

**Borough of Matawan
Public Session
February 17, 2015**

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 17, 2015. 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 15, 2015, 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: Councilman Urbano
Councilwoman Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

No: Councilwoman Angelini

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.

Mayor Buccellato acknowledged Chief John Powers and Deputy Chief Rick Derechailo of Aberdeen Township as well as retired Police Sergeant Harry Stark.

Presentations

Mayor Buccellato read by title Resolution 15-02-10: Authorizing the Appointment of Christopher Stark as Sergeant for the Matawan Police Department. 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: Councilman Urbano
Councilwoman Daly
Councilwoman Clifton
Councilwoman Gould

Abstain: Councilman Caldon

Motion passed.

**RESOLUTION 15-02-10
AUTHORIZING THE APPOINTMENT OF CHRISTOPHER STARK
AS SERGEANT FOR THE
MATAWAN POLICE DEPARTMENT**

WHEREAS, it is the desire of the Mayor and Council to enhance the administrative structure of the Police Department by the appointment of a Sergeant of Police for the Borough of Matawan; and

WHEREAS, the Borough Ordinances established the eligibility requirements and the testing process for promotion to the rank of Sergeant; and

WHEREAS, the promotion process was conducted on the basis of merit, experience, education, demonstrated ability, competitive written and oral examinations and interviews; and

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***WHEREAS**, as a successful candidate Chief Jason Gallo has recommended Christopher Stark to the Mayor and Council for the promotion to the rank of Sergeant.*

***NOW, THEREFORE, BE IT RESOLVED** that Christopher Stark is hereby appointed to the position of Sergeant of the Matawan Police Department with all the rights and responsibilities attendant thereto effective February 16, 2015 at the rate of compensation per the current PBA contract.*

***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, Police, Payroll Officer as well as Christopher Stark.*

Mayor Buccellato read by title Resolution 15-02-11: Authorizing the Appointment of Steven Sakowski as Sergeant for the Matawan Police Department. 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: Councilman Urbano
Councilwoman Daly
Councilwoman Clifton
Councilwoman Gould

Abstain: Councilman Caldon

Motion passed.

**RESOLUTION 15-02-11
AUTHORIZING THE APPOINTMENT OF STEVEN SAKOWSKI
AS SERGEANT FOR THE
MATAWAN POLICE DEPARTMENT**

***WHEREAS**, it is the desire of the Mayor and Council to enhance the administrative structure of the Police Department by the appointment of a Sergeant of Police for the Borough of Matawan; and*

***WHEREAS**, the Borough Ordinances established the eligibility requirements and the testing process for promotion to the rank of Sergeant; and*

***WHEREAS**, the promotion process was conducted on the basis of merit, experience, education, demonstrated ability, competitive written and oral examinations and interviews; and*

***WHEREAS**, as a successful candidate Chief Jason Gallo has recommended Steven Sakowski to the Mayor and Council for the promotion to the rank of Sergeant.*

***NOW, THEREFORE, BE IT RESOLVED** that Steven Sakowski is hereby appointed to the position of Sergeant of the Matawan Police Department with all the rights and responsibilities attendant thereto effective February 16, 2015 at the rate of compensation per the current PBA contract.*

***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, Police, Payroll Officer as well as Steven Sakowski.*

Mayor Buccellato then offered the biographies of both sergeants. Both Sergeants were sworn in.

Chief Gallo thanked the Council for moving forward with the promotions. He then dismissed his Department.

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.

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Old Business

Mayor Buccellato read by title Ordinance 15-01: Amending Ordinance 13-21: Chapter IX – Personnel Policies, Article II – “Personnel Policies Concerning Members of the Police Department,” Establishing Promotion Procedures for the Ranks of Police Chief, Lieutenant and Sergeant, and Establishing a Procedure for Acting Appointments and Hiring Police Officers” – Section 9-26(e). Mayor Buccellato requested a motion to open the public hearing. Councilwoman Clifton made the motion, seconded by Councilman Urbano. 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 Councilwoman Clifton. Council agreed. Motion passed. Mayor Buccellato read by title on third and final reading Ordinance 15-01: Amending Ordinance 13-21: Chapter IX – Personnel Policies, Article II – “Personnel Policies Concerning Members of the Police Department,” Establishing Promotion Procedures for the Ranks of Police Chief, Lieutenant and Sergeant, and Establishing a Procedure for Acting Appointments and Hiring Police Officers” – Section 9-26(e) requesting a motion to adopt. Councilman Caldon made the motion, seconded by Councilwoman Clifton. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

ORDINANCE 15-01

AMENDING ORDINANCE 13-21: CHAPTER IX – PERSONNEL POLICIES, ARTICLE II – “PERSONNEL POLICIES CONCERNING MEMBERS OF THE POLICE DEPARTMENT,” ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF POLICE CHIEF, LIEUTENANT AND SERGEANT, AND ESTABLISHING A PROCEDURE FOR ACTING APPOINTMENTS AND HIRING POLICE OFFICERS” – SECTION 9-26(E)

WHEREAS, Ordinance 13-21 was adopted by the Mayor and Council of the Borough of Matawan on December 17, 2013 with respect to establishing guidelines for personnel policies concerning members of the Police Department and for the undertaking of a procedure for promotions; and

WHEREAS, Section 9-26 contained a typographical error with respect to the identification of the title in Subpart E.

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

- 1) Ordinance 13-21, Section 9-26(E) is replaced and amended as follows:

The candidate with the highest overall score shall be voted on by the Mayor and Council as the Sergeant subject to satisfactory psychological examination and certification by a Borough-selected physician stating that the candidate is able to perform the essential functions of the ~~Lieutenant~~ Sergeant title.

- 2) In all respects, the Mayor and Council reaffirm all of the essential terms and conditions of Ordinance 13-21 as adopted on December 17, 2013.
- 3) 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.

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Clerk's Report

The Borough Auditor has completed its 2013 audit. A copy of the audit is available in the Clerk's Office. All dog and cat license renewals are due by February 28. A \$5.00 late fee will be charged as of March 1.

Mayor's Report

Mayor Buccellato requested the Treasurer's Reports for November and December 2014 be read into the record.

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| | | | | | |
|--|--|---------------|--------------|----------------|----------------|
| | REPORT OF THE TREASURER | | | | |
| | TO THE MAYOR AND COUNCIL OF THE BOROUGH OF MATAWAN | | | | |
| | BANK BALANCES AS OF NOVEMBER 30, 2014 | | | | |
| CURRENT ACCOUNT | | INVESTORS | | \$4,361,044.77 | \$4,361,044.77 |
| TAX COLLECTOR TRUST FUND | | INVESTORS | | \$32,000.00 | \$32,000.00 |
| WATER & SEWER ACCOUNT | | INVESTORS | | \$887,689.83 | \$887,689.83 |
| WATER & SEWER-Certificate of Deposit | | INVESTORS | | \$500,000.00 | \$500,000.00 |
| BOROUGH CAPITAL ACCOUNT | | INVESTORS | | \$697,470.71 | \$697,470.71 |
| UTILITY CAPITAL ACCOUNT | | INVESTORS | | \$67,493.71 | \$67,493.71 |
| BOROUGH TRUST ACCOUNT | | INVESTORS | | \$403,081.26 | \$403,081.26 |
| | | | | | |
| BORO TRUST SUMMARY-TD BANK | | CASH BALANCES | | | |
| AS OF: NOVEMBER 30, 2014 | | | | | |
| | FIRE SAFETY | | \$25,756.25 | | |
| | FIRE PREVENTION/DEDICATED PENALTY | | -\$657.74 | | |
| | ESCROW | | \$102,603.71 | | |
| | TAX REDEMPTIONS | | \$26,657.52 | | |
| | POAA | | \$0.00 | | |
| | DONATION | | \$12,742.49 | | |
| | PREMIUMS | | \$191,075.00 | | |
| | OFF DUTY POLICE | | \$37,130.87 | | |
| | PUBLIC DEFENDER | | \$7,773.16 | | |
| | TOTAL | | \$403,081.26 | | |
| | | | | | |
| DOG TAX TRUST ACCOUNT | | INVESTORS | | \$6,616.13 | \$6,616.13 |
| UNEMPLOYMENT INSURANCE ACCOUNT | | INVESTORS | | \$12,673.22 | \$12,673.22 |
| RECREATION SPECIAL ACCOUNT | | INVESTORS | | \$33,129.61 | \$33,129.61 |
| | | | | | |
| RECREATION TRUST SUMMARY-TD BANK | | CASH BALANCES | | | |
| AS OF: NOVEMBER 30, 2014 | | | | | |
| | TURKEY TROT | | \$17,462.39 | | |
| | SUMMER RECREATION | | \$5,628.84 | | |
| | SUMMER RECREATION TRIPS | | \$4,820.46 | | |
| | MATAWAN DAY | | \$0.00 | | |
| | BASKETBALL TOURNAMENT | | \$0.00 | | |
| | CANOE RENTALS | | \$589.41 | | |
| | MEN'S OVER 30 B'BALL | | \$0.00 | | |
| | NNO VENDER | | \$0.00 | | |
| | YOGA/KICKBOXING | | \$0.00 | | |
| | FIREWORKS DONATIONS | | -\$1,975.00 | | |
| | CAPITAL IMPROVEMENTS | | \$6,603.51 | | |
| | TOTAL | | \$33,129.61 | | |
| | | | | | |
| DEVELOPERS ESCROW ACCT | | INVESTORS | | \$348,448.65 | \$348,448.65 |
| LAW ENFORCEMENT ACCOUNT | | INVESTORS | | \$182.84 | \$182.84 |
| RAILROAD PARKING LOT TRUST | | INVESTORS | | \$155,376.60 | \$155,376.60 |
| | | | | | |
| TOTAL | | | | \$7,505,207.33 | \$7,505,207.33 |
| | | | | | |
| RESPECTFULLY, <i>Monica Antista</i> | | | | | |
| TREASURER | | | | | 2/12/2015 |

