

**** WORKSHOP AGENDA ****

August 26, 2015

6:30 P.M.

Work Session of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. Meeting Called to Order and Roll Call
2. Discussion Items
 - Term Limits on Mayor Appointments for Departments
 - Speaker Chief Raymond Hayducka of the NJ State Police
“Chief of Police Position”
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:38 P.M.

Roll Call: Present: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Also present, Peter Gorbatuk, Municipal Clerk, Laurie Finger, CFO and Borough Attorney Joseph Youssef.

Discussion Items:

Chief of Police Position:

Speaker Chief Raymond J. Hayducka Jr. discussed the advantages and disadvantages of having a Police Chief compared to a Police Commission. A Chief of Police is both a Law Enforcement Officer and an Administrator. Department morale is generally higher, Continuity and Leadership is evident and lawsuits are reduced. He offered his help to the Borough if they should decide to make the choice of having a Police Chief again.

Term Limits on Mayor Appointments for Departments:

C/Robilotti would like to have the Mayoral Appointments based more on having Council gain experience from the different departments, rather than always staying with the same departments. Mayor Reynolds stated some appointments are complex and suggested that the Co - Chair should rotate in order to make future appointments easier. C/Cooke added just because you are not the Chair Person in a certain committee, you should not feel that you cannot discuss something with another department.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Krawiec. Passed unanimously. The time being 7:02

Regular Meeting of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. Meeting Called to Order and Roll Call
2. Statement of Compliance with Sunshine Law
3. Moment of Silence and Salute to the Flag
4. Approval of Minutes
 - July 22, 2015
 - July 22, 2015 Executive Session
5. Committee Reports
6. Correspondence
7. Open Public Portion/Limited to Agenda Items Only
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
8. New Business:
 - A. Ordinance No. 2015-12 - First Reading & Introduction
Amending & Supplementing Chapter 2.126 (Water) of the "Code of the Borough of Englishtown, New Jersey
 - B. Ordinance No. 2015-13 - First Reading & Introduction
Ordinance Amending & Supplementing Chapter 2.126 (Sewer) of the "Code of the Borough of Englishtown, New Jersey.
 - C. Ordinance No. 2015-14 – First Reading & Introduction
Refunding Bond Ordinance for the Purpose of Paying Amounts Owing to a Taxpayer for Taxes Levied and Appropriating the Proceeds to such Purpose
 - D. Resolution No. 2015-124
Authorizing Release of Cash Bond for 9 & 11 Lasatta Avenue Road Opening
 - E. Resolution No. 2015-125
Authorizing Refund of Old Planning Board Escrow and Engineering Inspection Accounts

- F. Resolution No. 2015-126
Requesting Approval of Items of Revenue & Appropriation
NJSA 40A:4-87 Drive Sober or Get Pulled Over 2015 Statewide
Labor Day Crackdown Grant in the Amount of \$5,000.00

 - G. Resolution No. 2015-127
Requesting Approval of Items of Revenue & Appropriation
NJSA 40A:4-87 Clean Communities Grant in the Amount of
\$4,000.00

 - H. Resolution No. 2015-128
Authorizing Mayor to Sign Jurisdictional Road Swap With The
Borough of Manalapan and The County of Monmouth

 - I. Resolution No. 2015-129
Professional Services of Tom Herits Borough Engineer

 - J. Resolution No. 2015-130
Approval to Submit Grant Application and Execute a Grant
Contract with the NJ DOT for the Hospitality Way Reconstruction
Project

 - K. Resolution No. 2015-131
Approval to Submit Grant Application and Execute a
Grant Contract with the NJ DOT for the Hamilton Street
Reconstruction Project

 - L. Resolution No. 2015-132
Approval to Submit Grant Application and Execute a Grant
Contract with the NJ Dot for the Reconstruction of Curbing &
Sidewalk on Station Street, Park Avenue, and Conover Street with
Crosswalks Project

 - M. Resolution No. 2015-133
Authorizing Contracts With Certain Approved Vendors for
Contracting Units Pursuant to N.J.S.A. 52:34-6.2(b)(3)

 - N. Resolution No. 2015-134
Making an Application to the Local Finance Board Pursuant to
N.J.S.A. 40A:2-51 and N.J.S.A. 40A:2-55 in Connection with the
Issuance of not to Exceed \$162,000 Aggregate Principal Amount
of Refunding Bonds or Notes

 - O. Resolution No. 2015-135
Payment of Borough Bills
11. Tax Collector's Report – July

12. Public Portion
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
13. Executive Session
14. Adjournment

The meeting was called to order by Mayor Reynolds at 7:03 P.M.

