Workshop Agenda

April 28, 2021

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:
   A. Stormwater Control Ordinance
   B. Cannabis Legislation – deadline 8/21/2021
   C. Lake Weamaconk Dam
   D. Computer Networking Installation and Service

3. Adjournment

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. Women's History Month Celebration – Proclamation Honoring Rita McNulty

5. Approval of Minutes
   March 24, 2021 Meeting
   March 24, 2021 Executive Session

6. Committee Reports

7. Correspondence

8. 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.

9. Old Business:

A. Ordinance No. 2021-01 – Public Hearing & Adoption
Amending & Supplementing Chapter 1.30.09 "Personnel Policies" of the Code of the Borough of Englishtown Deleting Section 1.30.09D Extended Personal Leave

B. Ordinance No. 2021-02 – Public Hearing & Adoption
An Ordinance of the Mayor and Council of the Borough of Englishtown Amending and Supplementing Various Sections of the Code of the Borough of Englishtown

10. New Business:

A. Ordinance No. 2021-03 – Introduction
Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A.: 40A: 4-45.14)

B. Resolution No. 2021-052
Amending the Borough Personnel Manual Deleting "Extended Personal Leave"

C. Resolution No. 2021-077
Cancellation of a Special Emergency Appropriation

D. Resolution No. 2021-078
Introducing the Municipal Budget 2021

E. Resolution No. 2021-079
Equal Employment Opportunity Act

F. Resolution No. 2021-080
Appointment of a Qualified Purchasing Agent (QPA)

G. Resolution No. 2021-081
Emergency Temporary Appropriation

H. Resolution No. 2021-082
Adopting the Monmouth County Multi-Jurisdictional Hazard Mitigation Plan

I. Resolution No. 2021-083
Authorizing Refund of Tax Payment on Tax Exempt Prosperities

J. Resolution No. 2021-084
Resolution of Purchases Over $2625 Calcium Hypochlorite Briquettes

K. Resolution No. 2021-085
Resolution of Purchases Over $2625 Sergeants Exam

L. Resolution No. 2021-086
Resolution Terminating Acting Sergeant Position

M. Resolution No. 2021-087
2021 Salary for DPW P/T Laborer William T. Murphy

N. Resolution No. 2021-088
Offer of Employment to Robert Smith, III for Emergency Water Repairs

O. Resolution No. 2021-089
2021 Salary for DPW P/T Laborer Edward Walker

P. Resolution No. 2021-090
Authorizing Refund of Tax Sale Certificate & Refund
B-19, L-4

Q. Resolution No. 2021-091
Payment of Borough Bills

10. Tax Collector's Reports:
    - March 2021

11. 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 implies or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

12. Executive Session

13. Adjournment

FW: Stormwater Control Ordinance

Thomas Herits <thomas.herits@colliersengineering.com>
Thu 4/1/2021 9:57 PM

To: Englishtown CFO <cfo@englishtownnj.com>; Clerk <clerk@englishtownnj.com>
Cc: jyoussouf@aol.com <jyoussouf@aol.com>

1 attachments (456 KB)
NJ_SWBMP_D_Englishtown SCO_R1.docx;

Laurie:

The new stormwater ordinance was sent to Peter last April.

I lost track of where this was at.

Some sections (highlighted) need to be editecd by the Borough.

Thanks,

Tom

Thomas Herits
Senior Project Manager
thomas.herits@colliersengineering.com
Main: 877 627 3772 | Direct: 732 704 5966 | Mobile: 732 261 7934
colliersengineering.com

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From: Thomas Herits
Sent: Wednesday, April 29, 2020 3:56 PM
To: 'clerk@englishtownnj.com' <clerk@englishtownnj.com>
Subject: Stormwater Control Ordinance

Peter:

Attached is the Borough's updated Stormwater Control Ordinance, Chapter 2.54.

The DEP is requiring all municipalities to update their ordinance to the model ordinance they have produced.

The attachment is the said model ordinance to match the Borough's existing Chapter 2.54.

I highlighted the sections which you need to edit.

There is no rush to adopt, you actually have until March 2021, but with all the redevelopment coming in, it may be a good idea to start the process when things get back to normal.

Thanks,

Tom

Chapter 2.54 – Municipal Stormwater Control

Sections:

2.54.01 Scope and Purpose
2.54.02 Definitions
2.54-03 Design and Performance Standards for Stormwater Management Measures
2.54.04 Stormwater Management Requirements for Major Development
2.54.05 Calculation of Stormwater Runoff and Groundwater Recharge:
2.54.06 Sources for Technical Guidance
2.54.07 Solids and Floatable Materials Control Standards
2.54.08 Safety Standards for Stormwater Management Basins
2.54.9 Requirements for a Site Development Stormwater Plan
2.54.10 Maintenance and Repair
2.54.11 Penalties
2.54.12 Severability
2.54.13 Effective Date
2.54.14 Refuse Containers/Dumpsters
2.54.15 Private Storm Drain Inlet Retrofitting Ordinance

(ord. 2009-08, Added 6/1/2009; Ord. 2006-07, added 5/10/2006)

2.54.01 Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 2.54.02.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

   a. Non-residential major developments; and,

   b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by Englishtown Borough.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

2.54.02 Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

"Department" means the Department of Environmental Protection.

"Designated Center" means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq*.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

"Disturbance" means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

"Drainage area" means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

"Environmentally constrained area" means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Environmentally critical area" means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

"Empowerment Neighborhoods" means neighborhoods designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

"Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

"Green infrastructure" means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

"Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

"Infiltration" is the process by which water seeps into the soil from precipitation.

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;

2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;

3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 {*or the effective date of this ordinance, whichever is earlier*}; or,

4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise

meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

"Motor vehicle" means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

"Motor vehicle surface" means any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section 2.54.04.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

"Nutrient" means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

"Person" means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

"Recharge" means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

"Regulated impervious surface" means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

"Regulated motor vehicle surface" means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

"Sediment" means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

"Site" means the lot or lots upon which a major development is to occur or has occurred.

"Soil" means all unconsolidated mineral and organic material of any origin.

"State Development and Redevelopment Plan Metropolitan Planning Area (PA1)" means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State's future redevelopment and revitalization efforts.

"State Plan Policy Map" is defined as the geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the official map of these goals and policies.

"Stormwater" means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

"Stormwater management BMP" means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

"Stormwater management measure" means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

"Stormwater runoff" means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

"Stormwater management planning agency" means a public body authorized by legislation to prepare stormwater management plans.

"Stormwater management planning area" means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

"Tidal Flood Hazard Area" means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

"Urban Coordinating Council Empowerment Neighborhood" means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

"Urban Enterprise Zones" means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq..

"Urban Redevelopment Area" is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;

2. Designated as CAFRA Centers, Cores or Nodes;

3. Designated as Urban Enterprise Zones; and,

4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

"Water control structure" means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the 2-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

"Waters of the State" means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

"Wetlands" or "wetland" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does

support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

2.54-03 Design and Performance Standards for Stormwater Management Measures

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.

2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules

2.54.04 Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 2.54.10.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Sections 2.54.04.P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and,

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Sections 2.54.04.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Sections 2.54.04.O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Sections 2.54.04.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and,

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Section 2.54.04.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 2.54.04.O, P, Q and R that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Sections 2.54.04.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

   https://njstormwater.org/bmp_manual2.htm

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	**Stormwater Runoff Quality TSS Removal Rate (percent)**	**Stormwater Runoff Quantity**	**Groundwater Recharge**	**Minimum Separation from Seasonal High Water Table (feet)**
Cistern	0	Yes	No	--
Dry Well[a]	0	No	Yes	2
Grass Swale	50 or less	No	No	2[e] 1[f]
Green Roof	0	Yes	No	--
Manufactured Treatment Device[a] [g]	50 or 80	No	No	Dependent upon the device
Pervious Paving System[a]	80	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Bioretention Basin[a]	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Small-Scale Infiltration Basin[a]	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	**Stormwater Runoff Quality TSS Removal Rate (percent)**	**Stormwater Runoff Quantity**	**Groundwater Recharge**	**Minimum Separation from Seasonal High Water Table (feet)**
Bioretention System	80 or 90	Yes	Yes[b] No[c]	2[b] 1[c]
Infiltration Basin	80	Yes	Yes	2
Sand Filter[b]	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond[d]	50-90	Yes	No	N/A

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	**Stormwater Runoff Quality TSS Removal Rate (percent)**	**Stormwater Runoff Quantity**	**Groundwater Recharge**	**Minimum Separation from Seasonal High Water Table (feet)**
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device[h]	50 or 80	No	No	Dependent upon the device
Sand Filter[c]	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section 2.54.04.O.2;
(b) designed to infiltrate into the subsoil;
(c) designed with underdrains;
(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
(e) designed with a slope of less than two percent;
(f) designed with a slope of equal to or greater than two percent;
(g) manufactured treatment devices that meet the definition of green infrastructure at Section 2.54.02;
(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 2.54.02.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 2.54.06.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 2.54.04.O only if the measures meet the definition of green infrastructure at Section 2.54.02. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 2.54.04.O.2 are subject to the contributory drainage area limitation specified at Section 2.54.04.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 2.54.04.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory

drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 2.54.04.D is granted from Section 2.54.04.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 2.54.08.C;

3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 2.54.08; and,

5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section 2.54.04.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section 2.54.02 shall be submitted to the Soil Conservation District for review and approval in

accordance with the requirements at Sections 2.54.04.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 2.54.04.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Monmouth County Clerk.

A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Sections 2.54.04.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 2.54.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 2.54.04 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Monmouth County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section 2.54.04.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 2.54.04.F. and/or an alternative stormwater management measure approved in accordance with Section 2.54.04.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section 2.54.04.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 2.54.04.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 2.54.04.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 2.54.04.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 2.54.04.P, Q and R.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Sections 2.54.04.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 2.54.04.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:

i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or,

ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.