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|--|-----------|--|----------------|----------------|
| REPORT OF THE TREASURER | | | | |
| TO THE MAYOR AND COUNCIL OF THE BOROUGH OF MATAWAN | | | | |
| BANK BALANCES AS OF DECEMBER 31, 2014 | | | | |
| CURRENT ACCOUNT | INVESTORS | | \$3,294,700.91 | \$3,294,700.91 |
| TAX COLLECTOR TRUST FUND | INVESTORS | | \$0.00 | \$0.00 |
| WATER & SEWER ACCOUNT | INVESTORS | | \$1,314,348.49 | \$1,314,348.49 |
| WATER & SEWER-Certificate of Deposit | INVESTORS | | \$500,000.00 | \$500,000.00 |
| BOROUGH CAPITAL ACCOUNT | INVESTORS | | \$673,435.17 | \$673,435.17 |
| UTILITY CAPITAL ACCOUNT | INVESTORS | | \$66,735.42 | \$66,735.42 |
| BOROUGH TRUST ACCOUNT | INVESTORS | | \$1,303,034.76 | \$1,303,034.76 |
| BORO TRUST SUMMARY-TD BANK CASH BALANCES | | | | |
| AS OF: DECEMBER 31, 2014 | | | | |
| | | | \$25,756.25 | |
| | | | -\$657.74 | |
| | | | \$106,169.71 | |
| | | | \$56,329.34 | |
| | | | \$0.00 | |
| | | | \$12,742.49 | |
| | | | \$1,056,275.00 | |
| | | | \$38,646.55 | |
| | | | \$7,773.16 | |
| | TOTAL | | \$1,303,034.76 | |
| DOG TAX TRUST ACCOUNT | INVESTORS | | \$3,436.13 | \$3,436.13 |
| UNEMPLOYMENT INSURANCE ACCOUNT | INVESTORS | | \$12,673.22 | \$12,673.22 |
| RECREATION SPECIAL ACCOUNT | INVESTORS | | \$31,005.05 | \$31,005.05 |
| RECREATION TRUST SUMMARY-TD BANK CASH BALANCES | | | | |
| AS OF: DECEMBER 31, 2014 | | | | |
| | | | \$18,469.83 | |
| | | | \$5,628.84 | |
| | | | \$1,688.46 | |
| | | | \$0.00 | |
| | | | \$0.00 | |
| | | | \$589.41 | |
| | | | \$0.00 | |
| | | | \$0.00 | |
| | | | \$0.00 | |
| | | | \$0.00 | |
| | | | -\$1,975.00 | |
| | | | \$6,603.51 | |
| | TOTAL | | \$31,005.05 | |
| DEVELOPERS ESCROW ACCT | INVESTORS | | \$348,426.53 | \$348,426.53 |
| LAW ENFORCEMENT ACCOUNT | INVESTORS | | \$182.86 | \$182.86 |
| RAILROAD PARKING LOT TRUST | INVESTORS | | \$327,412.30 | \$327,412.30 |
| TOTAL | | | \$7,875,390.84 | \$7,875,390.84 |
| RESPECTFULLY, | | | | |
| Monica Antista | | | | |
| TREASURER | | | | |
| 2/12/2015 | | | | |

Administrator’s Report

Mr. Ferrara previously distributed his report electronically to Council.

Attorney’s Report

No report.

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Engineer's Report

Mr. Keady reported the punch list for the 2013 Road Improvement Contracts 2 and 3 will continue after the winter.

Police, Railroad Parking & ADA

No report.

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

No report.

Recreation & Main Street

No report.

Fire, DPW & Shade Tree

Councilman Caldon reported the Fire Department has performed five drills, with 22 hours, seven men training, for 330 hours. Combined with the response and training over the last 30 days it totals just over 1,000 hours. He commended the DPW on how well the streets look in light of all the snow received so far. Councilman Caldon met with the Shade Tree Commission, a dedicated group of people. Councilman Caldon made a motion requesting Council approval for Washington Engine's St. Patrick's Day Shortest Parade on March 13. Councilwoman Clifton seconded the motion. Council agreed. Motion passed.

Personnel, Development, Construction & Planning/Zoning Board

Councilwoman Gould provided the Construction Department report for January 2015:

- | | |
|--|----------------------------|
| • Permit income/certificates: \$8,169.00 | Year to Date: \$8,169.00 |
| • Business, CCOs/Misc Fees: \$450.00 | Year to Date: \$450.00 |
| • State Permit Surcharge Fees: \$253.00 | Year to Date: \$253.00 |
| • Value of Construction Work: \$133,609.00 | Year to Date: \$133,609.00 |
| • Permits Issued: 40 | Year to Date: 40 |

Consent Agenda

Mayor Buccellato read by title Resolutions 15-02-12 through and including 15-02-29 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 Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-12
REDEMPTION OF TAX SALE CERTIFICATE
WEN LU
CERTIFICATE #11-00104**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #11-00104 which was sold to Wen Lu, 144-90 41st Ave., Apt. 515, Flushing, NY 11355; and

WHEREAS, Certificate #11-00104 has been paid and fully redeemed for the property owner, Block 120.01, Lot 26 otherwise known as 10 Eisenhower Ct.

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,820.17 and a Premium of \$100.00 to the above for the redemption of Tax Sale Certificate #11-00104.

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

**RESOLUTION 15-02-13
REDEMPTION OF TAX SALE CERTIFICATE
C&L FINANCIAL, LLC
CERTIFICATE #12-00026**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00026 which was sold to C&L Financial, LLC, 3 Fox Hedge Rd., Colts Neck, NJ 07722; and

WHEREAS, Certificate #12-00026 has been paid and fully redeemed for the property owner, Block 29, Lot 36 otherwise known as 242 Main St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$6,052.58 and a Premium of \$6,000.00 to the above for the redemption of Tax Sale Certificate #12-00026.

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

**RESOLUTION 15-02-14
REDEMPTION OF TAX SALE CERTIFICATE
US BANK CUST FOR PRO CAP II, LLC
CERTIFICATE #13-00079**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #13-00079 which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSG, 50 S 16th St., Ste 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #13-00079 has been paid and fully redeemed for the property owner, Block 110, Lot 7.02 otherwise known as 29 Crescent Pl.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,873.38 and a Premium of \$1,100.00 to the above for the redemption of Tax Sale Certificate #13-00079.

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

**RESOLUTION 15-02-15
REDEMPTION OF TAX SALE CERTIFICATE
CHRISTIANA TRUST AS CUST GSRAN-Z, LLC DEPOSIT ACCT
CERTIFICATE #14-00009**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00009 which was sold to Christiana Trust as Cust GSRAN-Z, LLC Deposit Acct, PO Box 71276, Philadelphia, PA 19176; and

WHEREAS, Certificate #14-00009 has been paid and fully redeemed for the property owner, Block 9, Lot 27 otherwise known as 129-131 Main St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,559.59 and a Premium of \$14,900.00 to the above for the redemption of Tax Sale Certificate #14-00009.

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

**RESOLUTION 15-02-16
REDEMPTION OF TAX SALE CERTIFICATE
ACT LIEN HOLDING, INC.
CERTIFICATE #14-00017**

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WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00017 which was sold to Act Lien Holding, Inc., US Bank Cust Act Lien Holding, 45 W 45th St., Suite 1402, New York, NY 10036; and

WHEREAS, Certificate #14-00017 has been paid and fully redeemed for the property owner, Block 21, Lot 7 otherwise known as 35-37 Center St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$3,680.19 and a Premium of \$12,000.00 to the above for the redemption of Tax Sale Certificate #14-00017.

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

**RESOLUTION 15-02-17
REDEMPTION OF TAX SALE CERTIFICATE
CHRISTIANA TRUST AS CUST GSRAN-Z, LLC DEPOSIT ACCT
CERTIFICATE #14-00031**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00031 which was sold to Christiana Trust as Cust GSRAN-Z, LLC Deposit Acct, PO Box 71276, Philadelphia, PA 19176; and

WHEREAS, Certificate #14-00031 has been paid and fully redeemed for the property owner, Block 35, Lot 12 otherwise known as 193 Main St.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$2,451.81 and a Premium of \$7,400.00 to the above for the redemption of Tax Sale Certificate #14-00031.

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

**RESOLUTION 15-02-18
REDEMPTION OF TAX SALE CERTIFICATE
ACT LIEN HOLDING, INC.
CERTIFICATE #14-00073**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00073 which was sold to Act Lien Holding, Inc., US Bank Cust Act Lien Holding, 45 W 45th St., Ste 1402, New York, NY 10036; and

WHEREAS, Certificate #14-00073 has been paid and fully redeemed for the property owner, Block 112, Lot 3.10 otherwise known as 15 Middlesex Rd.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$5,387.50 and a Premium of \$13,600.00 to the above for the redemption of Tax Sale Certificate #14-00073.

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

**RESOLUTION 15-02-19
REDEMPTION OF TAX SALE CERTIFICATE
PC5, LLC US BANK CUST FOR PC5 STERLING NATIONAL
CERTIFICATE #14-00078**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00078 which was sold to PC5, LLC US Bank Cust for PC5 Sterling National, 50 S 16th St., Ste 2050, Philadelphia, PA 19102; and

WHEREAS, Certificate #14-00078 has been paid and fully redeemed for the property owner, Block 117, Lot 10 otherwise known as 38 Weldon Rd.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$425.01 and a Premium of \$800.00 to the above for the redemption of Tax Sale Certificate #14-00078.