Roll Call: Present C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Also present, Peter Gorbatuk, Municipal Clerk, Laurie Finger, CFO and Borough Attorney Joseph Youssouf.

Mayor Reynolds stated pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and the News Transcript the Official Newspapers of the Borough, (2) Posted to the Public at Borough Hall, (3) Copy has been filed with the Municipal Clerk, (4) Copy of this agenda and the Sunshine Statement has been filed with the Mayor and Council. Thus this meeting tonight is deemed in compliance with the Open Public Meetings Act.

There was a moment of silence and salute to the flag.

Approval of Minutes –

There being no further corrections, deletions or additions, a motion to approve the July 22, 2015 meeting minutes was offered by C/Robilotti and seconded by C/Krawiec. Passed on the following roll call:

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

There being no further corrections, deletions or additions, a motion to approve the July 22, 2015 Executive Session minutes was offered by C/Robilotti and seconded by C/Krawiec. Passed on the following roll call:

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Committee Reports

Legislative, Insurance & Licenses

Councilman Sarti reports:

- Briefly discusses the “Cadillac Plan” which will begin in 2018. A 40% tax will be charged to the municipality for any Health Benefit Plan Cost that is over the Federal allowable limit. This tax can be passed onto the employee.

Public Utilities

Councilwoman Robilotti reports:

- Reads water report along with DPW report.
Discussed communication problems with CFO, Water & DPW. The newest DPW employee was trained on meter repairs. There was a water main break on Hospitality. Discovered a potential problem on Wood Avenue which will be looked into.

Code Enforcement, Public Health, Welfare & Public Events

Councilman Wojyn reports:

- The Thompson demolition at 68 Main is close to happening. The Barn at 19 Tennent will be the topic of the Engineer, Code Official and the State Construction department early in the first week of September. Lake Weamaconk house at 2 Park Avenue needs to be inspected with summons issued if safety issues exist and no response from owners. The annual 911 Memorial Service is scheduled. Manalapan has offered their new community building on Route 33 if we ever need it. Went on a trip to Washington D.C. Congressman Chris Smith was helpful in arranging a tour of the Capital and the House Chambers and recommends all should tour Washington D.C.
The Annual Englishtown Halloween Party coming up soon.

Public Safety

Councilwoman Krawiec reports:

- Reads Police Report (on file in Clerk’s office). Announces Drive Sober or Get Pulled Over Grant runs from August 21 – September 6. Reads resignation letter from Special Officer Dave Marino effective September 7, 2015. Will be looking to hire 2 Special Officers.

Public Buildings & Grounds

Councilman Rucker has no report at this time.

Administration, Finance & Personnel

Councilwoman Cooke reports:

- Had a meeting with Councilwoman Robilotti and BA/CFO Laurie Finger to discuss the reorganization of the Boro office due to the resignation of the Administrator position by Laurie Finger. The transition is going well so far. Everyone is doing a good job and has been asked to contact her if there are any problems or issues that arise.

Correspondence:

Peter Gorbatuk, Municipal Clerk reports:

- The July Budget report was sent to the Mayor and Council on August 3rd and the original is on file in the Clerk's office. Reminder that the next council meeting is Monday, September 21st. Please forward your committee reports to the Clerk.

Public Portion – Agenda Items

Mayor Reynolds opens the floor to the public for discussion limited to agenda items only.

There being no questions or comments, a motion to close the public portion was offered by C/Krawiec and seconded by C/Robilotti. Passed unanimously.

New Business

**BOROUGH OF ENGLISHTOWN FIRSTREADING & INTRODUCTION
ORDINANCE NO. 2015-012**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 2.126 (WATER) OF THE
“CODE OF THE BOROUGH OF ENGLISHTOWN, NEW JERSEY”**

BE IT ORDAINED by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, that the following section of Chapter 2.126 be amended and supplemented as follows:

1. Section 2.126.07 (Installation fees), Subsection A of the “Code of the Borough of Englishtown, New Jersey” is hereby amended and supplemented to read as follows:

A. Taps.

(1) For all taps on installations from the main to the curb stop made by the Water Department, the owner shall be charged the following amounts, to be paid to the Water Department at the time of the issuance of the permit:

\$2,869.00 (two thousand, eight hundred and sixty-nine dollars) per E.D.U.