4. The following types of stormwater shall not be recharged:

i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and,

ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure,

or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

   $R = A + B - (A \times B) / 100$,
   Where

   R = total TSS Percent Load Removal from application of both BMPs, and
   A = the TSS Percent Removal Rate applicable to the first BMP
   B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Sections 2.54.04.P, Q and R.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 2.54.05, complete one of the following:

   i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do

not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or,

iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

2.54.05 Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:

i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 2.54.05.A.1.i and the Rational and Modified Rational Methods at Section 2.54.05.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

2.54.06 Sources for Technical Guidance:

A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

2.54.07 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 2.54.04.F above, or alternative designs in accordance with Section 2.54.04.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

   i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or,

   ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

   Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways,

plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or,

b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

2.54.08 Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater

management BMPs to be retrofitted to meet one or more of the safety standards in Sections 2.54.08.C.1, 2.54.08.C.2, and 2.54.08.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

    i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

    ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

    iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and,

    iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

    i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

    ii. The overflow grate spacing shall be no less than two inches across the smallest dimension.

    iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:

    i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 2.54.08.C, a free-standing outlet structure may be exempted from this requirement;

    ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step

shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See Section 2.54.08.E for an illustration of safety ledges in a stormwater management BMP; and,

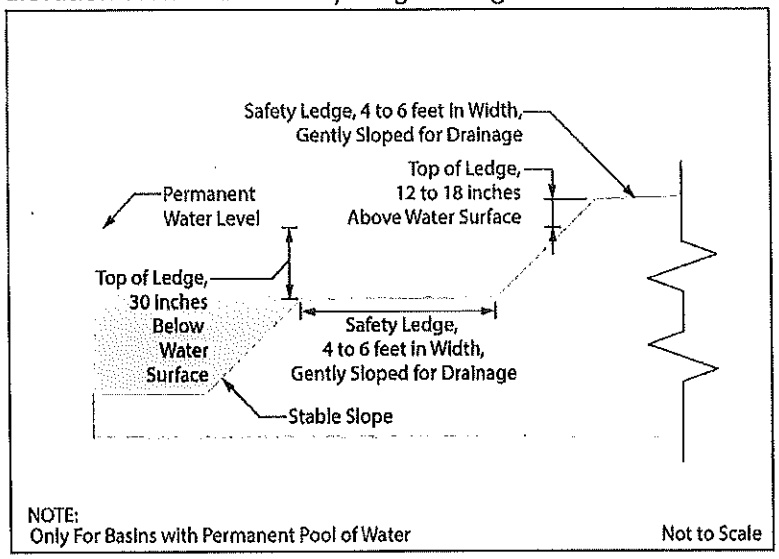
iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



2.54.9 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at 2.54.09.C below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with 2.54.09.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 2.54.04 of this ordinance.

ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 2.54.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in 2.54.09.C.1 through 2.54.02.54.10.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

2.54.10 Maintenance and Repair:

A. Applicability

Projects subject to review as in 2.54.01.C of this ordinance shall comply with the requirements of Sections 2.54.10.B and 2.54.10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section 2.54.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 2.54.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance identified under Section 2.54.10.B.3 above shall perform all of the following requirements:

    i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

    ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and,

iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Sections 2.54.10.B.6 and B.7 above.

8. The requirements of Section 2.54.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

   The party responsible for the maintenance and repair of the stormwater management measure, shall post a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

   https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

2.54.11 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:

A fine not to exceed five hundred ($500.00) dollars or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both.

2.54.12 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

2.54.13 Effective Date:

This ordinance shall take effect immediately upon approval by the County review agency, or sixty (60) days from the receipt of the ordinance by the County review agency if the County review agency should fail to act.

2.54.14 Refuse Containers/Dumpsters

A. Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Englishtown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. *Municipal separate storm sewer system (MS4)* - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Borough of Englishtown or other public body, and is designed and used for collecting and conveying stormwater.

2. *Person* - any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

3. *Refuse container* - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

4. *Stormwater* - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

5. *Waters of the State* - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi- liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Englishtown.

D. Exceptions to Prohibition

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

E. Enforcement

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars ($500.00).

G. Severability

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

H. Effective date

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

(Ord. 2009-08, Added 6/1/2009)

2.54.15 Private Storm Drain Inlet Retrofitting Ordinance

A. Purpose

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer(s) operated by the Borough of Englishtown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. *Municipal separate storm sewer system (MS4)* - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Englishtown or other public body, and is designed and used for collecting and conveying stormwater.

2. *Person* - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. *Storm drain inlet* - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

4. *Waters of the State* - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

D. Design Standard

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater froth that surface into a storm drain or surface water body under that grate:

    a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
    b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

    Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surface include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

    a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

    b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

        i. A rectangular space four arid five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
        ii. A bar screen having a bar spacing of 0.5 inches.

    c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

    d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this

standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. Enforcement

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars ($500.00) for each storm drain inlet that is not retrofitted to meet the design standard.

G. Severability

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

H. Effective date

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

(Ord. 2009-08, Added 6/1/2009)

BOROUGH OF ENGLISHTOWN **PUBLIC HEARING & ADOPTION**
ORDINANCE NO. 2009-08

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.54 OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ENTITLED "MUNICIPAL STORMWATER CONTROL"

WHEREAS, recent amendments to NJDEP's stormwater rules (N.J.A.C. 7:8-1.1 et. seq.) require municipal enactment of amendments to stormwater control ordinances; and

NOW, THEREFORE BE IT HEREBY ORDAINED by the Borough Council of the Borough of Englishtown that the following sections be added to Chapter 2.54 of the code of the Borough of Englishtown as follows:

2.54.14 Refuse Containers/Dumpsters

A. Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Englishtown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

1. *Municipal separate storm sewer system (MS4)* – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Borough of Englishtown or other public body, and is designed and used for collecting and conveying stormwater.

2. *Person* – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

3. *Refuse container* – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

4. *Stormwater* – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

5. *Waters of the State* – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. **Prohibited Conduct**

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Englishtown.

D. **Exceptions to Prohibition**

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

E. **Enforcement**

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. **Penalties**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars ($500.00).

G. **Severability**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

H. **Effective date**

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

2.54.15 Private Storm Drain Inlet Retrofitting Ordinance

A. **Purpose**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer(s) operated by the Borough of Englishtown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. **Definitions**

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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2. *Person* – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

3. *Storm drain inlet* – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

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C. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

D. Design Standard

Storm drain inlets identified in Section IV above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

    a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

    b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

    Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surface include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

3. This standard does not apply:

    a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

    b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

        i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
        ii. A bar screen having a bar spacing of 0.5 inches.

    c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

    d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

E. **Enforcement**

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. **Penalties**

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars ($500.00) for each storm drain inlet that is not retrofitted to meet the design standard.

G. **Severability**

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or

holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

H. **Effective date**

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Offered By: C/Rucker

Seconded By: C/Robilotti

Roll Call: Ayes: C/Cooke, C/Robilotti, C/Rucker, C/Soden
Nays: C/Carr, C/Leonardis
Abstain: None
Absent: None

June 1, 2009
Date

Thomas Reynolds, Mayor

Attested: Christine Robbins, Deputy Municipal Clerk

Introduction: May 13, 2009
Adoption: May 27, 2009

Re: MEL Member JIFs - Cannabis Legislation & COVID Vaccines

RECEIVED
APR 01 2021
BY:

Joseph Youssouf <jyoussouf@aol.com>
Thu 4/1/2021 3:59 PM
To: Clerk <clerk@englishtownnj.com>

Hi Laurie: I think we must place this issue before the Mayor and Council at our next meeting. In order for the Borough to decide how it wishes to deal with this issue, it should be discussed in detail at our next meeting. Joe

-----Original Message-----
From: Clerk <clerk@englishtownnj.com>
To: Joseph Youssouff (jyoussouf@aol.com) <jyoussouf@aol.com>
Sent: Wed, Mar 31, 2021 5:59 pm
Subject: Fw: MEL Member JIFs - Cannabis Legislation & COVID Vaccines

Please advise how to handle.

Thank you!

Laurie Finger
Deputy Municipal Clerk
15 Main Street
Englishtown, NJ 07726
732-446-9235
792-446-4979 Fax
clerk@englishtownnj.com

Action
File:
Fwd To: NLTC
Reply To:
Comply:
Review With:
Other:

From: Jason Thorpe <jthorpe@permainc.com>
Sent: Tuesday, March 30, 2021 3:01 PM
Cc: Stephen A Sacco <Steves@permainc.com>
Subject: MEL Member JIFs - Cannabis Legislation & COVID Vaccines

Memo to: Fund Commissioners
Local MEL Affiliated Joint Insurance Funds

From: Executive Director's office

Re: COVID Vaccines &
Cannabis Legislation

Fred Semrau (MEL Fund Attorney) and Matt Giacobbe (MEL Model Personnel/Employee Handbook) have worked together to draft bulletins concerning COVID-19 Vaccinations and the impact on employment and zoning matters, as well as environmental concerns, resulting from Cannabis legislation.

RECEIVED
APR 0 1 2021
BY:

DORSEY & SEMRAU

ATTORNEYS AT LAW
714 MAIN STREET
P.O. BOX 228
BOONTON, NJ 07005
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OF COUNSEL:
JOHN H. DORSEY (1937-2018)
JOHN P. JANSEN

MEMORANDUM – PRIVILEGED AND CONFIDENTIAL

TO: All Members

FROM: Fred Semrau, Esq.

DATED: February 24, 2021

RE: **LEGAL UPDATE – ADOPTED NEW JERSEY CANNABIS LEGISLATION**

In response to the legalization of cannabis and the legislation signed by the Governor on February 22, 2021, we are providing you with an immediate overview of some of the issues and decisions that the governing body will need to consider over the next few months.

1. **Deadline for recreational cannabis "opt-out" zoning ordinances:**

   The law provides that municipalities will have until August 21, 2021 to adopt ordinances to opt out of certain recreational cannabis business operations at the municipal level. This time period will provide ample opportunity to take the appropriate and legal steps to effectuate local policy.

