000 (the "Trust Loan Bond") and the Local Unit's General Obligations Bonds, Series 2012B to the State in the aggregate principal amount not to exceed \$4,248,000 (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, the Trust and the State have expressed their desire to close in escrow the making of one or more of the Loans, the issuance of one or more of the Local Unit Bonds and the execution and delivery of one or more of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the Trust, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Local Unit as follows:

Section 1. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms attached hereto as Exhibit A, B and C, respectively, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their

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respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the “Local Unit Consultants”) and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively the “Program Consultants”, and together with the Local Unit Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deemed necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. This resolution shall take effect immediately.

Section 4. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John D. Draikiwicz, Esq., Gibbons P.C., Bond Counsel to the Local Unit and Richard Nolan, Esq., McCarter & English, LLP, Bond Counsel to the Trust.

Mayor Buccellato read by title Resolution 12-02-46: Resolution Determining the Form and Other Details of Not Exceeding \$5,800,000 General Obligation Bonds, Series 2012 of the Borough of Matawan, in the County of Monmouth, New Jersey and Providing for their Sale to the New Jersey Environmental Infrastructure Trust and the State of New Jersey Pursuant to the State Fiscal Year 2012 New Jersey Environmental Infrastructure Trust Financing Program for the Purpose of Financing Various Water Treatment Plant Improvements. Mayor Buccellato requested a motion. Councilwoman Angelini 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 12-02-46
RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$5,800,000
GENERAL OBLIGATION BONDS, SERIES 2012 OF THE BOROUGH OF MATAWAN, IN THE COUNTY
OF MONMOUTH, NEW JERSEY AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY
ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO
THE STATE FISCAL YEAR 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST
FINANCING PROGRAM FOR THE PURPOSE OF FINANCING VARIOUS WATER TREATMENT PLANT
IMPROVEMENTS**

February 21, 2012

WHEREAS, the Borough of Matawan (the “Local Unit”) in the County of Monmouth, New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate or install the Project (the “Project”), as defined in each of that certain Loan Agreement (the “Trust Loan Agreement”) to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the “Trust”) and that certain Loan Agreement (the “Fund Loan Agreement” and together with the Trust Loan Agreement, the “Loan Agreements”) to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”), all pursuant to the State Fiscal Year 2012 New Jersey Environmental Infrastructure Trust Financing Program (the “Program”);

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the “Trust Loan”) and the

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State (the "Fund Loan" and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, *to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds, Series 2012A to the Trust in an aggregate principal amount not to exceed \$1,552,000 (the "Trust Loan Bond") and General Obligation Bonds, Series 2012B to the State in the aggregate principal amount not to exceed \$4,248,000 (the "Fund Loan Bond" and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law and the Loan Agreements; and*

WHEREAS, *N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein.*

NOW, THEREFORE, BE IT RESOLVED *by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:*

Section 1. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond in an aggregate principal amount not to exceed \$1,552,000 to the Trust in accordance with the provisions hereof and (b) Fund Loan Bond in an aggregate principal amount not to exceed \$4,248,000 to the State in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in bond ordinances #09-07 and #09-25 of the Local Unit, which bond ordinances are entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$200,000 FOR IMPROVEMENTS TO THE WATER TREATMENT PLANT FOR AND BY THE BOROUGH OF MATAWAN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION" and "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$6,500,000 FOR IMPROVEMENTS TO THE WATER TREATMENT PLANT FOR AND BY THE BOROUGH OF MATAWAN IN THE COUNTY OF MONMOUTH, NEW JERSEY AND, AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION" and were finally adopted by the Local Unit at meetings thereof duly called and held on April 23, 2009 and December 15, 2009, respectively, at which times a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 2. The Chief Financial Officer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amounts of the Trust Loan Bond and the Fund Loan Bond to be issued;*
- (b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed forty (40) years;*
- (c) The date of the Local Unit Bonds;*
- (d) The interest rates of the Local Unit Bonds;*
- (e) The purchase price for the Local Unit Bonds; and*
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.*

Section 3. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) hereof.

Section 4. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Trust Loan Bond shall be issued in a single denomination and shall be numbered T-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered F-1;*
- (b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and*

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- (c) *The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.*

Section 5. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. The law firm of Gibbons P.C., is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. The terms of the Local Unit Bonds authorized to be set forth by the Chief Financial Officer in accordance with Section 2 hereof shall be ratified by the affirmative vote of 2/3 of the full membership of the governing body of the Local Unit.

