

**Borough of Matawan
Public Session
November 16, 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 November 16, 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 Lopez
Councilman Urbano
Councilwoman Daly
Councilman Caldon
Councilwoman Gould

Councilwoman Clifton was absent.

Also, present were Louis C. Ferrara, Borough Administrator, and Pasquale Menna, Borough Attorney.

Mayor Buccellato asked everyone to stand for a Moment of Silence reminding everyone to keep the people of Paris and the victims of September 11, 2001 in their thoughts.

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

Mayor Buccellato informed of the addition of Resolutions 15-11-13 and 15-11-30 as well as Ordinance 15-21 to tonight's Agenda.

Old Business

None.

Clerk's Report

The Clerk reported the 2016 Business License Renewals are currently in process. Animal licensing will begin approximately January 4, 2016. In 2015 the NJS ABC began license renewals electronically. The next phase will include receipt of electronic Applications for Catering, Extension of Premise and Social Affair Permits. The Clerk briefly outlined the new process. Lastly, the Clerk informed she will be on vacation the week of November 23.

Mayor's Report

Mayor Buccellato nominated Charles Ross to fill the vacancy of a Class IV Member on the Unified Planning/Zoning Board of Adjustments requesting Council approval. Councilman Caldon made the motion, seconded by Councilman Urbano. Council agreed. Motion passed.

Administrator's Report

Mr. Ferrara distributed a hard copy of his Report to Council.

Attorney's Report

No report.

Engineer's Report

Mr. Keady reported on the status of the following projects:

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- Middlesex Road Water Tank – The Project has been completed.
- 2013 Road Program Contract 2 – The punch list will be completed tomorrow.
- 2015 Road Program Contract 1 is advertised for a bid opening on November 24.
- 2016-2020 Solid Waste & Recycling Contract is advertised for a bid opening on December 3.

Council elected to have a special meeting at 6:00 PM on December 10, 2015 in order to complete the bid and contract process for the 2016-2020 Solid Waste & Recycling Contract as well as to prepare for contingency plans to possibly extend the current contract.

Finance & Environmental

No report.

Police, Railroad Parking & ADA

Councilman Urbano reminded everyone of the upcoming Turkey Trot and related registration dates and times; he informed of the resignation of Deirdre Ring, Recreation Director, thanking her for her service citing a job well done.

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

No report.

Fire, DPW & Shade Tree

Councilman Caldon reminded residents the DPW is currently picking up leaves; he made a motion for Council approval of a Borough of Matawan Volunteer Firefighter for Washington Engine Co., Michael Villeneuve, seconded by Councilman Lopez. Council agreed. Motion passed.

Personnel, Development, Construction & Planning/Zoning Board

Councilwoman Gould provided the Construction Department report for September 2015: November:

• Permit income/certificates:	\$ 55,721.00	Year to Date:	\$201,211.00
• Business, CCOs/Misc Fees:	\$ 675.00	Year to Date:	\$ 3,470.00
• State Permit Surcharge Fees:	\$ 3,244.00	Year to Date:	\$ 11,010.00
• Value of Construction Work:	\$2,013,468.00	Year to Date:	\$7,315,896.00
• Permits Issued:	70	Year to Date:	398

Consent Agenda

Mayor Buccellato read by title Resolutions 15-11-23 through and including 15-11-25 requesting a motion to approve en masse. Councilman Urbano made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call vote. A roll call vote was taken.

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

Motion passed.

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**RESOLUTION 15-11-23
REDEMPTION OF TAX SALE CERTIFICATE
PRO CAP II, LLC
CERTIFICATE #12-00006**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #12-00006, which was sold to US Bank Cust for Pro Cap II, LLC, US Bank TLSG, 50 S 16th St., Suite 1950, Philadelphia, PA 19102; and

WHEREAS, Certificate #12-00006 has been paid and fully redeemed for the property owner, Block 7, Lot 5, otherwise known as 84 Main Street.

NOW, THEREFORE, BE IT RESOLVED by the Council of The Borough of Matawan, that they hereby authorize payment in the amount of \$9,804.02 to the above for the redemption of Tax Sale Certificate #12-00006.