2. **Areas of consideration to be addressed as a result of this legislation:**

   A. **Enforcement & Public Safety:** The Attorney General is currently in the process of communicating with Chiefs of Police throughout the State. Police departments will have a host of legal and enforcement considerations. We will certainly be available for any questions the Chief may have.

   B. **Zoning:** In the coming months, an important decision will need to be made as to whether the municipality wishes to prohibit or permit recreational cannabis businesses, including cultivation and retail (but not delivery) from operating within its boundaries. If the municipality does not enact an ordinance by August 21, 2021 prohibiting operation, it will automatically lose the ability to restrict cultivation and wholesale in any industrial zones. Additional, retail sale will be considered a conditional use in business/commercial zones. If the municipality adopts ordinances to allow these types of uses, it will also be authorized to adopt ordinances requiring local licensure, limiting the number and type of businesses, and restricting the time, location and manner of operations. However, if a municipality does nothing at all by August 21, 2021, it will lose the ability to zone and/or restrict these types of businesses for the next five (5)

years. If a municipality does nothing and a business becomes operational, the municipality cannot then prohibit that business from operating after the five-year period runs.

C. **Employment Practices:** There will be areas of concern and potential changes to your Employment Policies and Procedures regarding the use or impact on cannabis in the workplace, as well as its effect on all aspects of municipal operations. Importantly, nothing within this legislation prevents a municipality from enforcing its rules regarding a "drug-and-alcohol-free" work place. Moreover, while recreational cannabis is now legal in New Jersey, municipal employees found to be under the influence of alcohol or drugs during work hours will not be tolerated. Municipal employees still remain subject to all other local, State and federal laws that may apply to their position (i.e., Commercial Driver's License law, which preclude anyone from driving a commercial vehicle and using cannabis). To that end, Personnel Policy Manuals should be reviewed and updated, especially as to drug testing, to convey the municipal employer's expectations in consideration of this new legislation.

D. **Taxation:** Depending on the types of licenses the municipality decides to permit, the law provides that a municipal tax may be imposed upon 1) the transfer of cannabis items from one cannabis establishment to another, 2) receipts of retail sales of cannabis items to individual customers, or 3) the transfer by a concurrent license holder of cannabis items from the license holder's establishment that is located in the municipality to any of the other license holder's establishments. The municipality is free to set its own tax rates, so long as these rates do not exceed two (2) percent of receipts or, in the case of sales by a cannabis wholesaler, one (1) percent of receipts.

3. **Next Steps:**

At this time, we strongly urge you to take the temperature of the governing body and determine what general direction you want to take with respect to local decisions:

1. Prohibit the sale of cannabis for recreational use to the fullest extent available by law in the form of licensing (this will not prohibit personal recreational use within the municipality); or

2. Permit licensing and sale of recreational cannabis to the fullest extent as permitted by law, or with local restrictions; or

3. Take a hybrid approach by permitting certain licenses, i.e., cultivation, but precluding others, such as retail sale.

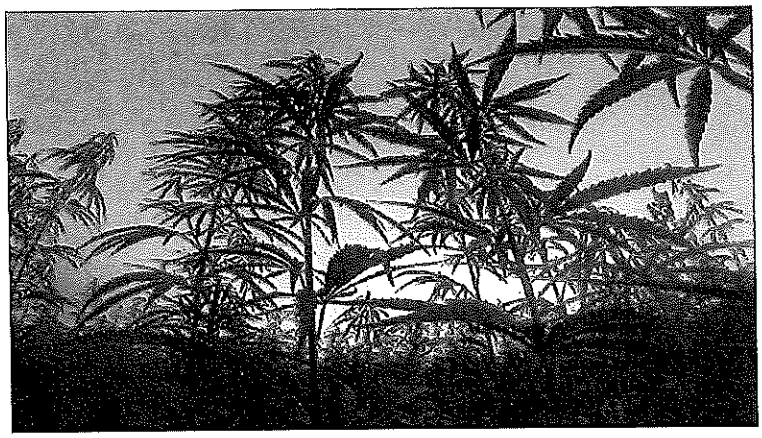
In the meantime, we will use our expertise in all of these areas to provide you with appropriate legal guidance based on your direction in the coming weeks. As always, we are available to answer any questions or concerns.

FCS:sdj

Environmental Alert

Environmental Impacts of New Jersey's Legalized Cannabis

On January 18, 2010, the former Governor of New Jersey Jon Corzine signed into law bill S.119. This was the Compassionate Use of Medical Marijuana Act, which permitted the use of medical cannabis for persons suffering from debilitating medical conditions and patients authorized to use for medical purposes. There were many legal and ethical debates in New Jersey regarding the use of cannabis. In November of 2020, a referendum was placed on the election ballot regarding the recreational use of marijuana. New Jersey voters approved the referendum, which approved allowing an amendment to the State constitution to legalize the recreational use of marijuana by people 21 years of age and older. Sixty-seven percent (67%) of New Jersey voters voted to approve, against thirty-three percent (33%) that voted against legalization. The intent of this article is not to weigh in on the medical, moral, ethical, or legal issues of this initiative, but instead on what happens next – specifically, the potential environmental impacts of this new business to New Jersey communities.



Background

With recreational marijuana being estimated by various industry sources as a one-to-two billion dollar per year industry, many lawmakers in Trenton are seeing a potential for additional tax revenue to help cover various shortfalls in the State budget. After some contentious debates regarding the details, on February 22, 2021 Governor Murphy signed the three bills that would allow New Jersey to create a legal marijuana industry, One of these bills (Assembly Bill A 21) allows a host municipality to charge an optional "Local Cannabis Transfer Tax and User Tax" of up to 2% of the receipts from each sale by a cannabis grower or retail sales. With a good-sized farm able to produce an expected $150-300 million of gross sales per year, there is an obvious incentive for many municipalities to look around for vacant facilities that might be able to fit one of the expected 37 growing facilities expected to be licensed in New Jersey. Many municipalities have experienced a drop in tax revenue and higher than expected expenses due to COVID-19. The additional tax revenue will be remunerative, but it does have its potential environmental issues; the following discloses only some of the environmental issues. Large issues such as the ethical acceptance of cannabis in a community, costs, and potential legal challenges are not discussed here.

Potential Environmental Impacts

Water Use –Cannabis is a water hungry crop, with the average plant needing up to 22 liters of water per day. A single greenhouse of approximately 1,000 plants would require 700,000 liters of water per month (approximately 185,000 gallons) for the warmer months of May through September. Since the greenhouses are likely to be retrofitted to run 12 months per year, water use would continue through the colder months as well, but perhaps at a slower rate. For municipalities that rely on well water for their domestic supply, this can be a significant draw on a local aquifer, especially in areas that are already working to conserve available water for residents.

☑ Significant water usage should be anticipated. Appropriate planning for municipal wells and connection fees.

Stormwater –For outdoor farms growing cannabis, there are the typical stormwater runoff issues that are common in most types of farming. Areas that are cultivated for a mono crop no longer have the typical plant/ground cover to prevent soil erosion and runoff, often carrying with that runoff some of the fertilizers and pesticides that are

used to control pests and boost plant growth. The adjacent waterways that receive this runoff can be damaged by excessive algae growth, reduced dissolved oxygen, and other impacts commonly ascribed to farmland runoff. Interestingly, in areas of disturbed soils, marijuana can sometimes be used to stabilize the soil due to its fairly extensive root systems, but that is not typically the case in the usual farming situation.

☑ Stormwater runoff should be addressed as ground cover will not be present. Engineering review is critical.

Wastewater –Water used in an irrigation system or to rinse off plants may need to be discharged to a local sanitary wastewater treatment authority. In this case, an industrial user discharge permit may need to be developed to set limits on various chemicals, especially if pesticides are used. For discharge to a receiving stream or other water body, the New Jersey Department of Environmental Protection (NJDEP) would require a New Jersey Pollutant Discharge Elimination System (NJPDES) permit for industrial users, and the water discharged may need to be treated first.

☑ NJDEP Discharge Permits may be required. This consideration should be required as part of the approval process.

Solid Waste –Large sections of the cannabis plant are not utilized when harvested for medical marijuana, where the focus is on harvesting the flowers and surrounding parts. The rest of the plant is then disposed of in a process monitored by the New Jersey Department of Health. For obvious reasons, the waste plant material is watched closely through the disposal, as much of the disposed of plant material could be used for recreational purposes. Growing recreational marijuana would require additional licensing and result in more product being produced, with less plant waste being disposed. For cannabis dispensaries, the solid waste is potentially less in volume, but more complex in nature. Stale or unused marijuana waste is still a controlled substance and will likely require specifically licensed waste haulers and disposal facilities that will transport the waste only to facilities designated to accept it.

☑ The unused product is a controlled substance and will likely require specific licensed waste haulers.

Lighting –Cannabis grown in a greenhouse is usually grown under artificial grow lighting, often fluorescent or high intensity discharge (HID) lights, with LED grow lights starting to make an appearance due to their much lower energy costs. Regardless of the lighting type, it would be reasonable to expect a grower to keep their plants growing throughout all 12 months of the year to maximize profits. With grow light periods reaching 18 hours of light per day, this means a fairly bright neighbor in a residential neighborhood – especially in winter months with short daylight hours. Light pollution is seldom considered as seriously as other pollutants, but it can be a concern.

☑ Cannabis requires artificial grow lighting for up to 18 hours/day. Lighting considerations and impact on residential neighborhoods should be considered.

Traffic –One of the benefits of any new business of this size is the number of jobs that can be created. But with those jobs comes the related traffic – not just the added employees that will work at a facility, but the trucks that will be coming back and forth to manage supplies, deliver products to their dispensaries, and remove solid waste.

☑ Trucks will be transporting supplies, products and solid waste. Plan for appropriate hours and routes.