Section 8. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. This resolution shall take effect immediately.

Section 10. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to John Draikiwicz, Esq., Gibbons P.C., bond counsel to the Local Unit, and Richard Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Mayor Buccellato read by title Resolution 12-02-47: Resolution of the Borough of Matawan, in the County of Monmouth, State of New Jersey (the "Local Unit") Authorizing the Local Unit's Participation in the Bond Financing Program of the Monmouth County Improvement Authority and Authorizing Application to Local Finance Board for its consent to Issue Refunding Bonds. 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 12-02-47

RESOLUTION OF THE BOROUGH OF MATAWAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "LOCAL UNIT") AUTHORIZING THE LOCAL UNIT'S PARTICIPATION IN THE BOND FINANCING PROGRAM OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING APPLICATION TO LOCAL FINANCE BOARD FOR ITS CONSENT TO ISSUE REFUNDING BONDS

WHEREAS, the Borough of Matawan, in the County of Monmouth, State of New Jersey (the "Local Unit"), has previously authored the issuance of bonds or notes to finance the costs of various capital improvements (the "Local Unit Projects"); and

WHEREAS, the Local Unit desires to issue bonds to refund the bonds that were issued to permanently finance the Local Unit Projects; and

WHEREAS, the Local Unit has reviewed the Bond Financing Program proposed by The Monmouth County Improvement Authority (the "MCIA"), whereby the Local Unit would issue Refunding Bonds (collectively, the "Local Unit Bonds") through the Bond Financing Program of the MCIA; and

WHEREAS, the Local Unit believes that participation in the MCIA's Bond Financing Program will benefit the Local Unit due to reduced interest costs as a result of a guaranty by the County of Monmouth, State of New Jersey (the "County Guaranty") on the debt service of the MCIA Bond Financing Program; and

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WHEREAS, the Local Unit further believes that any savings the Local Unit can achieve for its taxpayers, especially during this time of economic crisis, is of utmost importance to its community and accordingly, the Local Unit desires to issue its Local Unit Bonds through the Bond Financing Program of the MCIA; and

WHEREAS, such Local Unit Bonds shall be issued in accordance with the provisions of the Local Bond Law, N.J.S.A. 40A:2-51 et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MATAWAN THAT:

Section 1. *The Local Unit hereby authorizes the Local Unit’s participation in the MCIA Bond Financing Program.*

Section 2. *The Local Unit consents to the MCIA’s application to the Local Finance Board of the Division of Local Government Services, in the New Jersey Department of Community Affairs (the “Local Finance Board”) in connection with the Bond Financing Program.*

Section 3. *The Local Unit authorizes the filing of an application to the Local Finance Board for its consent to issue its Local Unit Bonds.*

Section 4. *The Chief Financial Officer of the Local Unit is hereby authorized to, or direct the appropriate party to, enter into one or more loans with the MCIA and is further authorized to execute one or more bond purchase contracts, loan agreements and any and all documents, certificates, opinions and other instruments that are necessary and as may be reasonably required by the Authority in connection with such loan, after consultation with counsel to the Local Unit.*

Section 5. *This resolution shall take effect immediately.*

CERTIFICATION

I, Jean B. Montfort, Clerk of the Borough of Matawan, in the County of Monmouth, State of New Jersey (the “Local Unit”), DO HEREBY CERTIFY that the attached resolution entitled, “RESOLUTION OF THE BOROUGH OF MATAWAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE “LOCAL UNIT”) AUTHORIZING THE LOCAL UNIT’S PARTICIPATION IN THE BOND FINANCING PROGRAM OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING APPLICATION TO LOCAL FINANCE BOARD FOR A ITS CONSENT TO ISSUE REFUNDING BONDS”, is a copy of a resolution which was duly adopted by the Local Unit’s governing body at a meeting duly called and held on February 21, 2012 in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to within and the aforesaid resolution has not been repealed, amended or rescinded but remains in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Local Unit this 21st day of February, 2012.

(SEAL)

Name: _____
Jean B. Montfort, Clerk

Mayor Buccellato read by title Resolution 12-02-48: Amending Resolution 12-02-29: Authorizing the Hiring of Class Two Special Police Department. 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 12-02-48
AMENDING RESOLUTION 12-02-29
AUTHORIZING THE HIRING OF CLASS TWO SPECIAL
POLICE DEPARTMENT**

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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 (20) 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 certification funds are available from the 2-01-25-240-185 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 Eight 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 21, 2012

Mayor Buccellato read by title Ordinance 12-02: Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Matawan, New Jersey, Appropriating \$4,468,000 Therefore and Authorizing the Issuance of \$4,468,000 Bonds or Notes of the Borough of Matawan for Financing the Cost Thereof. Mayor Buccellato requested a motion to introduce. 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.