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

**RESOLUTION 15-11-24
REDEMPTION OF TAX SALE CERTIFICATE
CAZENOVIA CREEK FUNDING I, LLC
CERTIFICATE #14-00087**

WHEREAS, the Borough of Matawan Tax Collector has reported that Tax Sale Certificate #14-00087 which was sold to MTAG Cust Caz Creek NJ, LLC, and then assigned to Cazenovia Creek Funding I, LLC, PO Box 54897, New Orleans, LA 70154; and

WHEREAS, Certificate #14-00087 has been paid and fully redeemed for the property owner, Block 122, Lot 3 otherwise known as 5 Lola Lane.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that they hereby authorize payment in the amount of \$1,674.47 and a Premium of \$1,500.00 to the above for the redemption of Tax Sale Certificate #14-00087.

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

**RESOLUTION 15-11-25
REFUND OF TAX OVERPAYMENT
6 KIMBERLY DRIVE – BLOCK 47.02, LOT 59**

WHEREAS, the following property has been overpaid for the year 2015 as a result of an overpayment from the refinance of the property; and

WHEREAS, the property owner is due a refund in order to clear the account; and

WHEREAS, the following refund has been verified as accurate by the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan, that the Borough Tax Collector refund according to the following:

<u>Block/Lot</u>	<u>Vendor</u>	<u>Amount of Refund</u>	<u>Notation</u>
47.02/59	Frank Borelli 6 Kimberly Drive Matawan Bridge, NJ 07747	\$2,522.28	Overpay through Refinance

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

New Business

Mayor Buccellato read by title Resolution 15-11-26: Approval of Business Relocation – Zuccaro Salon. Mayor Buccellato requested a motion. Councilman Urbano made the motion, seconded by Councilman Lopez. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-11-26
APPROVAL OF BUSINESS RELOCATION
ZUCCARO SALON**

WHEREAS, Zuccaro Salon, (hair salon) was previously approved as a business operating in the Borough of Matawan; and

WHEREAS, Zuccaro Salon has notified the Borough of Matawan of its relocating from 94 Freneau Avenue to 159 Main Street; and

WHEREAS, this business is an approved use in its new location.

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

*Business: Zuccaro Salon
159 Main Street
Matawan, New Jersey 07747*

*Applicant: Carl Zuccaro
Zuccaro Salon
159 Main Street
Matawan, New Jersey 07747*

BE IT FURTHER RESOLVED that a true certified copy of this Resolution shall be forwarded to the following Borough of Matawan Departments: Clerk, Police, Construction as well as Monmouth County Health Department and Applicant.

Mayor Buccellato read by title Resolution 15-11-27: Resolution Appointing Bayshore EMS Squad to Replace and be the Successor of the Matawan First Aid and Rescue Squad and Authorizing the Mayor and Council to Enter Into an Agreement with Said Squad. Mayor Buccellato requested a motion. Councilman Daly made the motion, seconded by Councilwoman Gould. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-11-27
RESOLUTION APPOINTING BAYSHORE EMS SQUAD
TO REPLACE AND BE THE SUCCESSOR OF THE
MATAWAN FIRST AID AND RESCUE SQUAD AND
AUTHORIZING THE MAYOR AND COUNCIL TO
ENTER INTO AN AGREEMENT WITH SAID SQUAD**

WHEREAS, the Matawan First Aid and Rescue Squad has been in continuous existence as the Emergency First Aid and Rescue Squad for the residents and visitors of the Borough of Matawan; and

WHEREAS, on May 12, 2015, and May 15, 2015, the members and the authorized Board of Trustees of the Matawan First Aid and Rescue Squad and the members and the authorized Board of Trustees of the South Matawan Township First Aid Squad, Inc., engaged in meetings as noticed and authorized by the bylaws of the respective squads; and

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***WHEREAS**, as a result of ongoing discussions and negotiations between the Matawan First Aid and Rescue Squad and the South Matawan Township First Aid Squad, Inc., the membership and Boards of Trustees of the respective squads authorized an Amendment and Change of Corporate Name, as well as a merger of the Matawan First Aid and Rescue Squad and the South Matawan Township First Aid Squad, Inc., pursuant to the provisions of N.J.S.A. 15A:15-5; and*

***WHEREAS**, the two entities have merged and become an entity known as Bayshore EMS effective June 1, 2015; and*

***WHEREAS**, former members of the Matawan First Aid and Rescue Squad are now members of the new Bayshore EMS, and the defunct Matawan First Aid and Rescue Squad has ceased to provide first aid and rescue services to the residents and visitors of the Borough of Matawan;*

***NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Matawan that it herewith recognizes and appoints Bayshore EMS as the successor to the Matawan First Aid and Rescue Squad since June 1, 2015, and as the official First Aid Squad of the Borough of Matawan for the providing of first aid and rescue service to residents and visitors of the Borough of Matawan effective immediately.*

***BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Matawan further designate Bayshore EMS as the legal successor to the Matawan First Aid and Rescue Squad, and any and all entitlements, benefits, and emoluments that are due and owing to the Matawan First Aid and Rescue Squad after June 1, 2015, are transferred and will be provided to Bayshore EMS, exclusive of LOSAP participation and contributions since there is no LOSAP agreement with Bayshore EMS.*

***BE IT FURTHER RESOLVED** that the Mayor of the Borough of Matawan is empowered to enter into the attached agreement between the Borough of Matawan and Bayshore EMS for the undertaking of First Aid and Rescue Squad services for the remainder of calendar year 2015 for the benefit of residents and visitors of the Borough of Matawan.*

***BE IT FURTHER RESOLVED** that the LOSAP contributions due and owing to members of the former Matawan First Aid and Rescue Squad be calculated and provided to those matters from January 1, 2015, through and including May 31, 2015, which was the official date of the termination of the Matawan First Aid and Rescue Squad.*

***BE IT FURTHER RESOLVED** that the Borough Clerk be empowered and authorized to undertake the process of collating the information that will be necessary for a possible amendment to the LOSAP program to be initiated by the Borough of Matawan and that same be placed on the calendar for action for calendar year 2016.*

***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, Police, Public Works, Recreation as well as the Borough Auditor and the Board of Trustees of Bayshore EMS.*

Mayor Buccellato read by title Resolution 15-11-28: Authorizing the Transfer of Funds from Current and Utility Accounts in the 2015 Budget. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-11-28
AUTHORIZING THE TRANSFER OF FUNDS FROM
CURRENT AND UTILITY ACCOUNTS IN THE 2015 BUDGET**

***WHEREAS**, NJSA 40A:4-58 provides for the transfers within certain appropriations within the Municipal Budget during the last two months of the fiscal year: and*

***WHEREAS**, the Chief Financial Officer has advised the Mayor and Council of the Borough of Matawan that the need for certain transfers within the 2015 Municipal Budget exists; and*

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WHEREAS, it is recommended that these budget transfers be made.

NOW, THEREFORE, BE IT RESOLVED that the following budget transfers be made in the 2015 Municipal Budget:

<u>Transfer From:</u>		<u>Transfer To:</u>	
<u>Account</u>	<u>Amount of</u>	<u>Account</u>	<u>Amount of</u>
<u>Number</u>	<u>Transfer</u>	<u>Number</u>	<u>Transfer</u>
5-01-31-430-200	\$ 15,000.00	5-01-20-165-200	\$ 15,000.00
Utilities		Engineering	
Other Expenses		Other Expenses	
5-01-26-305-200	\$ 2,500.00	5-01-26-300-200	\$ 2,500.00
Garbage		Shade Tree	
Other Expenses		Other Expenses	

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

Mayor Buccellato read by title Ordinance 15-19: Amending and Supplementing the Borough of Matawan Code Chapter 4 – Licensing and Business Regulations* - Section 4-1.6 – Transferability, Section 4-3 – Peddlers, Hawkers and Vendors, Section 4-4 – Solicitors and Canvassers requesting a motion to introduce. Councilman Urbano made the motion, seconded by Councilman Caldon. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**ORDINANCE 15-19
AMENDING AND SUPPLEMENTING
THE BOROUGH OF MATAWAN CODE
CHAPTER 4 – LICENSING AND BUSINESS REGULATIONS*
SECTION 4-1.6 – TRANSFERABILITY
SECTION 4-3 – PEDDLERS, HAWKERS AND VENDORS
SECTION 4-4 – SOLICITORS AND CANVASSERS**

BE IT ORDAINED, by the Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that Chapter 4 of the Code of the Borough be amended and supplemented as follows:

4-1.6 TRANSFERABILITY

Except as otherwise provided, a license shall apply only to the person to whom it was issued and shall not be transferable to another person. Licenses may be transferred from place to place, in cases, where the licensed activity is conducted at a fixed location, but only with the written approval of the Zoning Official. The fee for the transfer of a license from place to place shall be five (\$5.00) dollars. (1971 Code Subsection 10-1.7; Ord. No. 11-01).

