

**Borough of Matawan
Public Session
October 21, 2014**

A regular meeting of the Borough Council of the Borough of Matawan, New Jersey, was held at the Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey on October 21, 2014. 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 *Asbury Park Press* on January 17, 2014, by sending notice to *The Independent*, and by posting. Mayor Buccellato requested a roll call.

On roll call the following members responded present:

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

Councilwoman Angelini is out-of-town on work-related business.

Also, present were Louis C. Ferrara, Borough Administrator, Pasquale 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.

Privilege of the Floor – Agenda Items Only

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

There were no comments.

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

Old Business

Mayor Buccellato read by title Ordinance 14-13: An Ordinance Amending Provisions of Ordinance 2-57 and Revising Others for the Payment of Delinquent Property Taxes, Assessments, and Water and Sewer Bill Prior to Issuance of License or Permit. Mayor Buccellato requested a motion to open the public hearing. Councilwoman Clifton made the motion, seconded by Councilwoman Daly. Council agreed. Motion passed. Mayor Buccellato requested comments. There were no comments. Mayor Buccellato requested a motion to close the public hearing. Councilwoman Daly made the motion, seconded by Councilman Urbano. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 14-13: An Ordinance Amending Provisions of Ordinance 2-57 and Revising Others for the Payment of Delinquent Property Taxes, Assessments, and Water and Sewer Bill Prior to Issuance of License or Permit requesting a motion to adopt. Councilwoman Clifton made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

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ORDINANCE 14-13

AN ORDINANCE AMENDING PROVISIONS OF ORDINANCE 2-57 AND REVISING OTHERS FOR THE PAYMENT OF DELINQUENT PROPERTY TAXES, ASSESSMENTS, AND WATER AND SEWER BILL PRIOR TO ISSUANCE OF LICENSE OR PERMIT

WHEREAS, Ordinance 2-57 was adopted by the Mayor and Council of the Borough of Matawan in 1971 under the provisions of Code Section 2-26.31 as amended; and

WHEREAS, since 1971, the Borough of Matawan Governing Body has engaged in and implemented a successful accelerated tax sale certificate program, which has addressed the issues that were originally public policy considerations that predated the adoption of Ordinance 2-57 in 1971; and

WHEREAS, the Borough of Matawan, as a result of accelerated tax sale certificate program, does have the ability to offer the sale of tax lien certificate for delinquent tax and utility obligations at an accelerated rate; and

WHEREAS, since 1971, the provisions of Ordinance 2-57 have impacted the ability of new businesses to open in a timely fashion, thereby penalizing prospective tenants of commercial real estate and not the individuals who may be in default on the taxes or utility charges, which prevents economic growth and vitality.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Matawan as follows:

- 1) The provisions of Ordinance 2-57.1, 2-57.2, and 2-57.3 are deleted in their entirety.
- 2) The provisions of Ordinance 2-57.4 are replaced and amended as follows:
As a condition for the issuance of any license, permit, or certificate requiring approval of the Borough, the owner or applicant shall pay any delinquent property taxes or utility bills on property that is the subject for the following approvals:
 - a) Permits required pursuant to the Uniform Commercial Code;
 - b) Soil removal permits;
 - c) Tree removal permits;
 - d) Junk-dealer licenses;
 - e) Certificates of Occupancy required; however, if a Certificate of Occupancy is needed for closing of title, a conditional, temporary Certificate of Occupancy may be issued upon delivery of executed contracts for the sale of the property to the Borough Clerk. The conditional, temporary Certificate of Occupancy shall be contingent upon the payment of all taxes at the time of closing of title. If not paid within ten days after closing, the conditional, temporary Certificate of Occupancy shall be deemed revoked;
 - f) Food service licensing;
 - g) Animal or dog pound licenses;
 - h) Amusement licenses;
 - i) Nursing home licenses;

If any part of this Ordinance is deemed to be illegal or ineffective, the other provisions shall nonetheless remain in force.

This Ordinance shall take effect upon second reading and publication according to law.

Clerk's Report

No report.