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

**RESOLUTION 15-02-20
REDEMPTION OF TAX SALE CERTIFICATE
PC5, LLC US BANK CUST FOR PC5 STERLING NATIONAL
CERTIFICATE #14-00081**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00081 which was sold to PC5, LLC US Bank Cust for PC5 Sterling National, 50 S 16th St., Ste 2050, Philadelphia, PA 19102; and

WHEREAS, Certificate #14-00081 has been paid and fully redeemed for the property owner, Block 119, Lot 4 otherwise known as 17 Center Ave.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$320.53 and a Premium of \$800.00 to the above for the redemption of Tax Sale Certificate #14-00081.

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

**RESOLUTION 15-02-21
APPROVAL OF RAFFLE LICENSE
PTA M. SCOTT CARPENTER ELEMENTARY SCHOOL
GIFT AUCTION – RA-657**

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

| <u>Name & Location of Organization's Event</u> | <u>Date & Time</u> |
|--|---------------------------------------|
| The Reception Center at St. Clement 172 Freneau Avenue Matawan, New Jersey 07747 | April 24, 2015 5:00 PM to 11:00 PM |

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following: Police, Clerk, PTA M. Scott Carpenter Elementary School and NJS Legalized Games of Chance Control Commission.

**RESOLUTION 15-02-22
APPROVAL OF RAFFLE LICENSE
PTA M. SCOTT CARPENTER ELEMENTARY SCHOOL
50/50 CASH – RA-658**

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

| <u>Name & Location of Organization's Event</u> | <u>Date & Time</u> |
|--|---------------------------------------|
| The Reception Center at St. Clement 172 Freneau Avenue Matawan, New Jersey 07747 | April 24, 2015 5:00 PM to 11:00 PM |

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following: Police, Clerk, PTA M. Scott Carpenter Elementary School and NJS Legalized Games of Chance Control Commission.

**RESOLUTION 15-02-23
APPROVAL OF RAFFLE LICENSE
PTSO MATAWAN AVENUE MIDDLE SCHOOL
50/50 CASH – RA-659**

BE IT RESOLVED by the Council of the Borough of Matawan that they hereby approve the raffle license for PTSO Matawan Avenue Middle School Fundraiser.

| <u>Name & Location of Organization's Event</u> | <u>Date & Time</u> |
|--|---------------------------------------|
| The Reception Center at St. Clement 172 Freneau Avenue Matawan, New Jersey 07747 | March 27, 2015 7:00 PM to 11:00 PM |

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***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following: Police, Clerk, PTSO Matawan Avenue Middle School and NJS Legalized Games of Chance Control Commission.*

**RESOLUTION 15-02-24
APPROVAL OF RAFFLE LICENSE
PTSO MATAWAN AVENUE MIDDLE SCHOOL
GIFT AUCTION – RA-660**

***BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the raffle license for PTSO Matawan Avenue Middle School Fundraiser.*

| <u>Name & Location of Organization’s Event</u> | <u>Date & Time</u> |
|--|---------------------------------------|
| The Reception Center at St. Clement 172 Freneau Avenue Matawan, New Jersey 07747 | March 27, 2015 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: Police, Clerk, PTSO Matawan Avenue Middle School and NJS Legalized Games of Chance Control Commission.*

**RESOLUTION 15-02-25
APPROVAL OF SOLICITORS PERMIT
MAJESTIC EXTERIORS, LLC**

***WHEREAS, Majestic Exteriors, LLC,** has passed the required Police Department background checks; and*

***WHEREAS, Majestic Exteriors, LLC,** has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the following solicitors permit:*

| | |
|-------------------|--|
| Business: | Majestic Exteriors, LLC 420 Route 34, PO Box 37 Colts Neck, New Jersey 07722 |
| Applicant: | Tania Goodman 100 Cedar Drive Colts Neck, New Jersey 07722 |

**RESOLUTION 15-02-26
APPROVAL OF SOLICITORS PERMIT
POWER HOME REMODELING GROUP**

***WHEREAS, Power Home Remodeling Group,** has passed the required Police Department background checks; and*

***WHEREAS, Power Home Remodeling Group,** has read Chapter 3-2.11 Handbills of the Borough of Matawan Code.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the following solicitors permit:*

| | | | | | |
|---|---|--|---|---|---|
| Business: | Power Home Remodeling Group 485 Route 1 South Iselin, New Jersey 08830 | | | | |
| Applicant: | <table><tbody><tr><td>Charles Hague 37 Pipins Way Morristown, New Jersey 07960</td><td>Timothy Lawrence 12 Spruce Ct. Bedminster, New Jersey 07921</td></tr><tr><td>Anthony Lupo, Jr. 10 Jameson Place Flanders, New Jersey 07836</td><td>Chris Marshall 282 Sycomore Stree Staten Island, New York 10312</td></tr></tbody></table> | Charles Hague 37 Pipins Way Morristown, New Jersey 07960 | Timothy Lawrence 12 Spruce Ct. Bedminster, New Jersey 07921 | Anthony Lupo, Jr. 10 Jameson Place Flanders, New Jersey 07836 | Chris Marshall 282 Sycomore Stree Staten Island, New York 10312 |
| Charles Hague 37 Pipins Way Morristown, New Jersey 07960 | Timothy Lawrence 12 Spruce Ct. Bedminster, New Jersey 07921 | | | | |
| Anthony Lupo, Jr. 10 Jameson Place Flanders, New Jersey 07836 | Chris Marshall 282 Sycomore Stree Staten Island, New York 10312 | | | | |

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*Robert Hansan
238 Denman Road
Cranford, New Jersey 07016*

**RESOLUTION 15-02-27
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, 2015 through August 31, 2015 for a fee of \$225.00.

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, and the Railroad Parking Enforcement Officer.

**RESOLUTION 15-02-28
APPROVAL OF BOROUGH OF MATAWAN
VOLUNTEER FIRE DEPARTMENT
2015 "COIN TOSS"**

WHEREAS, the Borough of Matawan Volunteer Fire Department has requested they be allowed to conduct a "coin toss" as follows for the 2015 year:

| | |
|-----------------------------------|--|
| <i>Saturday, April 25, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Sunday, April 26, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Saturday, July 18, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Sunday, July 19, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Saturday, October 10, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Sunday, October 11, 2015</i> | <i>9:00 AM to 1:00 PM</i> |
| <i>Locations:</i> | <i>Route 34 and Broad Street on Saturdays Route 79 and Mill Road on Sundays; and</i> |

WHEREAS, the Borough of Matawan Volunteer Fire Department uses revenue generated from the "coin toss" to provide the Fire Department with many items that enable the department to enhance their service the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan hereby approves the request of the Borough of Matawan Volunteer Fire Department for their "coin toss."

BE IT FURTHER RESOLVED, the Council of the Borough of Matawan directs the Borough Clerk to forward a copy of this resolution to County of Monmouth Counsel, Andrea I. Bazer, Esq., Hall of Records, Room 236, One East Main Street, Freehold, New Jersey 07728 for the approval of the Board of Chosen Freeholders.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Police, Fire, First Aid.

**RESOLUTION 15-02-29
APPROVAL OF MATAWAN FIRST AID & RESCUE SQUAD
FLEA MARKET AT THE MATAWAN TRAIN STATION PARKING LOT
YEAR 2015**

WHEREAS, the Matawan First Aid & Rescue Squad has requested they be allowed to conduct a flea market at the Matawan Train Station parking lot on Saturdays and Sundays between January and December of 2015; and

WHEREAS, the Matawan First Aid & Rescue Squad uses revenue generated from the flea market to provide the Matawan First Aid & Rescue Squad with many items that enable the department to enhance their service the community; and

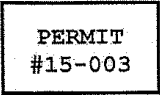
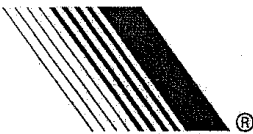
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***WHEREAS,** the Governing Body of the Borough of Matawan has reviewed the submitted request attached hereto.*

***NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Matawan that they hereby approve the request of the Matawan First Aid & Rescue Squad for their flea market at the Matawan Train Station parking lot on Saturdays and Sundays between January and December of 2015.*

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Police, Fire and First Aid.*

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NJ TRANSIT ACCESS PERMIT

**Aberdeen-Matawan Parking Lot 1
Outdoor Marketplace**

Saturday's and Sunday's, January 24, 2015 through, December 27, 2015

New Jersey Transit Corporation ("NJ TRANSIT") grants permission to Matawan First Aid & Rescue Squad, Inc. and its representatives ("Permittee"), whose address is P.O. Box No. 28, Matawan, New Jersey 07747, to occupy the portion of NJ TRANSIT's Aberdeen-Matawan Parking Lot located at Main Street and Atlantic Ave, Matawan, New Jersey ("Permit Area") as depicted on Exhibit A, from 6:00 a.m. to 4:00 p.m., every Saturday, January 24th, 31st, February 7th, 14th, 21st, 28th, March 7th, 14th, 21st, 28th, April 4th, 11th, 18th, 25th, May 2nd, 9th, 16th, 23rd, 30th, June 6th, 13th, 20th, 27th, July 4th, 11th, 18th, 25th, August 1st, 8th, 15th, 22nd, 29th, September 5th, 12th, 19th, 26th, October 3rd, 10th, 17th, 24th, 31st, November 7th, 14th, 21st, 28th, December 5th, 12th, 19th, 26th, and every Sunday, January 4th, 11th, 18th, 25th, February 1st, 8th, 15th, 22nd, March 1st, 8th, 15th, 22nd, 29th, April 5th, 12th, 19th, 26th, May 3rd, 10th, 17th, 24th, 31st, June 7th, 14th, 21st, 28th, July 5th, 12th, 19th, 26th, August 2nd, 9th, 16th, 23rd, 30th, September 6th, 13th, 20th, 27th, October 4th, 11th, 18th, 25th, November 1st, 8th, 15th, 22nd, 29th, December 6th, 13th, 20th, 27, 2015 for the sole purpose of conducting a fundraising event for an outdoor marketplace, pursuant to the proposal annexed as Exhibit B, Exhibit B1, Exhibit B2, and Exhibit B3, this permit is issued subject to the following terms and conditions:

1. Permittee is fully responsible for adherence to the terms of this permit.
2. Permit allows use of the Permit Area by Permittee and its authorized representatives and no others.
3. Use of the Permit Area is limited to the following:
 - a. Permittee and its representatives are required to carry photo identification at all times.
 - b. Permittee is responsible for taking the necessary precautions to ensure the safety of all participants and attendees. Security will be the responsibility of first, Lieutenant Jason Gallo, Commanding Officer, Matawan Police Department, during the event as depicted on Exhibit B1.
 - c. Portable toilets shall be dropped off prior to the event on Friday evening, and picked-up after each event on Monday morning.
 - d. Permittee shall not depict NJ TRANSIT and/or its representatives in a negative manner.
 - e. Permittee will interrupt its activities whenever NJ TRANSIT personnel require access to, or through, the areas temporarily occupied by the Permittee.
 - f. Permittee has received approval from the Town Council of Matawan, Exhibit B2.
 - g. Vendors shall use small popup tents; vendors are not permitted to stake their tents in the ground, but are required to weigh them down with sand bags, concrete, etc.
 - h. Permittee shall supply its own electricity by using generators if necessary.