2. Any Ordinance or parts of Ordinances inconsistent herewith are hereby repealed

3. This Ordinance shall take effect following final adoption and publication pursuant thereto.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Peter Gorbatuk, Municipal Clerk states the public hearing & adoption will be held at the September 21, 2015 meeting.

**BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION
ORDINANCE NO. 2015-13**

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 2.106 (SEWERS) OF THE
“CODE OF THE BOROUGH OF ENGLISHTOWN, NEW JERSEY”**

BE IT ORDAINED by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, that the following section of Chapter 2.106 be amended and supplemented as follows:

1. Article I – Installation and Use, Section 2.106.2 (Connection of Future Structures), Subsection B of the “Code of the Borough of Englishtown, New Jersey” is hereby amended and supplemented to read as follows:

B. The owner of every residential house, building and/or structure hereafter constructed, modified or improved in the Borough of Englishtown, which may be occupied or used by human beings, shall, if connection with the sewer system of the Borough of Englishtown is made on or after September 23rd, 2015, be charged a connection fee of \$909.00 (nine hundred and nine dollars).

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final adoption and publication pursuant to law.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Peter Gorbatuk, Municipal Clerk states the public hearing & adoption will be held at the September 21, 2015 meeting.

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2015-014**

FIRST READING & INTRODUCTION

**REFUNDING BOND ORDINANCE AUTHORIZING
THE ISSUANCE OF NOT TO EXCEED \$162,000
AGGREGATE PRINCIPAL AMOUNT OF
REFUNDING BONDS OR BOND ANTICIPATION
NOTES BY THE BOROUGH OF ENGLISHTOWN, IN
THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY FOR THE PURPOSE OF PAYING
AMOUNTS OWING TO A TAXPAYER FOR TAXES
LEVIED IN THE BOROUGH AND APPROPRIATING
THE PROCEEDS OF SUCH REFUNDING BONDS OR
BOND ANTICIPATION NOTES TO SUCH PURPOSE**

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law"), the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the "Borough") has determined that Refunding Bonds or Bond Anticipation Notes can be issued to pay amounts owing to BTR Englishtown LLC, a taxpayer, for taxes levied on property located at 28 Harrison Avenue, in the Borough, shown on the Tax Map of the Borough as Block 14, Lots 6 and 18, for the tax years 2013 and 2014. Such amounts represent tax payments and are not representative of tax credits; and

WHEREAS, the Borough has determined to provide for the \$154,124.63 of the payment of tax appeal settlements with a taxpayer for tax years 2013 and 2014 (the "Settlement"), plus all costs associated with such appeals and the issuance of the hereinafter defined Refunding Bonds or Bond Anticipation Notes through the issuance by the Borough of Refunding Bonds or Bond Anticipation Notes in an aggregate principal amount not to exceed \$162,000, as provided in this refunding bond ordinance.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE
BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE
COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of
all members thereof affirmatively concurring) AS FOLLOWS:**

Section 1. In order to finance the purposes described in Section 2 hereof, negotiable Refunding Bonds or Bond Anticipation Notes of the Borough are hereby authorized to be issued in an aggregate principal amount not to exceed \$162,000 (the "Refunding Bonds" or "Bond Anticipation Notes"). The proceeds of the Refunding Bonds or Bond Anticipation Notes are hereby appropriated to the purposes described in Section 2 hereof.

Section 2. (a) The purposes for which the Refunding Bonds or Bond Anticipation Notes are to be issued are (i) paying tax appeal settlements with a taxpayer for tax years 2013 and 2014 in the amount of \$154,124.63, plus all costs associated with such

appeal and the issuance of the Refunding Bonds, and (ii) paying the costs of issuance relating to the Refunding Bonds or Bond Anticipation Notes, including but not limited to, printing, advertising, accounting, financial and legal services, rating agency fees, underwriter's discount, and bond insurance premiums, if any.

(b) The aggregate cost of issuing the Refunding Bonds or Bond Anticipation Notes and all costs associated with the aforesaid tax appeal judgments and settlements, as provided by N.J.S.A. 40A:2-51(b), shall not exceed \$7,875.37, which amount includes all items described in Section 2(a)(ii) hereof. Such amount is included in the maximum authorized aggregate principal amount of Refunding Bonds or Bond Anticipation Notes set forth in Section 1 hereof.