Odor –Cannabis plants emit a number of volatile chemicals during their growth cycle, especially when the flowers of the plant are budding and during harvest. Several of those chemicals (a group known as terpenes) have been known to produce an odor described as "skunky." Since greenhouses can heat up inside (especially in warmer months) and considering added heat from internal grow lamps, the air inside the greenhouse must be exhausted almost continuously to control the internal temperature. If the inside of the greenhouse gets too warm the plants will die. The odor from exhaust is the most common complaint from people living in and around commercial cannabis growing facilities, and a potential huge source of complaints from residents to officials in Town Hall. There are various filters and treatment devices for controlling odors in the exhaust stream, but these need to be chosen and sized correctly to be effective.

☑ This is the most common off-site complaint. Review of filters, air quality and monitoring should be required.

Ozone formation - The terpenes emitted by the growing and harvesting of cannabis are volatile organic compounds (VOCs) that can interact with sunlight, heat, and nitrogen oxides (from vehicle exhaust or other combustion sources) to form ground level ozone, specifically during the summer months. Ozone is a lung irritant and criteria pollutant under the U.S. Environmental Protection Agency's Clean Air Act. This means these facilities would contribute additional ozone in a State that already has multiple days during the summer where air quality is listed as "unhealthy," according to the NJDEP.

Energy Use –The lighting alone in a year-round cannabis greenhouse is energy intensive, especially when using high intensity lighting for the best production rates. This type of lighting not only uses a lot of energy, but also requires additional ventilation to cool the facility, equipment to manage humidity inside the greenhouse, and other associated equipment for protecting the plants. With this additional energy use arguably comes an increase in greenhouse gas (GHG) emissions. And although the growing of green plants can absorb carbon dioxide and assist in GHG reduction, the management, shipment, handling and potentially burning (for personal consumption) of the plant material are likely to outweigh this positive contribution.

Conclusion

Although these issues do not necessarily represent insurmountable environmental challenges, it is still worth addressing the potential environmental issues before considering the possibility of permitting a cannabis growing facility to set up in your municipality. On the following page, is our Cultivation of Cannabis environmental consideration checklist for municipal officials. There will also be the inevitable land use planning issues, ethical challenges, and the ultimate consideration of whether the additional tax revenue is worth the effort. It is likely that as the industry matures, these issues will become better managed and may in fact be reduced to commonplace. However, that is likely still a few years off.

This newsletter is for information purposes only and does not represent legal or technical advice.

If you need a more detailed explanation of this topic or need assistance in interpreting how it may impact your municipality, the EJIF suggests that you contact the EJIF environmental consultants for further information.

All EJIF members please feel free to contact Richard Erickson at rerickson@firstenvironment.com or Sunita Dhar at sdhar@firstenvironment.com of First Environment, respectively or 973.334.0003.

This Alert does not intend to convey, imply, or promise in any way, EJIF insurance coverage for the matters contained herein.

Cultivation Of Cannabis
Environmental Consideration Checklist
For Municipal Officials

These considerations should be part of the legislative process and drafting of local land use ordinances, applications for land use or when considering the location of cultivation sites.

	Water Usage	Significant water usage should be anticipated. Appropriate planning for municipal wells and connection fees.
	Stormwater	Stormwater runoff should be addressed as ground cover will not be present. Engineering review is critical.
	Wastewater	NJDEP Discharge Permits may be required. This consideration should be required as part of the approval process.
	Solid Waste	The unused product is a controlled substance and will likely require specific licensed waste haulers.
	Lighting	Cannabis requires artificial grow lighting for up to 18 hours/day. Lighting considerations and impact on residential neighborhoods should be considered.
	Traffic	Trucks will be transporting supplies, products and solid waste. Plan for appropriate hours and routes.
	Odor	This is the most common off-site complaint. Review of filters, air quality and monitoring should be required.

Municipal Excess Liability Joint Insurance Fund

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Tel (973) 334-1900
fsemrau@dorseysemrau.com

BULLETIN

TO: **All Members**

FROM: **Fred Semrau, Fund Attorney**
Dave Grubb, Executive Director
Joseph Hrubash, Executive Director

DATED: **March 24, 2021**

RE: **New Jersey Cannabis Legislation – Legal Update**

Some of our members have inquired about the recently enacted New Jersey legislation pertaining to recreational cannabis, as it relates to local licensing and zoning. Municipalities have until August 21, 2021 to make critical zoning decisions as to the six different cannabis licenses that have been established by our Legislature. While recreational cannabis use is now legal throughout the State, certain aspects regarding its cultivation, manufacturing, wholesaling, distribution, retail sales and delivery involve decisions that may be made on the local level.

Unless a community formally opts out of some or all of the above types of recreational cannabis businesses by adopting an "opt out" ordinance by the August 21, 2021 deadline, it will be deemed to have opted in for same and in locked in for a period of five years. During the five-year period, the community cannot reverse its opt-in status and if a recreational cannabis business opens, it cannot be legislated out after the five years. On the other hand, communities that opt-out of certain cannabis business activity may reverse that decision at any time by adopting a revised ordinance.

If your community wishes to consider opting-out of certain business type before August 21, 2021, we encourage you to share this draft ordinance with your Municipal Attorney and Planner as a starting point. It is critical that your Governing Body discusses these important policy considerations and acts prior to August 21, 2021 on cannabis licenses and local zoning.

As to employment concerns, the MEL recommends an update on employment practices policy considerations regarding cannabis. With respect to commercial driver's license (CDL) and non-CDL driver policies, we encourage you to visit the MEL website at https://njmel.org/mel-safety-institute/model-policies/driver-policies/ for additional suggested policy information.

The MEL will continue to monitor recreational cannabis legislation and provide information as to its impact on our members.

ORDINANCE NO. __-2021

AN ORDINANCE OF THE [GOVERNING BODY] OF [MUNICIPALITY] PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER [NUMBER] OF THE [MUNICIPALITY] CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, consisting of:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 3 of the Act defines a "cannabis establishment" as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"); and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the [GOVERNING BODY] of [MUNICIPALITY] has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on our community in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the [MUNICIPALITY]'s residents and members of the public who visit, travel, or conduct business in the [MUNICIPALITY], to amend the [MUNICIPALITY]'s

regulations to prohibit all manner of cannabis/marijuana-related within the geographic boundaries of the [MUNICIPALITY].

NOW THEREFORE, BE IT ORDAINED, by the [GOVERNING BODY] of the [MUNICIPALITY] in the County of Morris and State of New Jersey, as follows:

SECTION 1. Article _____ of Chapter _____, of the [MUNICIPALITY] Code is hereby amended to read as follows:

§_____ Definitions.

For purposes of this Chapter, the following definitions shall apply:

"Cannabis" means all parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

"Cannabis cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis delivery service" means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

"Cannabis distributor" means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may

engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

"Cannabis establishment" means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

"Cannabis manufacturer" means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis retailer" means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

"Cannabis wholesaler" means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

§ _____ Cannabis establishments, distributors and delivery services prohibited.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the [MUNICIPALITY], except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the [MUNICIPALITY].

SECTION 2. Any article, chapter, section, paragraph, subsection, clause, or other provision of the Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 4. This Ordinance shall take effect in accordance with the law.

ATTEST: APPROVED:

_____ _____

, Clerk , [TITLE]

CLERK [MUNICIPALITY]

I hereby certify the foregoing to be a true copy of an ordinance adopted by the [GOVERNING BODY] of the [MUNICIPALITY] at its meeting held on _____, 2021.

_____

_____, Clerk

RECEIVED
APR 05 2021
BY: .....

Weamaconk Lake Dam

Thomas Herits <thomas.herits@colliersengineering.com>
Fri 4/2/2021 4:07 PM

To: Clerk <clerk@englishtownnj.com>
Cc: Englishtown CFO <cfo@englishtownnj.com>; Treynolds <treynolds@englishtownnj.com>; Ettore, Joseph <Joseph.Ettore@co.monmouth.nj.us>

1 attachments (480 KB)
210402_smg_Gorbatuk_Proposal.pdf;

To All:

Attached is the proposal for the dam study.

The said proposal was developed after discussions with the DEP personnel who would be reviewing the study.

Let me know if you require any additional information.

Thanks,

Tom

Thomas Herits
Senior Project Manager
thomas.herits@colliersengineering.com
Main: 877 627 3772 | Direct: 732 704 5966 | Mobile: 732 261 7934
331 Newman Springs Road Suite 203 | Red Bank, New Jersey 07701

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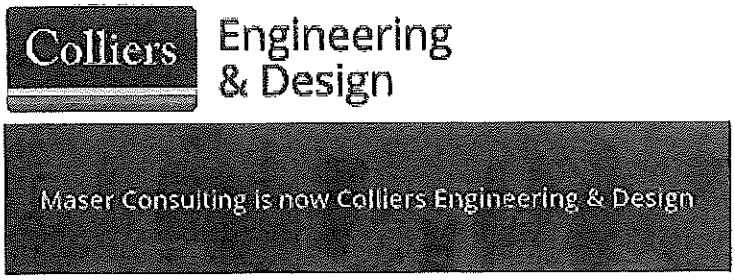

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Section I – Scope of Services

Based on our conversations and information noted above, we propose to complete the following:

Topographic Survey with Steam Cross Sections

Colliers Engineering & Design will perform a topographic survey of the *current* (as of date of field survey) water line and top of bank of Lake Weamaconk, utilizing GPS survey methodology (see fig.1, below). In addition, Colliers Engineering & Design will also survey the street surface and planimetric features of the Main Street bridge, as the structural support for the bridge also serves as the spillway for the Weamaconk Lake. The width and height of the aperture serving as the spillway will be measured and photographed in the field and provided to the engineer for flow calculations. This same process will be completed for the Wood Avenue bridge installation as it crosses over the Matchaponix Brook. The limits of the bridge surface surveying are to cover the extents of the bridge structure only.