Mayor's Report

Mayor Buccellato requested Council approval for the nomination of Jeremiah E. Hourihan, Jr. and Matthew Schoffel to the Shade Tree Commission. Council agreed. Motion passed.

Administrator's Report

Mr. Ferrara distributed his written report to Mayor and Council.

Attorney's Report

No report.

Engineer's Report

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Mr. Keady informed the 2013 Road Improvement Program Contracts 1 and 2 work will be completed in the next week weather permitting. The Storm Drainage Improvement contractor is expected to mobilize Ned Drive this week. The NJDOT Grant Application Middlesex Road Phase I has been submitted.

Police, Fire, Railroad Parking, ADA

Councilman Urbano applauded the success of Matawan Day thanking the Police and DPW for their work during and after the event.

Personnel, Development, Construction & Planning/Zoning Board

Councilwoman Gould commented on the highly successful Matawan Day stating she spoke with both business owners and residents who gave praises to the event as well.

Councilwoman Gould provided the Construction Department report for September 2014:

- | | |
|--|------------------------------|
| • Permit income/certificates: \$12,941.00 | Year to Date: \$127,777.00 |
| • Business, CCOs/Misc Fees: \$300.00 | Year to Date: \$2,625.00 |
| • State Permit Surcharge Fees: \$471.00 | Year to Date: \$5,284.00 |
| • Value of Construction Work: \$346,135.00 | Year to Date: \$5,202,677.00 |
| • Permits Issued: 46 | Year to Date: 377 |

Finance and Environmental

No report.

Recreation and Main Street

Councilwoman Clifton reported on the resounding success of Matawan Day and thanked all of those who made the day possible. There is a Halloween Costume Contest and Magic Show scheduled for October 29 between 6:00 and 7:00 PM here at Borough Hall. The 2014 Turkey Trot is scheduled for November 29 for which the funds raised benefit the Borough's parks.

Property Maintenance, First Aid, Historic Sites, Sanitation/Recycling

No report.

Public Works, Water/Sewer, Shade Tree

No report.

Consent Agenda

Mayor Buccellato read by title Resolutions 14-10-19 through and including 14-10-22 requesting a motion to approve en masse. Councilwoman Clifton made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 14-10-19
REFUND OF TAX OVERPAYMENT DUE TO TAX APPEAL
CENTER AVENUE – BLOCK 119, LOT 1**

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***WHEREAS,** a State Tax Board Judgment has been favorably awarded to Jersey Central Power & Light Company, Center Avenue, Block 119, Lot 1 for the fiscal years 2011, 2012, 2013 and 2014; and*

***WHEREAS,** such judgment has resulted in an overpayment of property taxes in the amounts of \$19,532.50, \$19,862.46, \$20,087.81 and \$15,946.11.*

***NOW, THEREFORE, BE IT RESOLVED** the Council of the Borough of Matawan hereby authorizes the Borough Treasurer to issue a check in the amount of \$75,428.88 for said overpayment of property taxes to the property owner's representative, Bruce J. Stavitsky, Esq.*

***BE IT FURTHER RESOLVED** that a certified true copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Tax Collector, Treasurer as well as the Property Owner.*

**RESOLUTION 14-10-20
APPROVAL OF RAFFLE LICENSE
INDIAN HILL SCHOOL PLG
GIFT AUCTION
RL-655**

***BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the raffle license for Indian Hill School PLG Fundraiser.*

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

Date & Time
November 13, 2014
7:00 PM to 11:00 PM

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Police as well as Indian Hill School PLG.*

**RESOLUTION 14-10-21
APPROVAL OF RAFFLE LICENSE
INDIAN HILL SCHOOL PLG
50/50 CASH
RL-656**

***BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the raffle license for Indian Hill School PLG Fundraiser.*

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

Date & Time
November 13, 2014
7:00 PM to 11:00 PM

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Police as well as Indian Hill School PLG.*

**RESOLUTION 14-10-22
AMENDING
RESOLUTION 14-10-17
2013 ROAD IMPROVEMENT PROGRAM CONTRACT 2
ESPOSITO CONSTRUCTION, LLC
AUTHORIZING CHANGE ORDER NO. 8**