4-3 PEDDLERS, HAWKERS AND VENDORS

4-3.5 Restrictions.

a. *No person shall sell, offer for sale, hawk or peddle in the Borough any of the items listed in subsection 4-3.1 before 9:00 a.m. prevailing time or after 7:00 p.m. (1971 Code Subsection 10-3.5; New)*

b. *The Borough Clerk shall maintain a list of names and addresses of residents who have determined that peddlers, hawkers and vendors shall not be invited to their respective residence. Any resident shall be included on such list if they complete a form to be so included. The form shall be available at Borough Hall. The list shall be distributed to applicants seeking a license for the purposes mentioned herein. The licensee shall not peddle or hawk at any residence on the list. Any peddler, hawker or vendor who goes upon any premises or rings a doorbell upon*

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or near any door or creates any sound in any manner calculated to attract the attention of the occupant of such residence, when such residence is on the list provided shall be considered to be engaging in uninvited soliciting as set forth in Section 4-3.6.

4-4 SOLICITORS AND CANVASSERS

4-4.7 Restrictions.

a. *No soliciting or canvassing activities shall be conducted before 10:00 a.m. prevailing time or after 7:00 p.m. (1971 Code Subsection 10-4.7; New)*

b. *The Borough Clerk shall maintain a list of names and addresses of residents who have determined that solicitors or canvassers shall not be invited to their respective residence. Any resident shall be included on such list if they complete a form to be so included. The form shall be available at Borough Hall. The list shall be distributed to applicants seeking a license for the purposes mentioned herein. The licensee shall not solicit or canvass at any residence on the list. Any solicitor or canvasser who goes upon any premises or rings a doorbell upon or near any door or creates any sound in any manner calculated to attract the attention of the occupant of*

such residence, when such residence is on the list provided shall be considered to be engaging in uninvited soliciting as set forth in Section 4-4.8.

4-4.8 Duty of Police to Enforce.

It shall be the duty of any Police Officer of the Borough to require any person seen soliciting or canvassing, and who is not known by such Officer to be duly licensed, to produce the peddler's license and to enforce the provisions of this Section against any person found to be violating the same. (1971 Code Subsection 10-3.6)

BE IT FURTHER ORDAINED *any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.*

BE IT FURTHER ORDAINED *if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.*

BE IT FURTHER ORDAINED *this ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to law.*

**The general power to license and to prescribe license fees is contained in N.J.S.A. 40:52-1.2. Licensing is also a part of the general police power granted by N.J.S.A. 40:72-3 and R.S. 40:48-2.*

The Clerk informed the public hearing is scheduled for December 1, 2015.

Mayor Buccellato read by title Ordinance 15-20: Amending and Supplementing the Borough of Matawan Code Chapter 7 – Traffic – Section 7-11, et seq – Stopping or Standing Prohibited During Certain Hours on Certain Streets requesting a motion to introduce. Councilman Urbano made the motion, seconded by Councilman Caldon. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**ORDINANCE 15-20
AMENDING AND SUPPLEMENTING
THE BOROUGH OF MATAWAN CODE
CHAPTER 7 – TRAFFIC**

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SECTION 7-11, ET SEQ. – STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS

WHEREAS, as a result of approved development on New Jersey State Route 34 and Broad Street, as well as review by the Unified Planning Board and the Monmouth County Planning Board, it is necessary to enhance the flow of traffic for purposes ingress, egress, and general safety through the modification of parking regulations with respect to Broad Street at or near its intersections with New Jersey State Route 34 and Church Street; and

WHEREAS, the Police Department of the Borough of Matawan Traffic Safety Division has reviewed the recommendations of the Monmouth County Planning Board and the Unified Planning Board of the Borough of Matawan regarding the adoption of revised regulations regarding parking on certain designated streets; and

WHEREAS, it is beneficial to adopt a comprehensive parking plan with respect to the flow of traffic around the intersections of Broad Street with New Jersey State Route 34 and Church Street.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Section 7-11.1, No Stopping or Standing at any Time, is amended to include the following:

Name of Street	Sides	Location
Broad Street (part CR#516)	Both	From the southerly curbline of Church Street south to a point 215 feet south thereof the northerly curbline of Route NJ 34

2. The following is deleted from Section 7-11.1:

Name of Street	Sides	Location
Broad Street (part CR#516)	Both	From the northerly curbline of Route NJ 34 to a point 305 feet north

3. Section 7-12, Parking Time Limited on Certain Streets, is amended to reflect that the following shall be deleted:

Name of Street	Sides	Time Limit	Hours	Location
Broad Street (part CR#516)	East	20 min.	7:00 a.m. to 6:00 p.m.	Between South Street and Church Street
Broad Street (part CR#516)	East	2 hrs.	8:00 a.m. to 5:00 p.m.	Between Route NJ 34 and South Street

4. Section 7-14, Parking Prohibited at all Times on Certain Streets, is amended to reflect the following:

Name of Street	Sides	Location
Broad Street (CR#516)	Both	Route NJ 34 to South Street Church Street

7. In all other respects, the terms and conditions of Ordinance 7-11, 7-12, and 7-14 remain unchanged.

6. 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.

The Clerk informed the public hearing is scheduled for December 1, 2015.

Mayor Buccellato read by title Ordinance 15-21: Ordinance Creating an Animal Welfare Advisory Committee for the Borough of Matawan requesting a motion to introduce. Councilman Caldon made the motion, seconded by Councilwoman Daly. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**ORDINANCE 15-21
ORDINANCE CREATING AN
ANIMAL WELFARE ADVISORY COMMITTEE
FOR THE BOROUGH OF MATAWAN**

WHEREAS, there is public interest in the Borough of Matawan and its residents to create a committee of concerned citizens to provide guidance to the Municipality and information to residents concerning issues that are germane to domestic animals and animal welfare in an enlightened society; and

WHEREAS, it is a need and desire to create a public awareness committee that involves citizens for the dissemination of information and notifications concerning animals and their care, maintenance, treatment, and well-being generally and during periods of natural disasters and emergency; to provide information to the general public concerning the enforcement of animal cruelty laws and animal safety regulations, as well as the care and treatment of wild animals in our community; and the establishment of assistance to pet owners regarding animal poison information, stray cats, licensing, injured and abandoned wildlife, hoarding, spaying and neutering information, dogfighting, animal adoption resources in the State of New Jersey, pet loss and bereavement, humane education, pet friendly housing, and the relation of animal welfare with Borough Ordinances; and

WHEREAS, it would be the desire and intent of the Animal Welfare Advisory Committee to coordinate with other agencies of the Borough of Matawan to disseminate information concerning the implementation of resources and protections for animals and pet owners to residents and visitors of the Borough of Matawan.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. The Mayor and Council of the Borough of Matawan herewith create an Animal Welfare Advisory Committee (hereinafter, "the Committee") to be composed of three members appointed by the Mayor on an annual basis beginning January 1, 2016, which appointments shall be for a one-year period, subject to confirmation by the Council of the Borough of Matawan. The members shall serve until successors are qualified if not appointment is made on the anniversary of that member's appointment.

2. The members of the Committee shall not be employees of the Borough of Matawan and shall be unpaid, and the members shall not be able to receive any consideration or remuneration other than membership in the committee.

3. The Committee shall meet on an as-needed basis and shall provide reports to the Mayor and Council by May 31 and September 31 of every year concerning its activities and shall make regular recommendations to the Mayor and Council concerning issues involving animal welfare and shall be afforded opportunities for the dissemination of information on the Borough's website concerning animal welfare issues as they arise, subject to the approval of the chief administrative office of the Borough of Matawan.

4. The Committee shall not have any rights, duties, or obligations that are specifically delegated by law to enforcement agencies of the State, County, or Municipality concerning animal cruelty issues of any type.

5. 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 immediately.

The Clerk informed the public hearing is scheduled for December 1, 2015.