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4. At no time will the activities of Permittee interfere with NJ TRANSIT's operations, employees or commuter pedestrian traffic.
5. There will be no modifications to the station buildings, track, or platform areas.
6. Before leaving the Permit Area, Permittee shall restore that property to the condition it was in prior to usage including but not limited to cleaning the Permit Area. Permittee agrees that if the Permit Area is not restored to the prior condition, it shall reimburse NJ Transit for the cost to clean and restore the Permit Area to the condition prior to Permittee's use.
7. In granting this permit, NJ TRANSIT will assume no obligation whatsoever in connection with the use, work, and/or occupancy by Permittee and are not obliged to make any repairs to the property or to furnish workers, equipment, or materials in connection with the use, work, and/or occupancy by Permittee.
8. In the event of an emergency, Permittee shall first call 911. Second, Permittee must contact NJ TRANSIT POLICE at 1-800-242-0236.
9. Permittee will furnish the names of all representatives who will be conducting this event. At no time shall the number of Permittee's representatives or visitors exceed 120 at this location.
10. Permittee shall indemnify, keep and save harmless the State of New Jersey and NJ TRANSIT, their successors, assigns, agents, employees, servants and officials, and each and every one of them, against all claims, just or unjust, made against the State of New Jersey, NJ TRANSIT, or Permittee, or their successors, assigns, agents, employees, servants or officials on account of injuries, death, losses of any kind whatsoever, damages, suits, liabilities, judgments, claims for infringement of patent, trademark or copyright, and all costs and expenses which may in any wise accrue against the State of New Jersey, NJ TRANSIT, their successors, assigns, agents, employees, servants, and officials in consequence of the granting of this Permit or which may in any way result therefrom, and whether or not it shall be alleged or determined that the cause thereof was the negligence, acts or omissions of the State of New Jersey, NJ TRANSIT, or Permittee, its successors, assigns, agents, employees, servants and officials, or of other persons. Further, Permittee shall appear, defend and pay, at its own expense, all costs, including counsel fees, arising therefrom or incurred in connection therewith, and, if any judgement shall be rendered against the State of New Jersey, NJ TRANSIT, their successors, assigns, agents, employees, servants and officials, in any such action, Permittee shall, at its own expense, satisfy and discharge the same.
11. Permittee shall furnish evidence, which shall be attached hereto as Exhibit C, that with respect to the operations and activities to be performed under this permit, Permittee carries comprehensive general liability insurance naming NJ TRANSIT and the State of New Jersey as additional insured's providing for not less than five million dollars (\$5,000,000) combined single limit per occurrence and aggregate for bodily injury or death and property damage. If Permittee has employees, evidence of workmen's compensation insurance is required.

It is understood and agreed that the procurement of insurance in the aforementioned amount does not in any way or manner whatsoever limit Permittee's liability to the State of New Jersey or NJ TRANSIT for the full amount of any and all loss and damage provided herein.
12. NJ TRANSIT shall not be liable to Permittee for loss, damage or liability of any kind or nature whatsoever sustained by Permittee, its successors or assigns by reason of any failure to fulfill its obligations herein in the event of strike or walkout on the part of its employees, or on the part of any other person or persons, or by reason of any embargo or requirement of any federal, state, municipal or other government authority or by reason of any event of any kind beyond the control of NJ TRANSIT which in any way affects NJ TRANSIT's ability to perform its obligations herein.

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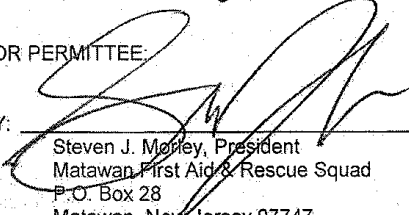
13. Permittee, at its sole cost and expense, shall obtain such licenses, permits, or authority from federal, state, municipal or other government bodies or agencies as may be necessary. Furthermore, Permittee shall comply with all regulations of such bodies or agencies and shall also pay any and all federal, state, municipal or other taxes, fees or assessments imposed or levied upon the operations described herein, and shall save NJ TRANSIT harmless from any and all fines, penalties, taxes, fees or other liabilities arising in connection with any and all activities conducted by Permittee on NJ TRANSIT property.
14. Intentionally left blank.
15. It is understood and agreed that transit operating incidents can occur at any times. In such event of an emergency, NJ TRANSIT shall have complete control over the activities of Permittee associated with the use and/or occupancy hereby permitted, including the actions of personnel of Permittee, in matters relating to safety. If an NJ TRANSIT representative is not available, Permittee must contact NJ TRANSIT POLICE at 1-800-242-0236.
16. Permittee has the full responsibility to provide and have available such medical staff and medical assistance as it deems necessary at its sole cost and expense.
17. This permit may be terminated by NJ TRANSIT without notice if any of the above conditions are not met. The terms and conditions of this permit are considered as understood and agreed upon prior to entry to NJ TRANSIT property and any unauthorized activities not specifically allowed herein may be considered cause for termination.
18. At Permittee's request, this permit may be amended, provided a written request for specific changes is submitted to NJ TRANSIT with sufficient time, as determined by NJ TRANSIT, for review and approval prior to implementation.
19. Permittee covenants that the individual executing this permit has the authority to legally bind Permittee.
20. Permittee shall provide NJ TRANSIT with an accounting statement identifying gross revenues, expenses, net disbursements to the sponsoring non-profit organization Exhibit B2 net revenues.

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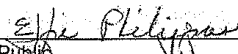
AGREED TO ON THE 2nd DAY OF February, 2015.

FOR PERMITTEE:


BY:


Steven J. Morley, President
Matawan First Aid & Rescue Squad
P.O. Box 28
Matawan, New Jersey 07747
908-907-8913 Cell
732-566-0005 Alt. Tel.
732-441-1350 Fax
Stevenjames516@aol.com

On the 2nd day of February, 2015, the above-named officer or representative of Permittee personally appeared before me, acknowledged him/herself to be an officer or representative of Permittee, and that as such officer being authorized to do so, executed this for the purposes stated, by signing the name of Permittee by him/herself as its officer or representative.


Notary Public **EFFIE PHILIPPAS**
My Commission expires: **NOTARY PUBLIC OF NEW JERSEY**
My Commission Expires 9/22/2017

NJ TRANSIT CORPORATION:


Allen W. Kratz
Director of Revenue Contract Programs

This permit has been approved as to form.

#15-003 Page 4 of 4

New Business

Mayor Buccellato read by title Resolution 15-02-30: Authorizing Release of Cash Guarantees to Satisfy Outstanding Professional Fees Not Covered by Depleted Escrow Accounts for Moshir Rahman. 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: Councilman Urbano
Councilwoman Daly

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Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-30
AUTHORIZING RELEASE OF CASH GUARANTEES TO
SATISFY OUTSTANDING PROFESSIONAL FEES NOT COVERED BY DEPLETED ESCROW ACCOUNTS
FOR MOSHIUR RAHMAN**

WHEREAS, the Moshiur Rahman project located at 131 Main Street also known as Block 9, Lot 27 posted certain cash guarantees associated with Unified Planning/Zoning Board of Adjustment; and

WHEREAS, outstanding engineering inspections fees due and owing to T&M Associates totaling \$1,126.45 could not be paid due to the depletion of escrow accounts associated with this project; and

WHEREAS, the project owner has not responded to the Borough's request for replenishment of its escrow account, and therefore, this Resolution authorizes utilizing a portion of available cash guarantee to satisfy the project's escrow balance deficiency needed to cover outstanding engineering fees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that the Borough's Chief Financial Officer is hereby authorized and directed to utilize available cash guarantees posted by Moshiur Rahman to satisfy outstanding engineering inspection fees not covered by depleted escrow accounts in the sum of \$1,126.45.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance as well as T&M Associates and Moshiur Rahman.