***WHEREAS,** T&M Associates has informed the Council that Items A11, A12, A23, B15 and S-4 have been reduced to reflect as-built quantities associated with the 2013 Road Improvement Program Contract 2 for a total reduction of Two Thousand Four Hundred Nineteen Dollars and Ninety Four Cents (\$2,419.94); and*

***WHEREAS,** T&M Associates has informed the Council that Items A15 and A22 have been increased to reflect as-built quantities associated with the 2013 Road Improvement Program Contract 2 for a total increase of Two Thousand Four Hundred Nineteen Dollars and Sixty Four Cents (\$2,419.64); and*

***WHEREAS,** 2013 Road Improvement Program Contract 2 Change Order No. 8 reflects a Total Net Change Reduction This Change Order of Thirty Cents (\$0.30).*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan, based upon the recommendations of Robert Keady, T&M Associates, hereby authorizes Change Order No. 8 for*

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the 2013 Road Improvement Program Contract 2, a Net Change Reduction This Change Order in an amount not to exceed Thirty Cents (\$0.30).

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

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Finance, Public Works, Clerk as well as the Borough Engineer, T&M Associates and Esposito Construction, LLC.

T&M ASSOCIATES
CONSULTING & MUNICIPAL ENGINEERS
ELEVEN TINDALL ROAD
MIDDLETOWN, NEW JERSEY 07748

SHEET NO. 1 OF 2
PROJECT NO. MATN-02782

CHANGE ORDER NO. 8

DATE: September 24, 2014

PROJECT: 2013 Road Improvement Program - Contract 2

OWNER: Borough of Matawan

CONTRACTOR: Esposito Construction, LLC

DESCRIPTION OF CHANGE:

REDUCTIONS:

Items A11, A12, A23, B15 and S-4 are reduced to reflect current as-built quantities.

EXTRA:

Items A15 and A22 are increased to reflect current as-built quantities.

SUPPLEMENTARY:

APPROVAL RECOMMENDED:

ROBERT R. KEADY, JR., P.E., C.M.E.

ACCEPTED:

CONTRACTOR:
Esposito Construction, LLC

OWNER'S APPROVALS:

Mayor Paul Buccellato
Borough of Matawan

NOTE: All work to be done
according to Contract
Specifications.

SEE ATTACHED DETAIL	ADDITIONAL	REDUCTION
A. TOTAL REDUCTIONS THIS C.O.	XXXXXXXXXX	\$2,419.94
B. TOTAL EXTRAS THIS C.O.	\$2,419.64	XXXXXXXXXX
C. TOTAL SUPPLEMENTARY THIS C.O.	\$0.00	XXXXXXXXXX
TOTALS THIS C.O.	\$2,419.64	\$2,419.94
NET CHANGE THIS CHANGE ORDER		\$0.30
PREVIOUS CHANGE ORDERS	\$223,583.12	\$183,913.30
TOTAL CHANGE ORDERS TO DATE	\$226,002.76	\$186,333.24
NET CHANGE IN CONTRACT	\$39,669.52	

ORIGINAL CONTRACT BID PRICE	\$1,724,273.10
CHANGE ORDERS TO DATE	\$39,669.52
REVISED CONTRACT PRICE	\$1,763,942.62

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CHANGE ORDER NO. 8

SHEET NO. 2 OF 2
PROJECT NO. MATN-02782

PROJECT: 2013 Road Improvement Program - Contract 2

OWNER: Borough of Matawan

CONTRACTOR: Esposito Construction, LLC

REDUCTIONS	ITEM NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT
	A11	Dense Graded Aggregate Base Course, 6" Thick	90.00	SY	\$9.00	\$810.00
	A12	HMA Milling, 3" or Less	63.00	SY	\$4.00	\$252.00
	A23	Detectable Warning Surface	0.45	SY	\$160.00	\$72.00
	B15	HMA Base Course, 19M64, 4" Thick	2.51	TON	\$94.00	\$235.94
	S-4	Bloodgood Japanese Maple, 5'-6' Ht. w/Root Barrier and Hardwood Mulch Topdressing	2.00	UN	\$525.00	\$1,050.00