Section 3. Only with respect to the Refunding Bonds, any further provisions as to terms of sale, deposit, security regulation, investment, reinvestment, disposition or application of the proceeds of the Refunding Bonds, and matters in connection therewith, shall be determined by resolution of the Borough adopted prior to the issuance of the Refunding Bonds.

Section 4. The Borough Council hereby delegates to the Chief Financial Officer of the Borough the power to sell the Refunding Bonds or Bond Anticipation Notes on a negotiated basis, to determine the terms of the Refunding Bonds or Bond Anticipation Notes and to perform such other actions and make such other determinations, subject to, if applicable, the limitations to be set forth in a subsequent resolution of the Borough.

Section 5. The Borough Council hereby authorizes and delegates to the Chief Financial Officer, in consultation with Archer & Greiner P.C., Bond Counsel to the Borough ("Bond Counsel"), the authority to negotiate, approve the terms of and to execute on behalf of the Borough a Bond or Note Purchase Agreement, if applicable, for the purchase and sale of the Refunding Bonds or Bond Anticipation Notes.

Section 6. Only with respect to the Refunding Bonds, all other matters relating to the Refunding Bonds shall be performed or determined by subsequent resolution of the Borough, or the performance or determination thereof shall be delegated by resolution of the Borough to a financial officer of the Borough.

Section 7. A certified copy of this refunding bond ordinance, as introduced and adopted upon first reading, shall be filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs prior to final adoption hereof, together with the statement signed by the Chief Financial Officer of the Borough required by N.J.S.A. 40A:2-55.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds or Bond Anticipation Notes authorized by this refunding bond ordinance. The Refunding Bonds or Bond Anticipation Notes shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the Refunding Bonds or Bond Anticipation Notes and the interest thereon without limitation as to rate or amount.

Section 9. After passage upon first reading of this refunding bond ordinance, the Borough Clerk is hereby authorized and directed to publish a summary of this refunding bond ordinance, together with the "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven (7) days prior to the date of the public hearing and further consideration for final passage (which date shall be at least ten (10) days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this refunding bond ordinance. The Clerk is hereby authorized and directed to set the date of the public hearing for this refunding bond ordinance for September 21, 2015.

Section 10. After final adoption of this refunding bond ordinance by the Borough Council, and approval by the Mayor, the Borough Clerk is hereby directed to publish a summary of this refunding bond ordinance, as finally adopted, together with the "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. The Borough Council hereby covenants on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds or Bond Anticipation Notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. The purpose of the issuance of the Refunding Bonds or Bond Anticipation Notes is to pay amounts owing to a taxpayer for taxes levied in the Borough and resulting from various tax appeal settlements. Such amounts represent tax payments and are not representative of tax credits.

Section 13. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$162,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 14. All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time

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

Section 15. The Borough hereby declares the intent of the Borough to issue the bonds or Bond Anticipation Notes in the amount authorized in Section 1 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 2 of this bond ordinance. This Section 15 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 16. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 17. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided in the Local Bond Law, but not prior to the time that the consent of the Local Finance Board in the Division of Local Government Services, New Jersey Department of Community Affairs has been endorsed upon a certified copy of this refunding bond ordinance as finally adopted, as provided by N.J.S.A. 40A:2-55.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with law.

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Peter Gorbatuk, Municipal Clerk states the public hearing & adoption will be held at the September 21, 2015 meeting.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-124**

**RELEASE OF CASH BOND
9 & 11 LASATTA AVENUE ROAD OPENING**

WHEREAS, on June 25, 2014 Arch New Home Developers LLC, were granted permission by the adoption of Resolution #2014-127 for the exemption from the road moratorium for a street opening permit located at 9 & 11 Lasatta Avenue for the purpose of a gas service installation for two new homes; and

WHEREAS, the Borough Engineer recommended the following:

- Saw cut or straight cut the excavation
- Backfill with compacted QP
- 6" of stabilized base to the top of the excavation
- After several months to allow the excavation to settle, infrared asphalt repair with FABC
- Posting of \$3,000.00 cash bond by the owner for the infrared repair for each property, and;

WHEREAS, Arch New Home Developers, LLC posted a \$6,000.00 cash bond on August 31st 2014 and also complied with the Borough Engineer's requirements as indicated in a memo received on August 13, 2015.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Englishtown authorize the Borough Chief Financial Officer to release the \$6,000.00 cash bond to Arch New Home Developers.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Borough's Chief Financial Officer and Arch New Home Developers..