Mayor Buccellato read by title Resolution 15-02-31: Appointment of Borough Redevelopment Attorney – Jan L. Wouters, Esq. – Bathgate, Wegener & Wolf, PC. Mayor Buccellato requested a motion. Councilwoman Gould made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilwoman Angelini
Councilman Urbano
Councilwoman Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-31
APPOINTMENT OF BOROUGH REDEVELOPMENT ATTORNEY
JAN L. WOUTERS, ESQ.
BATHGATE, WEGENER & WOLF, PC**

WHEREAS, there exists the need for a Borough Redevelopment Attorney in the Borough of Matawan, County of Monmouth; and

WHEREAS, the Jan L. Wouters, Esq. of the firm Bathgate, Wegener & Wolf, PC has submitted qualifications as part of a "Fair and Open Process" pursuant to the provisions of NJSA 19:44A-20.5 et seq. and the Borough Council finds Jan L. Wouters, Esq. most qualified for the legal services with regard to redevelopment offered and sought by the Borough of Matawan; and

WHEREAS, NJSA 19:44A-20.5 et seq. allows a municipality through a "Fair and Open Process" to seek and solicit qualifications by advertising for such qualifications and appoint the contractor based on said contractor's qualifications and merit; and

WHEREAS, the local public contracts law N.J.S.A. 40A:11-1 requires that the resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after passage of the resolution.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Matawan hereby appoints Jan L. Wouters, Esquire, of the firm of Bathgate, Wegener & Wolf, PC, as Borough Redevelopment Attorney for the Borough of Matawan in an accordance with the terms and conditions as outlined in the attached Agreement for Professional Services in an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00), said term to expire December 31, 2015.

BE IT FURTHER RESOLVED that a copy of this resolution be published as required by law within ten days of its passage.

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

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

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 5-01-20-155-200 Budget of the Borough of Matawan to Jan L. Wouters, Esq., Bathgate, Wegener & Wolf, PC for the Borough of Matawan in an amount not to exceed Ten Thousand Dollars and No Cents (\$10,000.00).

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 17, 2015

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AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT ("Agreement") is dated as of January 1, 2015

BETWEEN: THE BOROUGH OF MATAWAN, a municipal corporation of the State of New Jersey, having its principal offices at 201 Broad Street, Matawan, NJ 07747.
(hereinafter referred to as the "Borough"),

AND: Jan L. Wouters, Esq.
Bathgate, Wegener & Wolf, P.C.
1 Airport Road
Lakewood, NJ 08701
(hereinafter referred to as the Attorney")

(the Borough and the Attorney each referred to herein as a "Party"
and collectively the "Parties")

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., (the "Act") and Resolution 14-03-07 adopted by the Borough on March 4, 2014 incorporated herein by reference, the Borough has appointed Attorney as the Borough Redevelopment Attorney and the Parties wish to enter into an agreement for professional services.

NOW, THEREFORE, the Parties hereunder do agree as follows:

1. Attorney agrees to perform professional legal services as the Borough Redevelopment Attorney for the Borough as determined and authorized by the governing body acting through the Mayor or other authorized officials of the Borough.
2. The Agreement shall expire on December 31, 2015, unless earlier terminated by written notice from either Party to the other Party.
3. The Attorney shall provide all general legal services required as Redevelopment Counsel, including, but not limited to, telephonic and electronic communication, preparation and review of correspondence, legal research, preparation of ordinances, resolutions, agreements, negotiations and such other services as may be required.
4. The Attorney shall be paid hourly in accordance with the Rate Schedule attached hereto as Schedule B.
5. The Attorney may assign certain appearances and projects to attorneys in his office who are members of the legal profession and licensed as an Attorney at Law of the State of New Jersey, compensation for whose services shall be paid in accordance with Schedule B.
6. Borough agrees to reimburse the Attorney upon receipt of a voucher in a form acceptable to the Borough therefore for all disbursements made by Attorney in connection with services rendered in accordance with Schedule B.

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7. The Parties do hereby agree that the provisions of N.J.S.A. 10:2-1 through 10:2-4, dealing with discrimination in employment on public contracts, and the Rules and Regulations promulgated pursuant hereto, are hereby made a part of this Agreement and are binding upon them.

8. The Borough and the Attorney agree that the provisions contained in the attachment to this Agreement marked Exhibit A, entitled "State of New Jersey Mandatory Affirmative Action Language," are hereby made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST:

THE BOROUGH OF MATAWAN

Karen Wynne, RMC, Municipal Clerk

By: Paul Buccellato, Mayor

BATHGATE, WEGENER & WOLF, P.C.

By: Jan L. Wouters, Esq., Partner

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EXHIBIT A

**STATE OF NEW JERSEY
MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)
N.J.A.C. 17:27 GOODS, PROFESSIONAL SERVICE
AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, with regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to afford equal employment opportunities to minority and women workers consistent with good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2, or good faith efforts to meet targeted county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

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The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

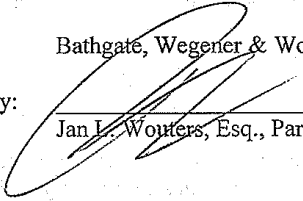
Certificate of Employee Information Report

Employee Information Report Form AA302

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.

Bathgate, Wegener & Wolf, P.C.

By:


Jan L. Wouters, Esq., Partner

Dated as of January 1, 2015

**Borough of Matawan
Public Session
February 17, 2015**

EXHIBIT B

**BATHGATE, WEGENER & WOLF, P.C.
Rate Schedule 2015**

| <u>Name</u> | <u>Hourly Rate</u> |
|-------------|--------------------|
| Partners | \$170.00 |
| Associates | \$150.00 |
| Paralegal | \$100.00 |

Cost Details and Expenses

In addition to legal fees, the Borough must pay the following costs and expenses: Experts' fees, court costs, accountants' fees, appraisers' fees, service fees, investigator fees, deposition costs, messenger services, photocopying charges, postage, facsimile transmission costs, electronic research time, courier and any other necessary expenses at the actual rate disbursed or incurred by the Firm/Attorney.

Mayor Buccellato read by title Resolution 15-02-32: Authorizing T&M Associates to Provide Professional Services for Energy Consulting Services for the Borough of Matawan's Energy Savings Improvement Program (ESIP). 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 Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

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**RESOLUTION 15-02-32
AUTHORIZING T&M ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES FOR
ENERGY CONSULTING SERVICES FOR THE
BOROUGH OF MATAWAN'S
ENERGY SAVINGS IMPROVEMENT PROGRAM (ESIP)**

WHEREAS, as the Borough of Matawan's Consultant on the New Jersey Board of Public Utilities (BPU) Local Government Energy Audit (LGEA) Program, T&M Associates conducted an energy audit of the following four individual Borough of Matawan properties as part of the LGEA Audit Program:

1. Borough Hall/Community Center
2. Public Works Building
3. Water Treatment Plant
4. Police Department

WHEREAS, the findings within the LGEA Audit recommended the Borough of Matawan consider implementing all of the Energy Conservation Measures listed in the attached proposal; and

WHEREAS, the Borough of Matawan is desirous of implementing other measures that may not have been defined or found within the LGEA Audit and is interested in receiving bids from Energy Savings Companies (ESCO) to see if more measures can be identified for implementation.

NOW, THEREFORE, BE IT RESOLVED the Council of the Borough of Matawan hereby authorizes T&M Associates to perform the Task 1: Request for ESCO Qualifications scope of services only as outlined in the attached proposal in an amount not to exceed Twenty Three Thousand Six Hundred Eighty Dollars and No Cents (\$23,680.00).

CERTIFICATION AS TO AVAILABLE FUNDING

I, Monica Antista, Chief Financial Officer of the Borough of Matawan do hereby certify that as of the date of this certification funds are available in the 5-01-20-165-200 Budget of the Borough of Matawan for T&M Associates for professional services to request for ESCO qualifications as outlined in the attached proposal in an amount not to exceed Twenty Three Thousand Six Hundred Eighty Dollars and No Cents (\$23,680.00).

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 17, 2015

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MATNOH-15010

January 21, 2015

Via Email: louis.ferrara@matawanborough.com

Louis Ferrara
Borough Administrator
Borough of Matawan
201 Broad Street
Matawan, NJ 07747

**Re: Proposal for Energy Consulting Services
Borough of Matawan Energy Savings Improvement Program (ESIP)**

Dear Mr. Ferrara:

We are pleased to present our proposal for Energy Consulting Services to assist Borough of Matawan (Matawan) in implementing the findings of Energy Audits conducted as a part of the Local Government Energy Audit (LGEA) Program, through an Energy Savings Improvement Program (ESIP).

PROJECT BACKGROUND

Based upon past involvement with the LGEA process and our review of the LGEA Audit Reports, we understand the following:

Four (4) individual facilities owned by the Borough of Matawan were part of the LGEA Audit program:

1. Borough Hall
2. Public Works Building
3. Water Treatment Plant
4. Police Department

The findings within the LGEA Audit recommended Matawan consider implementing all of the Energy Conservation Measures (ECMs) listed in the summary table below.