Between the Main Street Bridge, and the Wood Avenue bridge, approximately 9 stream cross sections will be collected via conventional survey methodology. Furthermore, approximately 14 additional stream cross sections will be collected along the route of the Matchaponix Brook, northerly, to its confluence with McGellairds Brook.

Utilizing LiDAR data sourced from the NOAA, specifically the "New Jersey CMPG Sandy 0.7M NPS LiDAR United States Geological Survey," (Contract number: G10PC00057, Task Order Number: G13PD00854), Colliers Engineering & Design plans to supplement the field collected stream cross sections to create a route topographic map of the Weamaconk Creek, to its confluence with the Matchaponix Brook, through the Matchaponix Brook's meeting with the McGellairds Brook. (see route of survey, (blue line) in fig.1, below). Approximate cross section locations are shown by red lines, in fig. 1, below.

SURVEY LIMITS

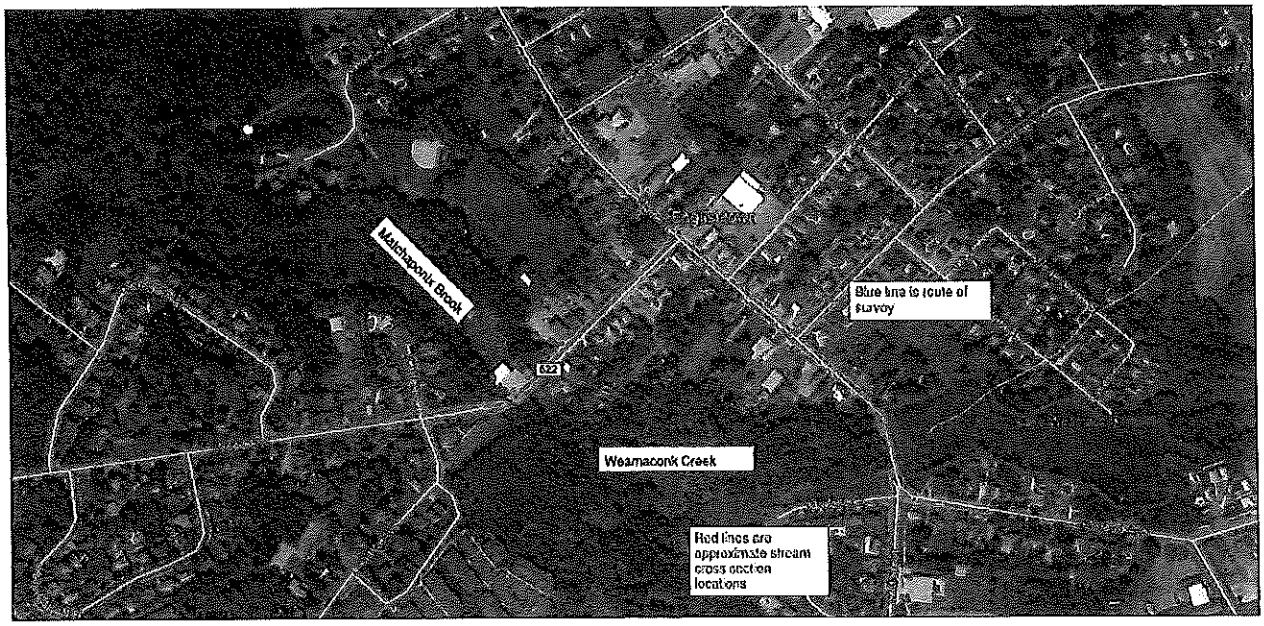

Fig. 1: Work Scope, showing the approximate route of survey (blue line), the approximate locations of conventionally surveyed stream cross sections (red lines crossing blue line), and the waterline (at time of field survey) perimeter of Lake Weamaconk. The lake perimeter and top of bank will be gathered via GPS methods. The areas between the stream cross sections will be supplemented via NOAA sourced aerial LiDAR as mentioned above. The Main Street & Wood Avenue bridges will be survey utilizing conventional survey methods.

Included in this task are the following services:

- Establish on-site survey control;
- Field traverse, topographic survey and data collection;
- Field measure inverts of accessible gravity structures;
- LiDAR existing dam embankment and spillway structures (overhead only)
- Field survey data reduction and computation;
- Preparation of topographic survey map in AutoCAD Civil 3D 2018 (or newer) format.

Traffic safety protection for field survey crew and cleaning of clogged or obstructed drain and sewer structures is **not** included in the fee for this survey. If it is determined that safety protection is required for any of the survey services performed under this contract, we will advise you of the approximate cost prior to moving forward. Such additional cost would be invoiced as a reimbursable expense pursuant to prior authorization.

Final Deliverable. The final deliverable will be a maximum of eight (8) hardcopies signed and sealed by a New Jersey Professional Licensed Land Surveyor, and an electronic file copy in Adobe pdf format. Draft deliverables will be in form of electronic file Adobe pdf format.

Delivery of hard copy maps will be limited to one (1) package sent to one (1) address, one (1) time. Additional delivery of hard copy maps will be billed as a reimbursable expense in accordance with Section III of this agreement.

Lump Sum Fee $ 26,000.00

Bathymetric Survey

Colliers Engineering & Design will perform a bathymetric survey utilizing a combination of GPS Surveying and a flat bottom boat with HydroLite™ Echosounder to gather three-dimensional information for the natural topography below the water surface. The survey information will be recorded in a 25' grid array within the limits of the bathymetric survey areas (outlined in **red** in fig. 2, below). The recorded survey information will then be analyzed to produce an AutoCAD Civil3d surface from which one foot (1') contours will be generated and included in the Topographic Survey outlined in Phase 1.0. While contours will be generated from the elevation observations we survey, there may be additional subsurface topographic features between our surveyed points which will not be represented on our final mapping, and will reduce the accuracy of the contours. The bathymetric mapping area is approximately 7 acres. Access to Weamaconk lake will be via the public access area located on Railroad Avenue.

BATHYMETRIC SURVEY LIMITS

Fig. 2. Bathymetric survey limits depicted by red outline of Lake Weamaconk. Public access point also denoted.

Final Deliverable. The final deliverable will be a maximum of eight (8) hardcopies signed and sealed by a New Jersey Professional Licensed Land Surveyor, and an electronic file copy in Adobe pdf format. Draft deliverables will be in form of electronic file Adobe pdf format.

Delivery of hard copy maps will be limited to one (1) package sent to one (1) address, one (1) time. Additional delivery of hard copy maps will be billed as a reimbursable expense in accordance with Section III of this agreement.

Lump Sum Fee $ 7,000

Hydrologic and Hydraulic Evaluation

A hydrologic evaluation will be performed on the contributing drainage area to the Englishtown Dam. The evaluation will also include an analysis of the contributing drainage area of the Weamaconk Creek downstream of the dam, up to its confluence with McGellairds Brook, which is the anticipated extent of study for inundation mapping.

Hydrology will be based on GIS topography and land cover mapping and on the USDA NRCS Web Soil Survey maps. Hydraulic modeling will be performed with a standard step backwater analysis using the US Army Corps of Engineers HEC RAS version 5.0 modeling software. The model will be based on limited stream survey supplemented with available LIDAR data for the overbanks.

Given the dam is the roadway itself, the dam is classified as a Class II – Significant Hazard Potential dam, at a minimum. A Class II dam must have spillway capacity to safely convey half of the Probable Maximum Precipitation (0.5 PMP) storm event. The dam will be studied to determine the most economical solution for providing enough hydraulic capacity to meet NJDEP requirements. We will discuss our findings with the Borough of Englishtown and County of Monmouth, and upon approval we will submit a formalized Hydrologic and Hydraulic (H&H) Report, which will also serve as the Spillway Design Report for BDS.

Colliers Engineering & Design will prepare the following:

- Modeling of the proposed watershed hydrologic conditions utilizing the Natural Resource Conservation Service unit hydrograph methodology.
- Modeling of the existing and proposed hydraulic conditions for the 100-year, 0.5 PMP and PMP conditions.
- Modeling of the receiving waterway.
- An engineer's report that will include an explanation of proposed conditions, methodology utilized, hydrologic and hydraulic calculations.
- Mapping to include drainage area maps.

Lump Sum Fee $ 24,000.00

Dam Break Analysis

We will perform a Dam Break analysis to determine the inundation areas downstream along with water depths, velocities and time of arrival. This information is required by BDS to determine the

actual class of the dam, which in turn determines the design storm of which the dam must be capable of passing.

A Dam Break Analysis will be performed for the dam, in accordance with NJDEP standards. The Dam Break Analyses will evaluate the downstream hydraulics of the dam under the following conditions: the design storm event without dam failure, the design storm event with dam failure, and a sunny day dam failure.

The objective of these runs is to determine the downstream inundation areas resulting from design flood events with and without a dam failure for preparation of inundation maps. These analyses will be performed using HEC-1 or HydroCAD. These programs simulate dam failure scenarios and routes inflow hydrographs through the reservoir and develops reservoir outflow hydrographs. The impacts of the resulting flows downstream will be calculated in HEC-RAS.

A report will be prepared outlining and summarizing the results of the dam break analysis. These analyses and results will be used to determine the dam classification and will be combined with the hydrologic and hydraulic study to compile a complete Hydrologic and Hydraulic Study. This study is limited to the breach of the subject dam, and the inundation area to the confluence of the Weamaconk Creek with the McGellairds Brook and should BDS require the analysis to be expanded, an additional fee will be required.

Downstream inundation maps will be prepared that show the limits for the sunny day failure, the spillway design flood without dam failure and the spillway design flood with dam failure, as required by the BDS. These maps will be prepared in AutoCAD format. They will be geo-referenced to New Jersey State Plane Coordinates in the NAD '83 datum.

Lump Sum Fee $ 14,000.00

Geotechnical Evaluation

We propose to conduct the following services as part of our evaluation of the existing dam including subsurface soils and surface features observations. The scope of work included in this proposal to prepare a dam evaluation report indicating any remediation design services that may be required as well as an assessment of the dam's construction. We will utilize information generated from the survey and hydrologic and hydraulic evaluations. This proposal is not for detailed designs for any dam modification needs or plan preparation for NJDEP Dam Safety review and approval.