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-125**

**AUTHORIZING REFUND OF OLD PLANNING BOARD ESCROW AND
ENGINEERING INSPECTION ACCOUNTS**

WHEREAS, after reviewing the Planning Board Escrow and Engineering Inspection Accounts held by the Borough, the Chief Financial Officer acknowledges that there are several old accounts retaining a balance after being deemed complete, and

WHEREAS, the Planning Board Attorney and Engineer have indicated that the escrow and inspection billings for these projects are complete and there are no outstanding accounts receivable against these accounts, therefore funds can be returned to the appropriate applicant, and

WHEREAS, it is the recommendation of the Chief Financial Officer to refund the balance to said applicant and close their account,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, and State of New Jersey that it hereby authorizes the release of monies to the applicant for the following Planning Board Escrow and Engineering Inspection Accounts:

PLANNING BOARD ESCROW ACCOUNT

	<u>Account #</u>	<u>Amount</u>
1. Ahle Baith Foundation	6720	\$ 45.50
2. John F. Soares	3038	\$ 431.50
3. John F. Carroll Co	0060	\$ 311.25
4. Lauren Gambino	726172	\$ 337.50
5. MEC 2009, LLC	980129	\$ 65.00
6. Michael Kuebler	682370	\$ 500.00
7. Priya Homes	9766	\$ 17.50

8. ENGINEERING INSPECTION ACCOUNT

	<u>Account #</u>	<u>Amount</u>
1. John F. Carroll Co	100060	\$ 777.50
2. Jonkat Construction	667436	\$ 125.00

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Borough Engineer, Chief Financial Officer and Planning Board Applicants.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Absent: None
Abstain: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-126**

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJSA 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$5,000.00, which is now available from the Drive Sober or Get Pulled Over 2015 Statewide Labor Day Crackdown Grant in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption Drive Sober or Get Pulled Over 2015 Statewide Labor Day Crackdown Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from The National Highway Traffic Safety (NHTSA) Section 410 Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants in the amount of \$5,000.00.

Offered by: C/Krawiec

Seconded by: C/Robilotti

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-127**

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPREATION
NJSA 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$4,000.00, which is now available from the FY 2015 Clean Communities Grant in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from The Solid Waste Administration FY 2015 Clean Communities Grant in the amount of \$4,000.00.

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-128**

**AUTHORIZING MAYOR TO SIGN JURISDICTIONAL ROAD SWAP WITH THE
BOROUGH OF MANALAPAN AND THE COUNTY OF MONMOUTH**

WHEREAS, the Borough of Englishtown , the Township of Manalapan and the County of Monmouth have discussed jurisdictional issues regarding Municipal and County roads located within the Borough of Englishtown and the Township of Manalapan; and

WHEREAS, the attached agreement has been made by and between the Borough of Englishtown, the Township of Manalapan and County of Monmouth to proceed with the roadway jurisdictional swap including the following:

- The County of Monmouth taking over jurisdiction of High Bridge Road from its intersection of County Road 527A (Iron Ore Road) to the Manalapan Township border near the Conrail railroad crossing, which roadway is presently maintained and controlled by the Township of Manalapan
- The Township of Manalapan taking over jurisdiction of (a) County Route 527A (Iron Ore Road) from its intersection of High Bridge Road to its intersection of County Route 527(Millhurst Road/Conover Street) and (b) County Road 527 (Millhurst Road) to the Manalapan Township border near the Conrail railroad crossing, which roadways are presently maintained and controlled by the County of Monmouth
- The County of Monmouth taking over jurisdiction of South Main Street from its intersection of County Route 527 (Park Avenue) to the Englishtown Borough border near the Conrail railroad crossing, which roadway is presently maintained and controlled by the Borough of Englishtown
- The Borough of Englishtown taking over jurisdiction of County Road 527 (Station Street) from its intersection of County Road 527 (Park Avenue/Conover Street) to the Englishtown Borough border near the Conrail railroad crossing, which roadway is presently maintained and controlled by the County of Monmouth

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Englishtown, County of Monmouth, State of New Jersey, hereby authorizes the Mayor and Borough Clerk to execute the contract the attached agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Municipal Clerk to the County of Monmouth, the Township of Manalapan and the Township of Engineer.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Absent: None
Abstain: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-129**