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THE BOROUGH OF MATAWAN
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| Facility | ECM # | ECM Description | Cost | Annual Savings | Simple Payback |
|-----------------------|-------|--|-----------|----------------|----------------|
| Borough Hall | 1 | Install Weatherstripping & Door Sweeps on Exterior Doors | \$2,000 | \$2,229 | 0.90 |
| | 2 | Replace Inc., T12 & HID Lamps w/T8 and LED Lamps | \$15,903 | \$3,655 | 4.35 |
| | 3 | Install Occupancy Sensor Controls | \$6,207 | \$1,173 | 5.29 |
| | 4 | Replace Electric DHW Heater with Nat Gas | \$4,711 | \$491 | 9.59 |
| | 5 | Replace Windows in 1955 Annex | \$44,627 | \$3,944 | 11.32 |
| | 6 | Replace YMCA Boiler | \$10,815 | \$706 | 15.32 |
| Public Works | 1 | Install Occupancy Sensors | \$423 | \$97 | 4.36 |
| | 2 | Replace Inc., MH and Hal. w/LED Lamps & Fixtures | \$6,357 | \$724 | 8.78 |
| Water Treatment Plant | 1 | Install Weatherstripping & Door Sweeps on Exterior Doors | \$200 | \$164 | 1.22 |
| | 2 | Upgrade Well Pump w/Premium Efficiency Motor | \$3,720 | \$1,308 | 2.84 |
| | 3 | Replace Metal Halide Fixtures w/LED Fixtures | \$5,362 | \$697 | 7.69 |
| Police Department | 1 | Install Weatherstripping & Door Sweeps on Exterior Doors | \$600 | \$213 | 2.82 |
| | 2 | Replace Inc., T12 & HID Lamps w/T8 and LED Lamps | \$7,458 | \$1,929 | 3.87 |
| | 3 | Install Occupancy Sensor Controls | \$2,660 | \$394 | 6.75 |
| | 4 | Replace Electric DHW Heater with Nat Gas | \$1,752 | \$119 | 14.72 |
| | 5 | Replace Windows | \$15,023 | \$348 | 43.17 |
| Total | | | \$127,818 | \$18,191 | 7.03 |

As presented by Sustainable Jersey in February, 2013 and sponsored by the New Jersey Board of Public Utilities (BPU):

“Energy efficiency is one of the best ways public institutions can save money and tax dollars. However, to realize savings from energy efficiency it is necessary to first come up with capital to pay for building and equipment upgrades.” This capital expenditure hurdle to move forward with energy savings improvements hinders the ability for governmental entities to make improvements to their facilities and/or the operations that would save money on their utility costs. Under the ESIP financing alternatives, approved by the legislature, the future value of energy savings is leveraged to pay for these upfront costs.

The law allows

“board of education, counties, municipalities, housing authorities, and public authorities to enter into contracts for up to 15 years to finance building energy upgrades in a manner that ensures that annual payments are lower than the savings projected from the energy conservation measures; ensuring that ESIPs are cash flow positive in year one, and every year thereafter. The ESIP law allows local units to use Energy Savings Obligations as the financing method to pay for the costs (capital as well as soft costs) of these energy conservation measures.”

Through the ESIP alternative, Matawan can help facilitate operations savings.

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As shown above, the approximate annual savings if all ECMs were implemented and the audit contains the correct costs, is approximately \$18k per year at a construction cost of \$130k. We note Matawan is interested in implementing other measures that may not have been defined or found within the LGEA Audit and is interested in receiving bids from Energy Savings Companies to see if more measures can be identified for implementation.

ESIP PROGRAM STEPS

To help define our scope of work, the following table provides the necessary steps in the ESIP process custom to Matawan approach utilizing an Energy Savings Company (ESCO).

| Step | Description | T&M Involvement | ESCO Involvement |
|------|---|--|----------------------|
| 1 | Energy Audit (Completed) | N/A | No |
| 2 | Analysis of Matawan LGEA Audit Reports for Pool of Recommend ECMs | Yes | No |
| 3 | Create Request for ESCO Qualifications | Yes | No |
| 4 | Bid Period Support & ESCO Selection | Yes | Bidding on Documents |
| 5 | Energy Savings Plan Creation | No | Yes |
| 6 | Energy Savings Plan Verification | Yes | No |
| 7 | Energy Savings Plan Adoption | Yes (Advisory to Matawan) | Yes |
| 8 | Completion of Financing Alternative | Yes (Advisory to Matawan) | Yes |
| 9 | Design | No | Yes |
| 10 | Construction | Yes (Construction Administration Services Provided Upon Request) | Yes |
| 11 | Verification (Commissioning) | Yes | No |
| 12 | Measurement & Verification | Yes | No |

To help explain the ESIP process, we have included the Sustainable Jersey Guide as an attachment. Our Scope of Services follows this Guide.

SCOPE OF SERVICES

Our Scope of Services would be performed under the Tasks as described below.

Task 1: Request for ESCO Qualifications

T&M will review the completed LGEA Audit reports and any past design and/or reports germane to this project, and assist Matawan in developing a pool of projects that would be ESIP compliant. As part of this task, we will create an energy conservation measure (ECM) finance model. This model, which will

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be designed in conjunction with Matawan's financial advisor, will be used to create the pool of projects that align with the ESIP requirements to be cash flow positive in year one and every year thereafter.

During this process, T&M will work with Matawan to include any specific capital improvements into the ESIP work, where possible.

We will also review the impacts of the various ECM's in order to confirm limitations on construction (i.e., hours of work, other concerns) and long term operation (scheduled off-hour event considerations, other limitations) that should be included in the bid documents.

T&M will assist Matawan's legal counsel with the creation of the necessary Request for Qualifications, following the standard BPU model for ESIP, and incorporate specific considerations/requirements as applicable. As part of this task, we shall also communicate with Board of Public Utilities (BPU) concerning their specific requirements associated with the ESIP Program.

Where applicable, we shall also include the necessary program steps associated with leveraging any financial incentives from the New Jersey Clean Energy Program (NJCEP) including Pay for Performance. T&M is an approved Program Partner for Pay for Performance Existing Buildings.

As part of this task, we anticipate that up to three (3) review meetings will be required and attended to develop the program.

Task 2: Bid Period Support and ESCO Selection

We will assist Matawan with the competitive contracting process for ESCO company selection. During the bid phase, we will help schedule and manage individual site visits of ESCO companies to the facilities, issue bid addenda, answer relevant questions, attend the bid opening, and assist with the selection process of the ESCO.

Task 3: Energy Savings Plan Verification

The Energy Savings Plan is created by the selected ESCO once they are awarded the project through the competitive contracting process. T&M will perform a thorough review of the Energy Savings Plan for compliance with ESIP requirements and law. This verification process is critical to confirm that the improvements proposed by the ESCO will result in projects and savings that were considered as part of Task 1. Where deviations and/or changes are proposed by the ESCO compared to the initial review, we will work with the ESCO to understand and verify same. We will schedule a meeting with Matawan and the ESCO to review the details of the proposed changes in the proposed project scope.

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The Energy Savings Plan will be reviewed by T&M to confirm it contains the following:

1. The results of the energy audit;
2. A description of the energy conservation measures that will comprise the plan;
3. The cost of each energy conservation measure;
4. A detail of any available economic offset for each energy conservation measure;
5. An estimate of greenhouse gas reductions resulting from those energy savings;
6. Identification of design and compliance issues and identification of who will provide these services;
7. An assessment of risks involved in the successful implementation of the plan;
8. Identify the eligibility for, and costs and revenues associated with, the Pennsylvania Jersey Maryland (PJM) Independent System Operator (Regional Power Grid) for Demand Response and curtailable service activities. Demand Response can be defined as *"Changes in electric usage by end-use customers from their normal consumption patterns in response to changes in the price of electricity over time, or to incentive payments designed to induce lower electricity use at times of high wholesale market prices or when system reliability is jeopardized"*;
9. Maintenance requirements necessary for continued energy savings, and describe how the maintenance services will be provided; and
10. The cost for providing a guarantee of energy savings once the projects are implemented.

Our final deliverable associated with this item will be a report of our findings for Matawan to review and the ESCO to address. Once all items are addressed and the team is comfortable with the final Energy Savings Plan and our review, our deliverable report will be submitted to the BPU for review.

Task 4: Energy Savings Plan Adoption

Once the verification is complete and the BPU approves the Energy Savings Plan, Matawan must formally adopt the Plan. At this time, Matawan must decide if they will require an energy savings guarantee from the ESCO. As part of this task, we will assist, as necessary, with a meeting and/or communication required to help facilitate the approval process. After approval, the final Plan must be submitted to the BPU for posting on the BPU website.

Task 5: Completion of Financing Alternative

T&M's role in this task is limited to project management support and/or advisory services should input be requested. Significant detail on this task can be found in the attached under the heading "Completion of Financing."

Task 6: Construction Administration

If requested, T&M will provide construction administration services on behalf of Matawan. Our services during construction may include the following, depending upon the services requested:

1. Provide part-time construction observation services during construction. We will advise regarding our observations;

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2. If necessary, perform high level review of shop drawings to confirm that Matawan's preferences have been addressed. The licensed design professional (ESIP A/E firm) will retain final technical review responsibility;
3. Attend weekly construction meetings in order to monitor construction progress and prepare/disseminate meeting minutes;
4. Monitor the construction schedule for compliance with established dates and work with the ESCO to communicate intermediate schedule changes necessary to meet the final completion date;
5. Verify that the work performed is compliant with the Energy Savings Plan presented by the ESCO and approved by Matawan;
6. Confirm ESCO payment requests are commensurate with the work completed;
7. Prepare a punch list regarding the Matawan's preferences and the general appearance of the work, and work with the ESCO to resolve open issues; and
8. Attend one (1) one-half day training session where the Contractor will inform Matawan personnel regarding the operation of the new systems.

Task 7: Verification (Commissioning)

Separate commissioning must be performed for the completed improvements. T&M will work with our strategic partner, who is NJ State Division of Property Management and Construction (DPMC) approved, to provide commissioning services on the installed improvements. The ESCO cannot provide these services since the purpose of this step is to verify all work was installed properly.

Task 8: Measurement & Verification

Similar to Commissioning, Measurement & Verification (M&V) is a process to confirm each improvement installed is in fact performing as designed and intended. The M&V process allows independent measurements of performance to ensure the energy reductions are in place compared to the Energy Savings Plan. T&M will work with our strategic partner to provide M&V services.

LIMITATIONS

1. We note that in the event ESCOs do not define additional improvements to make an ESIP program viable beyond that identified in the LGEA Audit, our services associated with this project would cease during Task 2 once bids are received and reviewed.
2. Our services are limited to those described above and do not include scope beyond that defined unless agreed to, in writing, with Matawan;
3. Under the ESIP process, all design of proposed improvements is the responsibility of the selected ESCO. As such, no design services are included;
4. T&M will rely on the accuracy of any information submitted to us by the Client in the performance of our services and will not be held responsible for errors or inaccuracies contained in the information provided to us;

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5. The ESCO will pay all application and permit fees.