Mayor Buccellato read by title Resolution 15-11-13: Authorizing T&M Associates to Provide Professional Services for Energy Consulting Services for the Borough of Matawan's Energy Savings Improvement Program (ESIP) – Bid Period Support and Energy Savings Companies (ESCO) Selection – Task 2. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-11-13
AUTHORIZING T&M ASSOCIATES
TO PROVIDE PROFESSIONAL SERVICES FOR
ENERGY CONSULTING SERVICES FOR THE
BOROUGH OF MATAWAN'S
ENERGY SAVINGS IMPROVEMENT PROGRAM (ESIP)**

BID PERIOD SUPPORT AND ENERGY SAVINGS COMPANIES (ESCO) SELECTION TASK 2

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 2: Bid Period Support and ESCO Selection as outlined in the attached proposal in an amount not to exceed Ten Thousand One Hundred Dollars and No Cents (\$10,100.00).

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 for bid period support and ESCO selection as outlined in the attached proposal in an amount not to exceed Ten Thousand One Hundred Dollars and No Cents (\$10,100.00).

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: November 16, 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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MATN-OH15002
THE BOROUGH OF MATAWAN
Proposal for Energy Consulting Services - ESIP
January 21, 2015

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	\$8,944	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	7.09
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	\$948	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 15-11-30: Extending the Deadline for Submission of Applications for Second Deputy Fire Chief of the Borough of Matawan for 2015. Mayor Buccellato requested a motion. Councilman Caldon made the motion, seconded by Councilman Urbano. Mayor Buccellato informed the Board of Fire Officers is meeting as we speak to decide if they will or will not extend this Deadline. Should they choose not to we may need to rescind. Mayor Buccellato requested a roll call. A roll call vote was taken.

Yes: Councilman Lopez
Councilman Urbano
Councilwoman Daly

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Councilman Caldon
Councilwoman Gould

Motion passed.

**RESOLUTION 15-11-30
EXTENDING THE DEADLINE FOR SUBMISSION OF APPLICATIONS FOR SECOND DEPUTY FIRE
CHIEF OF
THE BOROUGH OF MATAWAN FOR 2015**

WHEREAS, the rules and regulations of the Borough of Matawan Fire Department have been amended with respect to the filing of petitions and applications for consideration and appointment of Fire Chiefs for the Borough of Matawan; and

WHEREAS, the changes in the established procedure and regulations have recently been adopted and implemented; and

WHEREAS, there has been some confusion generated by the Fire Department membership with respect to the appropriate procedure to be followed.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Matawan that it herewith extends the deadline for the filing of petitions and applications for the position of Second Deputy Fire Chief of the Matawan Fire Department from the currently existing deadline to a deadline of 5:00 PM on December 1, 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 as well as Fire.

Mayor Buccellato read by title Resolution 15-11-29: Payment of Bills. Mayor Buccellato requested a motion. Councilman Lopez made the motion, seconded by Councilman Urbano. Mayor Buccellato requested a roll call. A roll call vote was taken.

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

Motion passed.

**RESOLUTION 15-11-29
PAYMENT OF BILLS**

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

Current	\$1,132,148.55
Water & Sewer	\$160,145.32
Borough Capital	\$44,566.30
Borough Trust	\$12,914.15
Railroad Parking Trust	\$9.00
Recreation Trust	\$600.00
Total	\$1,350,383.32

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.

Privilege of the Floor

Mayor Buccellato opened the Privilege of the Floor.

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Connor Morris, Boy Scout Troop 92, Matawan. Master Morris requested clarification on the Fire Department's meeting. Mayor Buccellato briefly explained the composition of the Fire Department Chiefs and how the correlation of the Resolution on tonight's agenda.

Loretta Windas, 138 Aberdeen Road, Matawan. Ms. Windas thanked Council for the work on the behalf of animal welfare requesting any input.

Jim McDonald, 7 Crown Place, Matawan. Mr. McDonald thanked the Mayor and John Applegate, DPW Superintendent, for resolving the sewer lateral issue near his home. Mr. McDonald praised Mr. Applegate for his years of service, his knowledge, and his history with the town.

John McKenna, 9 Franklin Street, Matawan. Mr. McKenna complemented the current garbage and recycling contractor.

Theresa McKenna, 9 Franklin Street, Matawan. Ms. McKenna complemented Deirdre Ring on a job well done.

Mayor Buccellato closed the Privilege of the Floor.

Adjournment

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

Meeting adjourned at 7:20 PM.

Karen Wynne, RMC
Municipal Clerk