A. TOTAL REDUCTIONS \$2,419.94

EXTRA	A15	HMA Surface Course, 9.5M64, 2" Thick	17.17	TON	\$92.00	\$1,579.64
	A22	Concrete Driveway, Reinforced, 6" Thick	14.00	SY	\$60.00	\$840.00

B. TOTAL EXTRA \$2,419.64

SUPPLEMENTARY						\$0.00
						\$0.00

C. TOTAL SUPPLEMENTARY \$0.00

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New Business

Mayor Buccellato read by title Resolution 14-10-23: Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey State Department of Transportation for the Middlesex Road Project. 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: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly

Motion passed.

***Borough of Matawan
Resolution 14-10-23***

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey State Department of Transportation for the Middlesex Road project.

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Middlesex Road Project-00362 to the New Jersey Department of Transportation on behalf of the Borough of Matawan.

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

*Certified as a true copy of the Resolution adopted by the Council
On this 21st day of October, 2014.*

*Karen Wynne, RMC
Clerk*

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST AND AFFIX SEAL

*Karen Wynne, RMC
(Clerk)*

*Honorable Paul Buccellato, Mayor
(Presiding Officer)*

Mayor Buccellato read by title Resolution 14-10-24: 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: Councilman Urbano
Councilwoman Gould
Councilman Fitzsimmons
Councilwoman Clifton
Councilwoman Daly

Motion passed.

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**RESOLUTION 14-10-24
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	\$353,844.02
Water & Sewer	\$101,741.16
Grant	\$3,890.28
Borough Trust	\$5,267.46
Developers Escrow Account	\$685.00
Railroad Parking Trust	\$23.50
Total	\$465,451.42

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Finance as well as the Borough Auditor.

Mayor Buccellato read by title Resolution 14-10-25: Payment of Bills. 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: Councilman Urbano
Councilwoman Gould
Councilwoman Clifton
Councilwoman Daly

No: Councilman Fitzsimmons

Motion passed.

**RESOLUTION 14-10-25
A RESOLUTION TO FIX AND DETERMINE THE 2014 SALARIES AND WAGES OF
OFFICERS, MANAGEMENT, SUPERVISORY PERSONNEL AND GENERAL
EMPLOYEES NOT REPRESENTED BY AN ORGANIZED BARGAINING UNIT AND
EMPLOYED BY THE BOROUGH OF MATAWAN, MONMOUTH COUNTY, NEW JERSEY**

RECREATION

WHEREAS, Deirdre Ring is the Part Time Recreation Director of the Borough of Matawan and has in the course of her duties in 2014 been engaged in additional services and administered activities beyond the scope of her usual recreational duties such as public events of a municipal wide scope that entails the development and enhancement of activities that benefit our business community as well as public good, at times over weekends and holidays; and

WHEREAS, these are funds that are reserved in the Parks and Recreation budget for the purpose for extra activities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that Deirdre Ring, Recreation Director, shall be given an emolument of \$1,000.00 for calendar year 2014 as and for in addition to her regular salary, subject to the Certification as to Available Funding by the Chief Financial Officer.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Finance as well as Deirdre Ring.

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 Recreation Department's Budget (Salary & Wages) of the Borough of Matawan.

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.

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Chief Financial Officer

(Signature on File)

Monica Antista, CMFO

Dated: October 21, 2014

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

Matthew Schoffel, 4 Cedar Street, Matawan. Mr. Schoffel asks if Council has considered on home improvement abatements until the sale of the property. Mr. Menna explained the real estate tax system is based on fair market value and must be done on a municipal-wide basis.

Craig Gateley, 257 Harding Boulevard, Matawan. Mr. Gately inquired if there were any debates scheduled prior to Election Day. Mayor Buccellato replied, no.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

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

Meeting adjourned at 7:20 PM.

Karen Wynne, RMC
Municipal Clerk