ORDINANCE 12-02

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE BOROUGH OF MATAWAN, NEW JERSEY, APPROPRIATING \$4,468,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,468,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

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

Section 6. The Borough of Matawan, New Jersey (the "Borough") is hereby authorized to pay an aggregate amount not exceeding \$4,468,000 for the redemption, including redemption premium, of (i) \$2,401,000 principal amount of the Borough's General Obligation Bonds issued in the original aggregate principal amount of \$4,153,000, dated December 21, 2004, which bonds are subject to redemption (on or after December 1, 2014) prior to their stated dates of maturity, and which mature on December 1, in each of the years 2015 to 2024 in an aggregate amount of \$2,401,000 inclusive; and (ii) \$1,336,000 principal amount of the Borough's General Obligation Bonds issued in the original aggregate principal amount of \$4,258,000, dated December 29, 2005, which bonds are subject to redemption (on or after December 1, 2015) prior to their stated dates of maturity, and which

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mature on December 1, in each of the years 2016 to 2019 in an aggregate amount of \$1,336,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolutions of the Borough Council of the Borough, duly adopted December 7, 2004 and December 20, 2005, respectively, and copies of which are on file in the office of the Clerk of the Borough.

Section 7. An aggregate amount not exceeding \$85,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 8. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$4,468,000 pursuant to the Local Bond Law.

Section 9. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 10. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$4,468,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$3,737,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$4,468,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 11. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 12. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount. T

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Mayor Buccellato read by title Ordinance 12-03: Refunding Bond Ordinance Providing for the Refunding of Certain General Obligation Bonds of the Borough of Matawan, New Jersey, Appropriating \$4,468,000 Therefore and Authorizing the Issuance of \$4,468,000 Bonds or Notes

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of the Borough of Matawan for Financing the Cost Thereof. Mayor Buccellato requested a motion to introduce. Councilman Urbano made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**ORDINANCE 12-03
AN ORDINANCE AMENDING AND REVISING
THE GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN, COUNTY OF MONMOUTH,
SPECIFICALLY BY REPLACING CHAPTER X USE OF MUNICIPAL BUILDINGS**

10-1 FEES ESTABLISHED FOR USE OF MUNICIPAL BUILDINGS

10-1.1 Fees for Use of Matawan Municipal Building

This chapter establishes the procedure for use of the Municipal Building/Community Center and sets the rules, regulations and schedule of fees for same.

MATAWAN MUNICIPAL COMMUNITY CENTER - FEE SCHEDULE

Schedule A-1 Room Rental Charges

<i>Name of Room</i>	<i>Priority 1</i>	<i>Priority 2</i>	<i>Priority 3</i>
<u>Weekdays</u>			
<i>Classroom</i>	<i>No fee</i>	<i>\$20.00 per hour</i>	<i>\$40.00 per hour</i>
<i>Cafeteria</i>	<i>No fee</i>	<i>\$42.00 per hour</i>	<i>\$84.00 per hour</i>
<i>Gym</i>	<i>No fee</i>	<i>\$42.00 per hour</i>	<i>\$84.00 per hour</i>

10-1.2 Custodial Set up Surcharges

If custodial set up is needed, there will be an additional surcharge. The surcharge will be based on the number of tables and chairs needed and will have a minimum charge of the cost of that specific room. There are no surcharges for Priority 1 users.

Surcharge Fees:

Set Up: \$50.00 minimum

Auditorium type set up 30 chairs or more additional \$10.00

Tables with Chairs – more than 5 additional \$2.50 each

The above fees are based on the time it would take a reasonable employee to do the set up and break down using the \$50.00 minimum for up to 29 chairs or less than 5 tables with chairs.

10-1.3 Cleaning Deposits

Cleaning deposits are partially refundable deposits required on all Priority 2 and Priority 3 rentals and are payable with the application. The refund will be made by the Finance Department following receipt of favorable determination from the Department of Public Works (DPW) that the room(s) was found to be in good order. A Designated Representative of the DPW will determine if the facilities were left in good order and if the cleaning

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deposit may be returned; the applicant will be so notified. Ten (10%) of this deposit is not refundable; it is considered the cost of purchasing and maintaining equipment and supplies of the Buildings & Grounds Department to facilitate use of Building rooms.