PROFESSIONAL SERVICES

WHEREAS, THE Municipality desires to engage the ENGINEER, to furnish professional engineering services for the MUNICIPALITY’S Remedial Investigation at 17 Main Street, Block 25, Lot 20, as outlined in the attached proposal; and

WHEREAS, the firm of Maser Consulting P.A., 331 Newman Springs Road, Suite 203, Red Bank, Monmouth County, New Jersey, hereinafter referred to as ENGINEER; and

WHEREAS, the MUNICIPALITY signifies that the services to be performed by the ENGINEER shall be considered those of a “Professional Service” in accordance with NJSA 40A: 11-1 et seq. and the Engineer represents that his service to the Borough qualifies as such Professional Services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby approve of this service.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be delivered to the Chief Financial Officer and the ENGINEER.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-130**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE HOSPITALITY WAY RECONSTRUCTION
PROJECT**

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for Hospitality Way Reconstruction to the New Jersey Department of Transportation on behalf of Englishtown Borough.

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

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-131**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE HAMILTON STREET RECONSTRUCTION
PROJECT**

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for Hamilton Street Reconstruction to the New Jersey Department of Transportation on behalf of Englishtown Borough.

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

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-132**

**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
CONTRACT WITH THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE STATION STREET, PARK AVENUE, AND
CONOVER STREET CURB AND SIDEWALK PROJECT**

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application for Station Street, Park Avenue, and Conover Street Reconstruction to the New Jersey Department of Transportation on behalf of Englishtown Borough.

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

Offered by: C/Krawiec

Seconded by: C/Robilotti

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-133**

**RESOLUTION AUTHORIZING CONTRACTS WITH CERTAIN
APPROVED VENDORS FOR CONTRACTING UNITS
PURSUANT TO N.J.S.A. 52:34-6.2(b)(3)**

WHEREAS, the Borough of Englishtown, pursuant to N.J.S.A. 52:34-6.2(b)(3) may by resolution and without advertising for bids, purchase any goods or services under a National Cooperative Purchasing Program for any State contracts entered into on behalf of the National Joint Powers Alliance (NJPA); and

WHEREAS, the Borough of Englishtown has entered in a membership agreement as member #19320 with the National Joint Powers Alliance (NJPA); and

WHEREAS, the Borough of Englishtown has the need on a timely basis to purchase goods or services utilizing NJPA contracts; and

WHEREAS, the Borough of Englishtown intends to enter into a contract with Old Dominion Brush Company of Richmond, Virginia, an approved vendor of the NJPA program, through this resolution and properly execute a contract, which shall be subject to all the conditions applicable to the current State contracts;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Englishtown authorizes the purchase a Leaf Machine in the amount of \$39,205.00 for the Public Works Department from those approved NJPA Contract Vendors list, pursuant to all conditions of the individual State contracts; and

BE IT FURTHER RESOLVED that the governing body of the Borough of Englishtown pursuant to N.J.A.C. 5:30-5.5(b), that the certification of available funds, shall either certify the full maximum amount against the budget at the time the contract is awarded, or no contract amount shall be chargeable or certified until such time as the goods or services are ordered or otherwise called for prior to placing the order, and a certification of availability of funds is made by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the duration of the contracts between the Borough of Englishtown and Referenced NJPA Contract Vendor shall be from July 17, 2015 to July 17, 2016.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-134**

**RESOLUTION OF THE BOROUGH OF
ENGLISHTOWN, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY MAKING
APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:2-51 AND N.J.S.A. 40A:2-
55 IN CONNECTION WITH THE ISSUANCE OF NOT
TO EXCEED \$162,000 AGGREGATE PRINCIPAL
AMOUNT OF REFUNDING BONDS OR NOTES**

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (the "Borough") desires to make an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") for its approval of a refunding bond ordinance authorizing the payment of a tax appeal settlement with a taxpayer for taxes levied in the Borough through the issuance of not to exceed \$162,000 aggregate principal amount Refunding Bonds or Notes; and

WHEREAS, the Borough believes that:

- (a) it is in the public interest to accomplish such refunding;
- (b) said refunding is for the health, wealth, convenience or betterment of the inhabitants of the Borough;
- (c) the amounts to be expended for said refunding are not unreasonable or exorbitant; and
- (d) the refunding is an efficient and feasible means of providing services for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, as follows:

Section 1. The application (the “Application”) to the Local Finance Board is hereby approved, *nunc pro tunc*, and the Borough’s Bond Counsel, Archer & Greiner P.C. (“Bond Counsel”), along with other officials and representatives of the Borough are each hereby authorized and directed, *nunc pro tunc*, to prepare and submit such Application and to represent the Borough in such matters pertaining thereto.