The following scope of services is proposed:

1. Maser consulting shall request and review of all relevant documents, studies, plans, hazard classifications, photos, or any other information related to the dam and appurtenant works, including Safety Inspection Reports. This includes any new survey and hydrologic evaluations for the current dam:
2. Conduct a visual inspection of the dam, including the embankment, spillway, outlet, closure dikes and other appurtenant structures, focusing on initial and/or progressive signs of the manifestation of potential failure modes from a geotechnical viewpoint. Specific notes shall be made as to whether any areas are experiencing seepage, overtopping or other

geotechnical concerns. The report will include dated photographs of the specific observations made and any deficiencies or potential deficiencies identified during the visual inspection;

3. A subsurface exploration program shall be conducted to collect soil and groundwater information for seepage and slope stability evaluations. Evaluation of the dam's embankment materials and core, if any, will be the primary focus. We will follow ASTM D1586 methods and Burmister Soil Classification System;
4. An evaluation of the dam, including its function, seepage observations, slope stability evaluations, structural distress or other items deemed important from a geotechnical point of view which may impact the stability, life and performance of the dam;
5. Perform slope stability evaluation of the earthen portions of the dam to evaluate factors of safety for the existing conditions and a proposed new water surface from the H&H evaluation for modification concept. We will utilize Slope/W software with conservative soil index properties and an estimated phreatic surface; and,
6. Preparation of a report including recommendations for corrective actions of any deficiencies found or problems observed. This may include separate proposals for additional subsurface explorations, nondestructive testing, additional seepage and slope stability analysis, and remediation design preparation.

FEES

Subsurface Exploration	**Lump Sum Fee – $15,500 Includes Subsurface exploration program with full-time technical observation in areas accessible to conventional truck mounted drilling equipment. Does not include traffic safety since we are not sure where the explorations will be advanced. Price does include limited cones for around the drilling equipment and support vehicles. If it is determined that safety protection is required for any of the survey services performed under this contract, we will advise you of the approximate cost prior to moving forward. Such additional cost would be invoiced as a reimbursable expense pursuant to prior authorization.**

Laboratory Testing	Lump Sum Fee - $2,500. Testing limited to soil index testing for particle size distribution, Atterberg Limits, Permeability and Consolidation characteristics as determined by the Geotechnical Engineer.
Seepage & Stability Evaluation	Lump Sum Fee of $16,500. This includes field observations and documentation of the existing conditions as well as detailed seepage and slope stability evaluations.
Final Geotechnical Report	Lump Sum Fee – $9,800. Formal summary report which will summarize our findings and any recommendations for the dam. This report will be in a format suitable for submission to NJDEP Dam Safety

Alternatives Evaluation Report

Based on the findings of the Hydrologic and Hydraulic Report,Dam Break Analysis and Geotechnical Report, conceptual alternatives will be evaluated for the rehabilitation of the Englishtown Lake Dam to allow the safe discharge of the spillway design flood.

A report will be prepared to describe the proposed alternatives and make a recommendation of the preferred alternative. As part of this phase, we anticipate one meeting with representatives from the Borough of Englishtown, County of Monmouth, and Bureau of Dam Safety to review the findings and recommendations.

Lump Sum Fee $ 12,000.00

Schedule of Fees

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

Task Name	Fee
Topographic Survey with Stream Cross Sections	$26,000.00
Bathymetric Survey	$7,000.00
Hydrologic and Hydraulic Evaluation	$24,000.00
Dam Break Analysis	$14,000.00
Geotechnical Evaluation	
• Subsurface Exploration	$15,500.00
• Traffic Safety (for budgeting purposes only – not in pricing presented)	$1,600.00 per day for up to 2 days
• Laboratory Testing	$2,500.00
• Seepage & Stability Evaluation	$14,000.00
• Final Report	$9,800.00
Alternatives Evaluation Report	$12,000.00
• Meetings	
• Planning/Zoning Board Meetings	Specified fee
• $850.00/meeting/Principal or Department Manager	
• $750.00/meeting/each other Professional	
• Additional Agency/Coordination Meetings	Hourly

This Contract and Fee Schedule are based upon the acceptance of Colliers Engineering & Design's Business Terms and Conditions contained in Section II of this Contract. Delivery, mileage, printing and reproduction, overnight mail service and postage costs are not included in the lump sum fees and will be added to each monthly invoice.

Exclusions and Understandings

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement.

- Services not specifically outlined above in Section I;
    - Construction Administration, Construction Specifications, Construction Stake-Out and/or additional field surveying information except as noted;
    - Preparation of a Site Demolition Plan;
    - Wetland delineation, reports, letter of interpretation and/or permitting applications;
    - Cultural Resources services;
    - Noise impact studies;
    - Water system hydraulic analysis;
    - Hydrologic Soil Group (HSG) revision and analysis;

- Structural pavement design calculations;
- Geotechnical services or exclusions as appropriate;
- Flood plain analysis and Flood Hazard Area Application;
- Wastewater Management Plan analysis (system capacity, etc.);
- Light pole footing, circuiting and/or electrical design of the proposed site lighting;
- Preparation of an irrigation design for any or all of the proposed landscaping;
- Architectural Plans, Elevations, Building Floor Plans will be provided by others;
- Tree Location Plan and/or survey. A waiver will be requested for submission of this information;
- Structural calculations or design for signs, special structures and/or retaining walls;
- Exploratory or testing work, interpretations or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on the site;
- Site or Roadway Improvement plans for off-site roadway/intersection improvements;
- Subdivision or Consolidation Plans, Legal Boundary Descriptions and/or Parcel Maps;
- Hydrant Flow testing to determine suitable water pressure;
- Fire Water System design;
- Application fees and escrow deposits to the municipality or to any regulatory review agencies;
- Changes or revisions beyond our control or changes in basic concept after design service has been accomplished;
- Substantial plan revisions, changes, or preparation of additional design support requested by regulatory agencies during the course of project review;
- Plan revisions occasioned by Developer or Developer's Architect or other project representative's decision.
- Services not specifically outlined above in Section I;
- Additional insurance requirements/costs;
- Field crew training expenses;
- Topographic surface data between stream cross sections to be obtained from NOAA Aerial LiDAR data;
- Conventionally surveyed stream cross section width to be 25' beyond top of bank, either side of waterway;
- Civil 3d 2018 or newer to be used for plan generation;
- Horizontal & vertical datums to be NAD '83 & NAVD '88, respectively;
- Linear units are U.S. Survey Feet;
- GPS, conventional survey, and public source LiDAR data (NOAA) to be used for preparation of this survey;
- Wetland delineation, reports, letter of interpretation and/or permitting applications;
- Cultural Resources services;
- Water system hydraulic analysis;
- Hydrologic Soil Group (HSG) revision and analysis;
- Flood plain analysis and Flood Hazard Area Application;
- Tree Location Plan and/or survey. A waiver will be requested for submission of this information;
- Structural calculations or design for signs, special structures and/or retaining walls;

1000 Waterview Drive
Suite 201
Hamilton New Jersey 08691
Main: 877 627 3772

Colliers
Engineering
& Design

VIA E-MAIL
April 2, 2021

Mr. Peter Gorbatuk
RMC /CMR
15 Main Street
Englishtown, NJ 07726

Proposal for Professional Services
Englishtown Lake Dam
Borough of Englishtown, Monmouth County, New Jersey
Colliers Engineering & Design Proposal No.: ELT152P

Dear Mr. Gorbatuk,

Colliers Engineering & Design, Inc. DBA Maser Consulting is pleased to submit this proposal to provide professional services related to the Phase II Study required by New Jersey Department of Environmental Protection Division of Dam Safety and Flood Control (NJDEP-DDS&FC) for the Englishtown Lake Dam.

The Englishtown Lake Dam is a Class II (Significant Hazard) dam. It is our understanding that previous (circa 2006) hydrologic and hydraulic studies have been performed of the dam, finding the spillway capacity inadequate. According to records that have been provided, it appears that calculations were not accepted/approved by the Bureau of Dam Safety (BDS). This proposal is to prepare topographic and bathymetric surveys, hydrologic & hydraulic evaluation, dam break analysis and geotechnical evaluation using current design standards and area development. A detailed report of our services will be prepared for evaluation of alternatives by the Borough of Englishtown and the County of Monmouth.

This proposal is divided into four sections as follows:

Section I – Scope of Services

Section II – Business Terms and Conditions

Section III – Technical Staff Hourly Rate Schedule and Reimbursable Expenses

Section IV – Client Contract Authorization

The order in which the following scope of services are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Colliers Engineering & Design to meet project schedules.

- Exploratory or testing work, interpretations or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on the site;
- Application fees and escrow deposits to the municipality or to any regulatory review agencies;
- Changes or revisions beyond our control or changes in basic concept after design service has been accomplished;
- Substantial plan revisions, changes, or preparation of additional design support requested by regulatory agencies during the course of project review;
- Emergency Action Plan and Operation and Maintenance Manual are specifically excluded from this proposal.
- Any permit and application fees.
- Structural calculations and detailed evaluation of the concrete portions of the dam if required by the various review agencies.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary, Colliers Engineering & Design may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees regarding the extra services.

Colliers

Engineering
& Design

Section II – Business Terms and Conditions

Colliers Engineering and Design agrees to provide professional services under the following terms and conditions:

The term Client referenced herein is the person, persons, corporation, partnership, or organization referenced in the proposal between Colliers Engineering and Design and said Client.

1.0 SCOPE OF SERVICES:

A description of the services to be provided by Colliers Engineering and Design will be presented and agreed to in written form, whenever possible. Services not set forth in the Scope of Services, are excluded from the Scope of Services, and Colliers Engineering and Design will assume no responsibility to perform such services under the base contract. In situations where a written contract is not executed or where additional services becomes necessary during the course of the project, Colliers Engineering and Design may provide such services using our Technical Staff Hourly Rate Schedule in effect at the time of services (Note: Current Rate Schedule as set forth in Section III is attached hereto and made part hereof).