RESPONSIBILITIES OF CLIENT

1. The Borough of Matawan shall provide copies of all relevant information for T&M to perform our services. This would include drawings, records or information on maintenance, etc.;
2. Access to the site and equipment as and when required, with knowledgeable escorts able to answer operational questions.

SCHEDULE

Upon authorization to proceed, T&M Associates will immediately initiate our services and work with you to refine a delivery schedule.

COMPENSATION

Our fee table below contains estimated fees for certain items where a level of effort can be determined and percentage fees for other items that will be contingent on the size of the project. Since the ESIP allows certain costs to be included in the financing of the program, we indicate what fees can be included in the ESIP costs so that the Borough of Matawan is aware of what individual funding will be required versus what simply is paid for with the savings generated. In the event a contract is not awarded to an ESCO and the project does not move forward, our services would end during Task 2 once bids are received and reviewed.

The table presented below follows the scope of work presented herein.

| Task | Description | Estimated Fee | Energy Savings Obligation Applicability |
|------|-------------------------------------|--|---|
| 1 | Request for ESCO Qualifications | \$23,680 | Yes |
| 2 | Bid Period Support & ESCO Selection | \$10,100 | Yes |
| 3 | Energy Savings Plan Verification | \$11,500 | Yes |
| 4 | Energy Savings Plan Adoption | \$1,500 | Yes |
| 5 | Completion of Financing Alternative | \$2,000 | Yes |
| 8 | Construction Administration | To Be Determined During Task 1 & Verified During Task 3 ¹ | Yes |
| 9 | Verification (Commissioning) | To Be Determined During Task 1 & Verified During Task 3 ¹ | Yes |
| 10 | Measurement & Verification | To Be Determined During Task 1 & Verified During Task 3 ¹ | No |

1 – Scope of Services and associated fee will be tailored to meet the specific needs of Matawan

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Energy Savings Obligations shall be not be used to finance maintenance, guarantees, or the required third party verification of energy conservation measures guarantees. Energy Savings Obligations, however, may include the costs of verification of energy savings as part of adopting an energy savings plan or upon commissioning. The verification costs may be financed but may not be counted in the energy savings plan as a cost to be offset with savings.

We thank you for the opportunity to submit this proposal, and we look forward to working with you on this project. Should you have any questions or require additional information, please do not hesitate to contact me.

Should you find the terms of this proposal acceptable, please indicate your acceptance by signing below and returning a copy to this office.

Very truly yours,

T&M ASSOCIATES

ROBERT R. KEADY, P.E.
VICE PRESIDENT

DANIEL G SWAYZE, P.E.
SENIOR VICE PRESIDENT

cc: Paul Buccellato, Mayor
Karen Wynne, RMC, Borough Clerk
Monica Antista, CFO

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Mayor Buccellato read by title Resolution 15-02-33: Authorizing Interlocal Services Agreement Between the County of Monmouth Through the Monmouth County Sheriff's Office Communications Division and the Borough of Matawan for Dispatch Services for Police, Fire and EMS. 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: Councilman Urbano
Councilwoman Daly
Councilwoman Clifton

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Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-33
AUTHORIZING INTERLOCAL SERVICES AGREEMENT BETWEEN
THE COUNTY OF MONMOUTH THROUGH THE
MONMOUTH COUNTY SHERIFF'S OFFICE
COMMUNICATIONS DIVISION AND THE BOROUGH OF MATAWAN FOR DISPATCH SERVICES FOR
POLICE, FIRE AND EMS**

WHEREAS, the Borough of Matawan and the Monmouth County Sheriff's Office currently have a full-time dispatch interlocal services agreement for Police, Fire, and Emergency Medical Services and is desirous of continuing said agreement with the County of Monmouth to provide said services; and

WHEREAS, the attached agreement is in compliance with the Interlocal Services Act;

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Matawan that the Borough of Matawan enter into the attached Interlocal Services Agreement with the County of Monmouth and hereby authorizes the Mayor to execute this Agreement on behalf of the Borough of Matawan in an amount not to exceed Seventy Three Thousand Two Hundred Twenty Five Dollars and Eighty Three Cents (\$73,225.83).

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, Fire, First Aid, Police as well as Monmouth County Board of Chosen Freeholder, Monmouth County Sheriff's Office.

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 5-01-25-240-200 Budget of the Borough of Matawan to County of Monmouth for the Borough of Matawan in an amount not to exceed Seventy Three Thousand Two Hundred Twenty Five Dollars and Eighty Three Cents (\$73,225.83).

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 17, 2015

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SHARED SERVICE AGREEMENT

**BETWEEN THE
COUNTY OF MONMOUTH,
THROUGH
THE MONMOUTH COUNTY
SHERIFF'S OFFICE, COMMUNICATIONS DIVISION**

**AND THE
BOROUGH OF MATAWAN**

THIS SHARED SERVICE AGREEMENT (the "Agreement") is made this ____ day of _____, 2014 by and between the COUNTY OF MONMOUTH, a body politic of the state of New Jersey, having its principal offices located at the Hall of Records, 1 E. Main Street, Freehold, New Jersey 07728 and the MONMOUTH COUNTY SHERIFF'S OFFICE with its principal offices located at 2500 Kozloski Road, Freehold, New Jersey 07728 (hereinafter jointly referred to as the "County"), and the _____, in the County of Monmouth, a municipal corporation of the State of New Jersey, (referred to as the "Municipality").

IT IS AGREED:

1. The County, under the auspices of the Monmouth County Sheriff's Office, Communications Division, will serve as the Public Safety Answering Point (PSAP) for the Municipality, in accordance with the participation plan previously submitted by the Municipality. The County will provide all calls to the Municipality by call relay, transfer, or direct emergency dispatch, in accordance with the Municipality's participation plan. The system will meet the technical requirements and operational standards set forth in *N.J.S.A. 17:24-1, et seq.* The County will provide direct emergency dispatch services for Police, Fire and Emergency Medical Services (EMS) for the municipality.
2. The full 2015 fee shall be \$73,225.83. Upon receipt of a proper invoice from the County, the Municipality shall pay said fee on or about April 1, 2015.

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- (a) The annual fee thereafter shall be determined in accordance with the County's shared service proposal distributed to the Municipality on or about November 15th of the prior year. The Municipality shall pay the County the service fee on or about April 1st of each year of the Agreement.
 - (b) Should the method of service and billing be rolled into the general County Tax rate or some other basis, then this Agreement shall terminate on the date of the transition to such change.
 - (c) The County shall provide said service for the period January 1, 2015, or as soon thereafter as the services begin, through December 31, 2019.
 - (d) The County will provide computer related services to support any call taking and dispatching functions for the Municipality as required wherein public safety software and related features/capabilities may include, but are not limited to, mobile client, field reporting, Computer Aided Dispatch (CAD) and records management.
 - (e) The Municipality will maintain and support all local hardware, routers and air cards.
 - (f) The County will maintain and support all core infrastructure equipment and systems located at the Communications Division, which includes all routers and servers.
3. If the Municipality decides to procure and utilize an Automatic License Plate Recognition (ALPR) system, then the County will physically store and maintain a server environment to host a regional ALPR system, subject to the following provisions:
- (a) The Municipality shall procure and maintain all local equipment to operate an ALPR system, including all recurring costs associated with setting up the local ALPR system. This equipment shall include, but not be limited to client computers, local servers, cameras, network infrastructure to connect to the regional ALPR network.
 - (b) The County shall have the Municipality's ALPR data available 24/7 or for the maximum uptime, given routine server service and unplanned outages.

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- (c) The regional server environment shall be redundant, to minimize downtime and to ensure the highest level of system availability.
 - (d) Both parties shall employ the same data security practices when utilizing the local ALPR system as is required when accessing and utilizing the NCIC system.
4. This agreement is permitted under the New Jersey Uniform Shared Services and Consolidation Act pursuant to *N.J.S.A. 40A:65-1, et seq.*
 5. The County shall defend, indemnify and save harmless the Municipality, its officers, agents and employees from and against all suits, costs (including attorney fees and costs), claims, expenses, liabilities, and judgments of every kind to which the Municipality may be subjected by reason of any actions or inactions by the County or its officers, agents or employees.
 6. The Municipality shall defend, indemnify and save harmless the County, its officers, agents and employees from and against all suits, costs (including attorney fees and costs), claims, expenses, liabilities, and judgments of every kind to which the County may be subjected by reason of any actions or inactions by the Municipality or its officers, agents or employees.
 7. Either party may terminate this Agreement with minimum ninety (90) days written notice, with or without cause. The County explicitly reserves the right to terminate this Agreement with ninety (90) days written notice for the following reasons:
 - (a) The Municipality has failed to make timely payment for services rendered, in response to the County's invoice.
 - (b) The Municipality has failed to comply with the State and County system guidelines, provided that the Municipality has been notified of the failure(s) and not cured the failure(s) within a reasonable time following such notice.
 8. The Clerk of the County's Board of Chosen Freeholders shall file a fully executed copy of this Agreement with the Division of Local Government Services, New Jersey Department of Community Affairs.
 9. Each party to this Agreement represents to the other party that its governing body has duly adopted a resolution authorizing the execution of this Agreement.

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IN WITNESS WHEREOF, the parties have caused this Agreement to be signed, attested and sealed by their respective and duly authorized officials.