Section 2. The Borough Clerk is hereby authorized and directed to prepare and file certified copies of this resolution and the refunding bond ordinance after introduction with the Local Finance Board as part of such Application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its approval as provided by the applicable New Jersey Statute.

Section 4. The preparation of the Application by the Bond Counsel of the Borough in consultation with the Chief Financial Officer of the Borough and its submission to the Local Finance Board is hereby authorized.

Section 5. This resolution shall take effect immediately.

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-135**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE PAYMENT OF BOROUGH BILLS**

WHEREAS, the Mayor and Council have carefully examined all vouchers presented to the Borough for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Mayor and Council have approved payment of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, as follows:

1. The said approved vouchers amounting to the sum of \$502,367.84 are hereby authorized to be paid on August 26, 2015.
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti ,C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

Tax Collector's Report

July 2015

2015 Taxes	502,367.29
Outside Lien Redemption	0.00
Interest	.55
Net Receipts	502,367.84

Public Portion

Mayor Reynolds opens the floor to the public for discussion on anything they wish to bring to the attention to the governing body.

Harold Burrows, 38 Tennent Avenue, Englishtown asks about the Alarm Ordinance. Wants to know why it is a mandatory court appearance? Mayor Reynolds asks Attorney Youssouf to look into making this a payable offence.

Hal Burrows also asks about the road exchange with Englishtown, Manalapan and Monmouth County. Mayor Reynolds offers the explanation to Mr. Burrows.

There being no questions or comments, a motion to close the public portion was offered by C/Krawiec and seconded by C/Cooke

Executive Session

RESOLUTION OF THE BOROUGH OF ENGLISHTOWN MAYOR AND COUNCIL FOR A CLOSED OR EXECUTIVE SESSION PURSUANT TO N.J.S.A. 10:4-13

WHEREAS, N.J.S.A. 10:4-12b provides that a public body may exclude the public from that portion of a meeting at which the body discusses:

1. Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential;

2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records or personal material including health records, legal defense, insurance, etc;
4. Any collective bargaining agreement or terms and conditions related thereto;
5. Any matter involving the purchase, lease or acquisition of real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required;
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee, employed or appointed by the public body;
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit; and

WHEREAS, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public; and

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 7, of N.J.S.A. 10:4-12b is required to discuss personnel procedure, authorization of settlement BTR.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 25th day of March, 2015 pursuant to Section 7 of the Open Public Meetings Act.

BE IT FURTHER RESOLVED that the subject matter of this executive session will be made public when it is no longer required that the subject matter discussed be kept privileged.

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Robilotti, C/Rucker

The time being 7:48 P.M.

There being no further business in Executive Session, a motion to return to open session was offered by C/Sarti, seconded by C/Cooke. Passed unanimously.

The time being 8:15 P.M.

At this time Mayor Reynolds adds the following resolutions to tonight's agenda.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-136**

**Proclamation/Resolution Supporting the Drive Sober or Get Pulled
Over 2015 Statewide Crackdown**

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year: and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related: and

WHEREAS, an enforcement crackdown is planned to combat impaired driving: and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol: and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the ***Drive Sober or Get Pulled Over 2015 Statewide Crackdown***: and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015: and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways:

THEREFORE, BE IT RESOLVED that the Borough of Englishtown declares its support for the Drive Sober or Get Pulled Over 2015 Statewide Crackdown from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: None

Nays: None

Absent: None

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-137**

**AUTHORIZING BOROUGH ATTORNEY TO PROCEED WITH
TAX SETTLEMENT**

WHEREAS, the Borough of Englishtown has been engaged in a tax appeal concerning BTR; and

WHEREAS, the Municipality is in receipt of a stipulation of settlement for the BTR Tax Appeal which has been reviewed by the Borough Tax Assessor and Borough Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, that the Borough Attorney receive permission to execute the stipulation of settlement for the BTR tax appeal.

Offered By: C/Sarti

Seconded By: C/Robilotti

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: None

Adjournment

There being no further business in Executive Session, a motion to return to open session was offered by C/Robilotti, seconded by C/Krawiec. Passed unanimously.

The time being 8:16 P.M.

September 21, 2015

Approved by Governing Body

Peter Gorbatak

Municipal Clerk