Schedule A-2 Partially Refundable Cleaning Fee.

Name of Room	Priority 1	Priority 2	Priority 3
<u>Weekdays</u>			
Cafeteria	No fee	\$75.00 per day	\$150.00 per day
Classroom	No fee	\$50.00 per day	\$100.00 per day
Gym	No fee	\$75.00 per day	\$150.00 per day

10-2 MATAWAN MUNICIPAL COMMUNITY CENTER - BUILDING USE POLICY & PROCEDURES

10-2.1 Philosophy

The Borough of Matawan, through the rules, regulations, and ordinances adopted by the Borough Council, states its intention to make available and permit the use of the Matawan Municipal Community Center (MMCC) on a fee use basis, for activities of an educational, cultural, civic, social, recreational, and governmental nature. Such activities shall be sponsored by responsible persons, organizations, agencies or institutions that meet the requirements set herein or by the Recreation Commission.

Use of the MMCC will be granted in so far as the activities do not infringe upon or interfere with conducting the business of the Borough of Matawan, its Boards or Commissions.

Approved applicants will be bound by the rules, regulations, and fees governing the use of the MMCC.

- a. Application and payment is to be submitted to the Recreation Director;
- b. Upon review by the following Departments the Recreation Director will notify the applicant of approval or denial:

DPW- Buildings & Grounds
Construction Official
Fire Official
Borough Clerk
Police Department – For Information Only

A list of all room schedules will be available through the Buildings & Grounds Department.

10-2.2 Insurance

The Borough shall, in all instances, require a certificate of insurance. The limits of the policy shall be one hundred thousand dollars (\$100,000.00) each person, one hundred thousand dollars (\$100,000.00) each accident for bodily injury, and one hundred thousand dollars (\$100,000.00) for property damage liability, and an excess liability of one million dollars (\$1,000,000.00) which is equal to the Borough's coverage. The Borough of Matawan shall be named as an "additional insured" on all certificates of insurance. All insurance certificates are to be submitted ten (10) days prior to the event to the Borough Clerk's Office. All Certificates must contain the following language: "The applicant will be deemed to agree to indemnify and hold the Borough of Matawan and its officers and employees harmless from any liability, expense or costs of suit, including reasonable attorney's fees."

Applicants do not require insurance form if they are insured under the policies of the Borough of Matawan.

Due to insufficient insurance the MMCC will not be rented to individuals for personal events. Example: Baby shower, etc.

10-2.3 Priorities Governing the Use of the MMCC

First Priority: All activities that are pertinent to the efficient and safe conduct of business for all Governing Bodies in the Borough of Matawan. Examples: Borough Council, Court, JCC, Recreation Department, all Boards,

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Agencies, and Commissions. All Matawan Borough groups and activities that impact on the well being and safety of the citizens of Matawan; Examples: Fire and Police Departments, First Aid Squad, Matawan Boy Scouts and Matawan Girl Scouts.

Second Priority: All licensed nonprofit groups and organizations; Examples: Rotary, Chamber of Commerce, Masons, Elks, Non-Matawan Boy or Girl Scouts, Churches/Temples, YMCA or YWCA, Matawan Women's or Jr. Women's Club, Matawan Historical Society and all Matawan/Aberdeen sporting activities other than those directly administered and/or run by the Matawan Recreation Department, any Matawan Resident.

Third Priority: All profit making groups or nonprofit making groups sponsoring a fund raising activity, organizations and any non-Matawan sporting group and any nonresident of Matawan.

10-2.4 Use of the MCCC Facilities

Organizations or individuals desiring to use the MMCC will first check the availability of the facilities for the date required by calling the Recreation Director at 732-566-3898 Ext. 130 and leaving a message with date, time, and specific facilities requested. The Recreation Director will advise the applicant if the facility is available and provide the form. The application must be completed and returned to the Recreation Director.

If alcoholic beverages will be served, an alcoholic beverage permit must be obtained from the Alcoholic Beverage Commission. The forms are available from the office of the Borough Clerk.

Please allow at least three (3) weeks for processing. All fees in connection with the permit are the responsibility of the applicant.

A sketch shall be submitted by the applicant showing the room/area. Arrangement of tables, chairs, displays must also be attached for the Fire Official and the Construction Official who may deem it necessary that additional fire protection is required. It will be the applicant's financial responsibility to provide such protection for the event.