The proposed fees set forth in this Agreement shall be open for acceptance for sixty (60) days from the proposal date. If the Agreement is signed after that date, the proposed fees may be adjusted prior to commencement of services, subject to agreement by the Client and Colliers Engineering and Design.

Where Lump Sum or Unit Price Contracts are signed, and services provided by Colliers Engineering and Design extend beyond a date 12 months after the date of execution of this Agreement, Colliers Engineering and Design reserves the right to increase such contract amounts in accordance with the Regions Consumer Price Index. In the event that a Lump Sum or Unit Price Contract is partially completed at such time that the price is to be adjusted, Colliers Engineering and Design reserves the right to increase the balance of the fee still to be billed as of the anniversary date. Since there are substantial costs to stop and restart a project once it is underway, should a project's progress be halted at any time by the client, for any reason, Colliers Engineering and Design reserves the right to charge a restart fee and/or to renegotiate the remaining fees within the contract.

The hourly rates listed in our Technical Staff Hourly Rate Schedule are adjusted semi-annually and the Client shall be billed at the rates that are in effect at the time of service.

These Business Terms and Conditions are applicable for any additional professional services rendered for this project including, but not limited to, change orders, client service authorization forms, etc.

2.0 STANDARD OF CARE:

In performing services, we agree to exercise professional judgment, made on the basis of the information available to us, and to use the same degree of care and skill ordinarily exercised in similar circumstances and conditions by reputable consultants performing comparable services in the same locality. This standard of care shall be judged as of the time the services are rendered, and not according to later standards. Reasonable people may disagree on matters involving professional judgment and, accordingly, a difference of opinion on a question of professional judgment shall not excuse a Client from paying for services rendered. NO OTHER REPRESENTATION OR WARRANTY, EXPRESSED OR IMPLIED, IS MADE.

3.0 INVOICES:

Colliers Engineering and Design bills its Clients on a monthly basis using a standard invoice format. This format provides for a description of services performed and a summary of professional fees, expenses, and other charges. For more detailed invoicing requests, Colliers Engineering and Design reserves the right to charge for invoice preparation time by staff members. Monthly invoices will be submitted based upon percentage of services completed and reimbursable expenses. Any comments or discrepancies, relative to invoices shall be submitted in writing within fourteen (14) days or the account will be considered correct.

For professional services billed on an hourly basis, Colliers Engineering and Design reserves the right to invoice all overtime services performed by our employees using our Technical Staff Hourly Rate Schedule in effect at the time of services at ONE AND ONE-HALF TIMES our standard hourly rate for those employees.

Expenses incurred for services, equipment, and facilities not furnished by Colliers Engineering and Design are charged to the Client at cost plus an up-charge not to exceed 15 percent of the invoice for said services.

Client shall pay Colliers Engineering and Design for reimbursable expenses, including, but not limited to, application fees, printing and reproduction, mileage, courier and express delivery service, special/overnight mailings, facsimile transmissions, specialized equipment and laboratory charges, and costs of acquiring materials specifically for the Client. Reimbursable charges will be added to each monthly invoice and are part of Client's responsibility.

4.0 PAYMENT:

Colliers Engineering and Design bills are payable in full UPON RECEIPT and **payment is expected within thirty (30) days.** We reserve the right to assess a late charge of 1.5 percent per month for any amounts not paid within 45 days of the billing date. In the event payment is not made according to the terms and conditions herein, the matter may proceed to a collections agency or to an attorney for collection. Client shall be

responsible for fees charged by the collections agency and/or attorney's fees incurred to collect the monies owed. Should the matter proceed to court, client shall also be responsible for court costs.

In addition, where payment is not received in accordance with the terms of this contract, Colliers Engineering and Design reserves the right to withdraw any applications to federal, state, or local regulatory agencies / boards filed on behalf of the client with the understanding that these applications are the property of Colliers Engineering and Design. Colliers Engineering and Design will provide you with written notification two (2) weeks prior to taking any action to withdraw an application submitted on behalf of the client. If payment of all outstanding invoices is not received within two (2) weeks of receipt of this letter, Colliers Engineering and Design will withdraw all pending applications for the project.

5.0 RETAINER:

Colliers Engineering and Design reserves the right to request a retainer from the Client prior to the commencement of services on a project. While retainers are collected prior to the start of a project, the retainer is held to the end of the project, and will be applied to the final invoices. Retainers are not applied to the beginning of the project.

6.0 RIGHT OF ENTRY/JOBSITE:

Client will provide for right of entry for Colliers Engineering and Design personnel and equipment necessary to complete our services. While Colliers Engineering and Design will take all reasonable precautions to minimize any damage to the property, it is understood by the Client that in the normal course of our services, some damage may occur, the correction of which is not part of this Agreement.

Client shall furnish or cause to be furnished to Colliers Engineering and Design all documents and information known to the Client that relate to the identity, location, quantity, nature or characteristics of any hazardous or toxic substances at, on, or under the site. In addition, the Client will furnish or cause to be furnished such other information on surface and subsurface site conditions required by Colliers Engineering and Design for proper performance of its services. Colliers Engineering and Design shall be entitled to rely on the accuracy and completeness of Client provided documents and information in performing the services required under this Agreement and Colliers Engineering and Design assumes no responsibility or liability for their accuracy or completeness.

Colliers Engineering and Design will not direct, supervise, or control the work of Client's contractors or their subcontractors. Colliers Engineering and Design shall not have authority over or responsibility for the construction means, methods, techniques, sequences, or procedures and Colliers Engineering and Design's services will not include a review or evaluation of the contractors (or subcontractor's) safety precautions, programs or measures. Colliers Engineering and Design does not guarantee the performance of the construction contract by the Client's contractors or the subcontractors and Colliers Engineering and Design does not assume responsibility for the Client's contractors' or subcontractors' failure to furnish and perform their work in accordance with the Contract Documents.

Colliers Engineering and Design shall be responsible only for its activities and that of its employees on any site. Neither the professional activities nor the presence of Colliers Engineering and Design or its employees or subcontractors on a site shall imply that Colliers Engineering and Design controls the operations of others, nor shall this be construed to be an acceptance by Colliers Engineering and Design of any responsibility for jobsite safety.

7.0 UTILITIES:

In the execution of our services Colliers Engineering and Design will take reasonable precautions in accordance with the professional standard of care to avoid damage or injury to subterranean structures or utilities. The Client agrees to hold Colliers Engineering and Design harmless and defend and indemnify Colliers Engineering and Design for any claims or damages to subterranean structures or utilities, which have not been marked-out under the One-Call system or are not shown or are incorrectly shown on the plans furnished.

8.0 TERMINATION OR SUSPENSION OF SERVICES:

Should Client fail to make payments when due or is otherwise in material breach of this Agreement, Colliers Engineering and Design at their election may suspend services at any time after PROVIDING WRITTEN NOTICE TO THE CLIENT until payments are brought current. Colliers Engineering and Design shall have no liability whatsoever to the Client for any costs or damages as a result of such suspension and the Client agrees to indemnify and hold Colliers Engineering and Design harmless from any claim or liability resulting from such suspension.

This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice. In the event of termination, Colliers Engineering and Design shall be paid for service performed to the termination notice date plus reasonable termination expenses.

In the event of termination, or suspension for more than three (3) months, prior to completion of all services contemplated by the Agreement, Colliers Engineering and Design may complete such analyses and records as are necessary to complete its files and may also complete a report on the services performed to the date of notice of termination or suspension. The expenses of termination or suspension shall include all direct costs of Colliers Engineering and Design in completing such analyses, records and reports.

9.0 SUBCONSULTANTS/SUBCONTRACTORS:

Colliers Engineering and Design prefers that its Clients directly retain others whose services are required in connection with a project (e.g., drillers, analytical laboratories, transporters, other experts, etc.), except in unusual circumstances. As a service, we will advise Clients with respect to selecting other such subconsultants/subcontractors and will assist Clients in coordinating and monitoring their performance. In no event will we assume any liability or responsibility for the work performed by other subconsultants/subcontractors, or for their failure to perform

any work, regardless of whether we hire them directly as subconsultants/subcontractors, or only coordinate and monitor their work. When Colliers Engineering and Design does engage a subconsultant/subcontractor on behalf of the Client, the expenses incurred, including rental of special equipment necessary for the work, will be billed as they are incurred, at cost plus an up-charge not to exceed 20 percent of the invoice. By engaging us to perform services, you agree to defend, indemnify and hold Colliers Engineering and Design its directors, officers, employees, and other agents harmless from and against any and all claims, losses, liabilities, damages, demands, costs, or judgments arising out of or relating in any way to the performance or non-performance of work by another subconsultant/subcontractor. In addition, Client agrees to pursue recovery of and assert any claims based upon its loss, expenses and/or damages solely and directly against those subconsultants/subcontractors. In consideration of such indemnity and waiver, Colliers Engineering and Design agrees to assign its rights and/or claims against those subconsultants/subcontractors pursuant to the subconsultants/subcontractors agreements with Colliers Engineering and Design to the Client.

10.0 AGREED REMEDY:

Colliers Engineering and Design shall be liable to the Client only for direct damages to the extent caused by Colliers Engineering and Design's negligence in the performance of its services. UNDER NO CIRCUMSTANCES SHALL COLLIERS ENGINEERING AND DESIGN BE LIABLE FOR INDIRECT, CONSEQUENTIAL, PUNITIVE, SPECIAL, OR EXEMPLARY DAMAGES, OR FOR DAMAGES CAUSED BY THE CLIENT'S FAILURE TO PERFORM ITS OBLIGATIONS. With regard to services involving hazardous substances, Colliers Engineering and Design has neither created nor contributed to the creation or existence of any actually or potentially hazardous, radioactive, toxic, or otherwise dangerous substance or condition at any site, and its compensation is in no way commensurate with the potential liability that may be associated with a substance or site.