COUNTY OF MONMOUTH

BOROUGH OF MATAWAN

By: Lillian G. Burry
Title: Freeholder Director

By:
Title:

Date:

Date:

ATTEST:

ATTEST

Clerk of the Board

Municipal Clerk

MONMOUTH COUNTY SHERIFF'S OFFICE

By: Shaun Golden
Title: Sheriff

Date:

WITNESS / ATTEST:

Notary

Mayor Buccellato read by title Resolution 15-02-34: Authorizing the Hiring of Probationary Police Officer for the Matawan Police Department – Joseph Mason. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 15-02-34
AUTHORIZING THE HIRING OF PROBATIONARY POLICE OFFICER
FOR THE MATAWAN POLICE DEPARTMENT
JOSEPH MASON**

***WHEREAS**, the Mayor and Council have been advised of the a need to fill the position of Patrol Officer with the Matawan Police Department; and*

***WHEREAS**, Joseph Mason expressed an interest in said position and is desirous of being hired as a Patrol Officer of the Matawan Police Department; and*

***WHEREAS**, the Council has considered Joseph Mason’s record, experience, qualifications, and training; and*

***WHEREAS**, the Borough Council has found Joseph Mason is qualified to serve as a Patrol Officer of the Matawan Police Department; and*

***WHEREAS**, Chief of Police Jason Gallo has recommended Joseph Mason be hired as a Patrol Officer of the Matawan Police Department; and*

***WHEREAS**, the Council is desirous of hiring Joseph Mason to said position on a probationary basis until such time as the Council shall have the opportunity to further evaluate and judge his performance as a Patrol Officer.*

***NOW THEREFORE BE IT RESOLVED** by the Council of the Borough of Matawan, hereby authorizes the hiring of Joseph Mason as probationary Patrol Officer pursuant to Section 9-29.6 of the Code of the Borough of Matawan on a probationary basis for a period not to exceed one (1) year, effective March 1, 2015 at a salary per the current PBA contract.*

***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, Police, Payroll Officer as well as Joseph Mason.*

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 5-01-25-240-180 Budget of the Borough of Matawan to Joseph Mason for Probationary Patrol Officer for the Borough of Matawan at a salary per the current PBA contract.

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 17, 2015*

Mayor Buccellato read by title Resolution 15-02-35: Authorizing the Hiring of Class Two Specials for the Matawan Police Department – Alexandra Harris and Eric Otten. Mayor Buccellato requested a motion. Councilman Caldon made the motion, seconded by Councilwoman Daly. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 15-02-35
AUTHORIZING THE HIRING OF CLASS TWO SPECIALS
FOR THE MATAWAN POLICE DEPARTMENT
ALEXANDRA HARRIS
ERIC OTTEN**

WHEREAS, the Mayor and Council have been advised of the need for Class Two Specials 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 hiring of Alexandra Harris and Eric Otten as Class Two Specials (part time hourly employees) in the Police Department, effective February 17, 2015, for no more than twenty (20) hours per week at the rate of compensation of \$15.00 per hour, not to exceed Twenty-nine Thousand Dollars and No Cents (\$29,000.00) each.

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, Police, Payroll Officer as well as Alexandra Harris and Eric Otten.

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 5-01-25-240-185 Budget of the Borough of Matawan to Alexandra Harris and Eric Otten for Class Two Specials for the Borough of Matawan in an amount not to exceed Twenty-nine Thousand and No Cents (\$29,000.00) each.

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 17, 2015

Mayor Buccellato read by title Resolution 15-02-36: Authorizing the Transfer of Unexpended Balances in Certain 2014 Appropriation Reserve Accounts. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman Caldon. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-02-36
AUTHORIZING THE TRANSFER OF UNEXPENDED BALANCES IN CERTAIN
2014 APPROPRIATION RESERVE ACCOUNTS**

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

WHEREAS, there are unexpended balances in certain 2014 appropriation reserve accounts; and

WHEREAS, additional funds are required in certain other 2014 appropriation reserve accounts.

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

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| <i>Transfer From</i> | <i>Amount of Transfer</i> | <i>Transfer To</i> | <i>Amount of Transfer</i> |
|---------------------------|-----------------------------------|---------------------------|-----------------------------------|
| <i>Account Number</i> | | <i>Account Number</i> | |
| 4-01-30-415-200 | \$6,000.00 | 4-01-26-290-200 | \$ 6,000.00 |
| Accumulated Sick Leave | | Streets & Roads | |
| Other Expenses | | Other Expenses | |

BE IT FURTHER RESOLVED that a certified copy of this resolution be provided to the Chief Financial Officer and Clerk of the Borough of Matawan for the permanent records as well as the Borough Auditor.

Mayor Buccellato read by title Resolution 15-02-37: Emergency Temporary Appropriation. 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 Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

RESOLUTION 15-02-37
EMERGENCY TEMPORARY APPROPRIATION

WHEREAS, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a 2015 temporary budget for the aforesaid purposes; and

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

WHEREAS, the total emergency temporary resolutions adopted in the year 2015 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,303,667.24.

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

1. An emergency temporary appropriation be and the same is hereby made for the purposes stipulated in the attached list.
2. That said emergency temporary appropriations will be provided for in the 2015 budget under the appropriate titles.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

BE IT FURTHER RESOLVED, that the amount required by Statue for the payment of 2015 County, and Local School District Taxes, which are not included in this temporary budget, shall be paid as and when due.

2015 Temporary Budget-for February 17, 2015 Meeting

| | <i>Salary & Wages</i> | <i>Other Expenses</i> |
|-----------------|---------------------------|---------------------------|
| MAYOR & COUNCIL | | |
| MUNI CLERK | 2,000.00 | |
| GENERAL ADMIN | | |
| AUDIT | | |
| FINANCE ADMIN | | 3,000.00 |
| TAX ASSES ADMIN | | |
| TAX COLLECTOR | | 1,500.00 |

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| | | | |
|--|-----------|------------|--------------|
| LEGAL SERVICES | | | |
| ENGINEERING | | | |
| BLDG & GROUNDS | | | |
| PLAN/ZONING BD | | | |
| SHADE TREE COMM | | | |
| ENVIRON HEALTH | | | |
| SOLID WASTE COLL | | | |
| INSURANCE-GROUP HEALTH | | | |
| INSURANCE-LIABILITY | | | |
| INSURANCE-WORKERS COMP | | | |
| FIRE | | | |
| FIRE-AID TO DEPARTMENT | | | |
| FIRE PREVENTION | 2,000.00 | | |
| POLICE | | | |
| STREETS & ROADS | 30,000.00 | 15,000.00 | |
| STREET LIGHTING | | | |
| BD OF HEALTH | | | |
| RECREATION | | | |
| HISTORICAL SITES | | | |
| VOL 1ST AID SQUAD | | | |
| OEM | | | |
| PROP MAINT | | | |
| RR PARKING | | | |
| DOWNTOWN REDEV | | | |
| UTILITIES | | | |
| VEHICLE MAINT | | 10,000.00 | |
| CONSTR OFFICIAL | | | |
| ACCUM SICK LEAVE | | | |
| OASI/SOCIAL SECURITY | | 15,000.00 | |
| PERS | | 155,500.00 | |
| PFRS | | 516,000.00 | |
| CONTINGENT | | | |
| MUNICIPAL COURT | | | |
| PUBLIC DEFENDER | | | |
| FREE PUBLIC LIBRARY | | | |
| EMERGENCY 911 | | | |
| GREEN TRUST LOAN | | | |
| INTEREST ON BONDS | | | |
| INTEREST ON NOTES | | | |
| PAYMENT OF BANS | | | |
| MCIA LEASE INTEREST | | | |
| SUBTOTAL | 34,000.00 | 716,000.00 | |
| TOTAL TEMPORARY EMERGENCY APPROPRIATIONS | | 750,000.00 | 3,123,441.65 |
| WATER SEWER UTILITY | | | |
| OPERATING | | | |

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BULK WATER PURCHASE/ACQUISITION OF WATER

BAYSHORE REGIONAL SEWERAGE AUTHORITY 225,000.00
PAYMENT ON BOND PRINCIPAL

PERS 44,000.00
BANS
INTEREST ON BONDS
INTEREST ON NOTES
WATER-SEWER REHAB LOAN
WASTEWATER LOAN
SOCIAL SECURITY

SUBTOTAL - 269,000.00

*TOTAL WATER SEWER UTILITY TEMPORARY EMERGENCY
APPROPRIATIONS*

269,000.00 1,553,667.24

***BE IT FURTHER RESOLVED** that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Finance as well as the Borough Auditor and the Director of Local Government Services.*

Mayor Buccellato read by title Resolution 15-02-38: 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 Daly
Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-38
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> | \$282,382.47 |
| <i>Water & Sewer</i> | \$39,065.16 |
| <i>Grant</i> | \$2,493.75 |
| <i>Borough Trust</i> | \$96,700.59 |
| <i>Railroad Parking Trust</i> | \$27.00 |
| Total | \$420,668.97 |

***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 15-02-39: Authorizing FSD Enterprises, LLC to Solicit and Advertise for Additional Carriers for the Middlesex Road Cell Tower. Mayor Buccellato requested a motion. Councilwoman Clifton made the motion, seconded by Councilman Caldon. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Urbano
Councilwoman Daly

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Councilwoman Clifton
Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-02-39
AUTHORIZING FSD ENTERPRISES, LLC
TO SOLICIT AND ADVERTISE FOR ADDITIONAL CARRIERS FOR THE
MIDDLESEX ROAD CELL TOWER**

WHEREAS, the Council of the Borough of Matawan requests FSD Enterprises, LLC, is Wireless Telecommunications Consultant, to solicit and advertise for additional carriers for a Communications Site Lease Agreement for the antennae rental of a portion of municipally-owned property at the Middlesex Road Cell Tower, Block 71, Lot 16; and

WHEREAS, the highest bidder shall be awarded the right to co-locate on Tower and locate their associated equipment within a designated ground lease area.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that FSD Enterprises, LLC is authorized and empowered to solicit and advertise for additional carriers for the antennae rental at the Middlesex Road Cell Tower.

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Administration, Clerk, Public Works as well as FSD Enterprises, LLC.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

There were no comments.

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 7:35 PM.

Karen Wynne, RMC
Municipal Clerk