When a completed application is received, it will be reviewed by the Recreation Director and Borough of Matawan personnel as required. Upon completion of this review, the applicant will be notified in writing of its approval or rejection. Applicable restrictions will be noted.

Payment in full, including any cleaning deposit, must be made upon notification that the building/room use is approved.

Once approved all events will be added to the Calendar maintained by DPW - Building & Grounds.

*Application must be made at least one (1) month prior to the date of the proposed use.
(NOTE: The Recreation Commission or designee can waive this requirement).*

It shall be noted that at all times a person designated by the DPW – Building & Grounds will be present to enforce the Borough of Matawan Code. Applicants will heed the requests of the designated person for the enforcement of regulations.

The applicant shall be responsible to the Borough of Matawan for all property damage to the MMCC that exceeds the deposit.

All applications are responsible for the clean up of all approved rental areas. A cleaning deposit is required, as noted in Addendum A.2. (No cleaning deposit is required for Priority 1 groups.) Failure to comply with the rules and regulations of the MMCC will result in the denial of the MMCC for future occasions.

Hours of operation: Rental hours are from 8:30 a.m. to 8:00 p.m. Monday through Thursday.

Refreshments: No alcoholic beverages shall be brought into, sold, or consumed in or on the grounds of the MMCC without prior special permission of the Matawan Borough Council, the Police Department, the Borough of Matawan's legal representative and the proper permits from the Alcoholic Beverage Control Commission. Refreshments may be served only in the area designated on the application. Refreshments not consumed must be removed from the premises. Sales of all refreshments shall be subject to any prior leases or agreements entered into by the Borough of Matawan.

Smoking: The MMCC is a Non-Smoking building.

10-2.5 TYPES OF ACTIVITIES WHICH ARE NOT ALLOWED

Activities which are discriminating, as defined by the Local, County, State, or Federal mandates.

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Uses which are contrary to the laws of the United States or any political subdivision thereof.

Uses where, in the opinion of the Recreation Commission, insufficient provisions are made for supervision, fire, and Police protection to uphold rules and regulations, law and order, etc.

Uses exceeding the seating/holding capacity of the room or facility.

Uses where the applicant does not assume full responsibility for the preservation of order and liability for any damage for or loss of Borough property, and for personal injury and strict observation of all regulations of the MMCC.

The Matawan Borough Council or Recreation Commission reserves the right, without prejudice, to prohibit use of the MMCC by any person or group.

10-2.6 RULES GOVERNING YOUTH ACTIVITIES

The MMCC will abide by the same policy procedures used by the Matawan Recreation Commission in governing youth activities.

There must be adequate adult supervision of activities that involve persons under eighteen (18) years of age.

Supervision by adults extends to the entire building and building grounds. Children are not permitted outside the approved leased/rented area on the application. Control must be exercised at pre-assembly and dismissal periods. All entrances and exits shall be controlled. Equipment usage shall be limited to authorized issue.

All athletic activities are responsible to provide their own first aid and ice packs.

10-2.7 USE OF EQUIPMENT

All furniture or equipment that is used must be cleaned and properly maintained. All furniture in the area must be returned to its proper place. All garbage must be bagged and placed in designated receptacles as directed by the building custodian. Firearms, volatile explosive, or flammable materials are not permitted without Police and Fire Official approval. All MMCC equipment that is needed by an individual or group as part of their rental must be listed on the application form. If any equipment is damaged during a rental period, it is the responsibility of the renter to pay for repair or replacement of the equipment.

10-2.8 HOLIDAYS AND OFFICIAL CLOSINGS

<i>One-half day New Year's Eve</i>	<i>Columbus Day</i>
<i>New Year's Day</i>	<i>Election Day</i>
<i>Martin Luther King Day</i>	<i>Veteran's Day</i>
<i>Presidents' Day</i>	<i>Thanksgiving Day</i>
<i>Good Friday</i>	<i>The day after Thanksgiving Day</i>
<i>Memorial Day</i>	<i>Half-day Christmas Eve</i>
<i>Fourth of July</i>	<i>Christmas Day</i>
<i>Labor Day</i>	

Closing may also occur due to inclement weather and certain Borough activities.

NOTE: Any request for building use on a day that the building is closed (Friday, Saturday, Sunday) should be made in writing to the Recreation Director. Any Priority 2 or 3 organizations may be charged a minimum of two times the standard weekday room charge. Other charges may apply.

If the Borough Council should change the schedule regarding days the MMCC shall be open the availability for room use will be so altered.

NOW, THEREFORE, BE IT ORDAINED that:

(1) All ordinances or parts of ordinances which are inconsistent with or in conflict with this Ordinance or any part hereof are hereby repealed as to the extent of such inconsistencies only.

(2) If any provision of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged

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by a court of competent jurisdiction as invalid, such order or judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance or any other ordinance which is referred to herein by reference and, to this end, the provisions of this section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable.

(3) This Ordinance shall take effect immediately upon its final passage and publication according to law.

Schedule A-3: Application

**BOROUGH OF MATAWAN
201 Broad Street
Matawan, N.J. 07747**

APPLICATION FOR USE OF MUNICIPAL COMMUNITY COMPLEX

Date application submitted: _____

Name of Organizations:

Name of Person completing application: _____ Position held in Organization _____

Room Requested:

Type of Activity:

If multiple day use is requested is there equipment or supplies that will require storage? Yes/no

If Yes what type?

Set up Requested: _____

If tables and chairs are requested please provide layout – See Set up Charges.

Will refreshments be served and/or sold? Alcoholic Beverages? Approx # of persons attending?

If Alcoholic Beverages are available please attach a copy of the Alcoholic Beverage Permit

Persons responsible and assisting in event:

Name	Address	Home Phone	Cell

AFFIDAVIT: The organization agrees to comply with the policies and regulations of the Borough of Matawan for the use of the building or grounds of the Matawan Municipal Complex and to be responsible for any damage thereto:

Print Name: _____ Title: _____

Signature: _____

Date: _____

FOR OFFICE USE ONLY:

Initial and Date - Recreation director:

DPW-Buildings & Grounds:

Construction Department:

Fire Official:

Police Department:

Borough Clerk:

Approval:

(Recreation Director Signature/or Recreation Commissioner)

Fee\$

Cleaning deposit (90% refundable) \$

Date Paid

Recommend Refund \$

DPW-Buildings & Grounds Dept.

Date Voucher sent:

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Mayor Buccellato read by title Resolution 12-02-49: Payment of Bills. Mayor Buccellato requested a motion. Councilman Fitzsimmons made the motion, seconded by Councilwoman Angelini. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 12-02-49
PAYMENT OF BILLS**

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

<i>Current</i>	<i>\$449,107.27</i>
<i>Water & Sewer</i>	<i>\$32,166.41</i>
<i>Borough Capital</i>	<i>\$218,850.83</i>
<i>Grant</i>	<i>\$5,382.90</i>
<i>Borough Trust</i>	<i>\$40,200.92</i>
<i>Developers Escrow Account</i>	<i>\$3,413.93</i>
Total	<i>\$749,122.26</i>

Mayor Buccellato announced at 6:00 PM on March 13, 2012, Washington Engine Co. is hosting its second annual shortest St. Patrick's Day Parade on Jackson Street.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Jeremiah E. Hourihan, 13 Edgewater Drive, Matawan. Mr. Hourihan asked where the funding for the 2011 Road Program was coming from. Mayor Buccellato informed some of the roads program did qualify for and did receive funding from the State. We have applied for State funding for the 2012 Road Program and should hear back shortly. Mr. Hourihan expressed dissatisfaction with the County grant money application process asking Council to pursue.

Daria Dieterle, 13 Sunset Avenue, Matawan. Ms. Dieterle stated she arrived late to the meeting but is questioning funding for the Water Plant Rehabilitation. Mayor Buccellato apprised her of the details of Resolution 12-02-44 through 12-02-47. Discussion on the cost to the municipality of going full time to New Jersey American Water vs. maintaining the Water Plant with the Mayor relating a past Borough funding report which recommended the Borough maintain the Water Plant. Ms. Dieterle questioned the sewer billing. Mayor Buccellato explained the billing system. Ms. Dieterle questioned the Planning/Zoning Board approval of the mixed use development behind Walgreens expressing concern over the inability of The Preserve to fill to capacity since 2007. Mayor Buccellato informed it has not been approved to date stating if you look to revitalization studies mixed use development is most beneficial to the municipality and its residents with these being rental units not condo/townhomes.

Mayor Buccellato closed the Privilege of the Floor.

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Adjournment

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

Meeting adjourned at 8:00 PM.

Jean B. Montfort, RMC
Municipal Clerk