To the fullest extent permitted by law, the total liability, in the aggregate, of Colliers Engineering and Design and Colliers Engineering and Design's officers, directors, employees, agents and consultants to Client and anyone claiming by, through or under Client, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of in any way related to Colliers Engineering and Design's services, the Project or this Agreement, from any cause or causes whatsoever, including but not limited to, negligence, strict liability, breach of contract or breach of warranty shall not exceed the total compensation received by Colliers Engineering and Design under this Agreement, not including reimbursable expenses and any subconsultant/subcontractor fees rendered on the project.

It is intended by the parties to this Agreement that Colliers Engineering and Design's services in connection with the project shall not subject Colliers Engineering and Design's individual employees, officers or directors to any personal legal exposure for the risks associated with this project. Therefore, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and /or asserted only against Colliers Engineering and Design, a New Jersey corporation, and not against any of Colliers Engineering and Design's employees, officers or directors.

11.0 LIABILITY TO THIRD PARTIES:

The Client agrees to be solely responsible for, and to defend, indemnify, and hold Colliers Engineering and Design harmless from any and all liabilities, claims, damages and costs (including reasonable attorney's fees and defense costs) by third parties arising out of, or in any way related to, our performance or non-performance of services, except claims for personal injury, death, or personal property damage to the extent caused by the sole negligence, gross negligence or willful misconduct of employees of Colliers Engineering and Design.

12.0 INDEMNIFICATION:

Colliers Engineering and Design shall maintain, at its own expense, Workers Compensation Insurance, Comprehensive General Liability Insurance and Professional Liability Insurance at all times and will, upon request, furnish insurance certificates to the Client.

To the fullest extent permitted by law, Client shall indemnify, defend and hold harmless Colliers Engineering and Design and its agents, officers, directors and employees, subcontracts or consultants (herein for the remainder of this section collectively referred to as Colliers Engineering and Design) from and against all claims, damages, losses and expenses, whether direct, indirect or consequential or punitive, including but not limited to fees and charges of attorneys and court and arbitration costs, arising out of or resulting from the services of Colliers Engineering and Design or any claims against Colliers Engineering and Design arising from the acts, omissions or work of others, unless it is proven in a court of competent jurisdiction that Colliers Engineering and Design is guilty of negligence, gross negligence, or willful misconduct in connection with the services and such negligence, gross negligence, or willful misconduct was the sole cause of the damages, claims, and liabilities.

Client agrees to defend, indemnify and hold harmless Colliers Engineering and Design from and against all claims, damages, losses and expenses, direct or indirect, and consequential damages, including but not limited to fees and charges of attorneys and court, and arbitration costs, brought by any person or entity, or claims against Colliers Engineering and Design which arise out of, are related to, or are based upon, the actual or threatened dispersal, discharge, escape, release, or saturation of smoke, vapors, soot, fumes, acids, alkalis, toxic chemical, radioactive materials, liquids, gases, or any other material, upon it or into the surface or subsurface soil, water or watercourse, objects, or any tangible or intangible matter.

To the fullest extent permitted by law, such indemnification shall apply regardless of the fault, negligence breach of warranty or contract, or strict liability of Colliers Engineering and Design. This indemnification shall not apply to claims, damages, losses, or expenses which are determined by a court of competent jurisdiction to be the sole result of negligence or willful misconduct by Colliers Engineering and Design of obligations under this Agreement.

13.0 ASSIGNS:

The Client may not delegate, assign, sublet, or transfer his duties or interest in the Agreement without written consent of Colliers Engineering and Design.

Colliers Engineering and Design shall not, in connection with any such assignment by the Client, be required to execute any documents that in any way might, in the sole judgment of Colliers Engineering and Design, increase Colliers Engineering and Design's contractual or legal obligations or risks, or the availability or costs of its professional or general liability insurance.

The Agreement shall not create any rights or benefits to parties other than the Client and Colliers Engineering and Design, and nothing contained in this Agreement shall create a contractual relationship with, or a cause of action in favor of, a third party against either the Client or Colliers Engineering and Design. Colliers Engineering and Design's services hereunder are being performed solely for the benefit of the Client, and no other entity shall have any claim against Colliers Engineering and Design because of this Agreement of Colliers Engineering and Design's performance or nonperformance of services hereunder.

14.0 OWNERSHIP AND RESTRICTION ON REUSE OF DOCUMENTS:

All drawings, calculations, reports, plans, specifications, computer files, field data, notes, and other documents and instruments ("Documents") prepared by Colliers Engineering and Design are and remain the property of Colliers Engineering and Design as instruments of service. The Documents may not be copied by the Client or others on extensions of this project or on any other project. The Client agrees not to use Colliers Engineering and Design's Documents for marketing purposes, for projects other than the project for which the Documents were prepared by Colliers Engineering and Design, or for future modifications to this project, without Colliers Engineering and Design's express written permission. Any reuse or distribution to third parties without such express written permission or project-specific adaptation by Colliers Engineering and Design will be at the Client's sole risk and without liability to Colliers Engineering and Design or its employees, subsidiaries, independent professional associates, sub consultants, and subcontractors. The Client shall, to the fullest extent permitted by law, indemnify, defend, and hold harmless Colliers Engineering and Design from and against any and all expenses, fees, demands, liabilities, suits, actions, claims, damages or losses including attorneys' fees and costs, arising out of or resulting from such unauthorized distribution or reuse of Documents.

Computer files are not considered part of deliverables unless specifically requested or required by the signed contract. If computer files are required, Colliers Engineering and Design shall provide Client files subject to the following conditions:

The Client must execute our standard Electronic Media Release form prior to any distribution of files. The Client recognizes that data, plans, specifications, reports, documents or other information recorded on or transmitted as electronic media are subject to undetectable alteration, either intentional or unintentional due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, it is understood that electronic files provided to the Client are for informational purposes only and are not intended as an end-product. Colliers Engineering and Design makes no representation of any warranties, either expressed or implied, regarding the fitness or suitability of the electronic documents. Accordingly, the Client agrees to waive any and all claims against Colliers Engineering and Design and Colliers Engineering and Design's consultants relating in any way to the unauthorized use, reuse or alteration of the electronic documents. Any unlicensed use or reuse of the documents without our written consent will constitute a violation of our copyright. Only original plans and reports of the most recent date bearing the signature and the embossed seal of the professional will be considered documents of record.

Colliers Engineering and Design, shall maintain in its storage facility, samples collected as part of their services provided for a period of three (3) months after issuance of final reports. After the three (3) month time limit, all samples will be disposed of in accordance with appropriate regulations at the time. Extended storage of samples can be arranged at an additional cost to be established on a project by project basis.

15.0 GENERAL CONDITIONS:

Colliers Engineering and Design shall not be responsible for the delays caused by factors beyond its reasonable control, including but not limited to delay due to accidents, an act of God, fire, hurricane, flood, explosions, strike, boycott or other labor dispute, failure of the Client to furnish timely information or approve or disapprove of Colliers Engineering and Design's services or work product, delays caused by faulty performance by the Client or contractors of any level, or by acts of Government, which, in the opinion of Colliers Engineering and Design, could not have been reasonably foreseen and provided for, such delay will entitle Colliers Engineering and Design to an extension of time in performing its Services. If there is any increase in the total cost of providing Services by reason of any such delay, Colliers Engineering and Design will notify Client of particulars, and Client will pay for such increase. When such delays beyond Colliers Engineering and Design's reasonable control occur, the Client agrees that Colliers Engineering and Design shall not be responsible for damages, nor shall Colliers Engineering and Design be deemed in default of this Agreement.

The fees quoted in this proposal assume that upon authorization, this project will commence through to completion without a stop work order from the Client. Should a stop work order be received from the Client before completion of the project or any task, additional fees may be required to restart the project.

16.0 CONSTRUCTION OBSERVATION SERVICES:

If the Scope of Services for this Agreement includes construction observation services, then the following provisions shall apply:

During the project construction phase, Colliers Engineering and Design shall consult with and advise Client and act as Client's representative as provided in the Scope of Services provided in Colliers Engineering and Design's Proposal. The extent and limitations of the duties,

responsibilities and authority of Colliers Engineering and Design as outlined in the Scope of Services provided in Colliers Engineering and Design's Proposal shall not be modified, except as Colliers Engineering and Design and Client may otherwise agree in writing.

Colliers Engineering and Design services during the construction phase are intended to provide Client a greater degree of confidence that the completed work of Contractor will conform in general to the approved plans and related documents. Colliers Engineering and Design shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work and Colliers Engineering and Design shall not, during visits to the project site or as a result of observation of Contractor's work in progress, supervise, direct or have control over Contractor's work nor shall Colliers Engineering and Design have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by Contractor, for safety precautions and programs incident to the work of Contractor or for any failure of Contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to Contractor's furnishing and performing the work. Accordingly, Colliers Engineering and Design neither guarantees the performance of any Contractor nor assumes responsibility for any Contractor's failure to furnish or perform its work in accordance with the Contract Documents.

If the Scope of Services for this Agreement includes Design Services but does not include Construction Phase Services, then the following provisions shall apply:

It is understood and agreed that Colliers Engineering and Design's services under this Agreement do not include project observation or review of the Contractor's performance or any other construction phase services, and that the Client will provide such services. The Client assumes all responsibility for any interpretation of the Contract Documents or construction observation and supervision performed by others and expressly waives any claims against Colliers Engineering and Design that may be in any way connected thereto.

In addition the Client agrees, to the fullest extent permitted by law, to defend, indemnify and hold Colliers Engineering and Design harmless from any loss, claim or cost, including reasonable attorney's fees and cost of defense, arising or resulting from the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the design plans, reports, or any other documents produced by Colliers Engineering and Design.

If the Client requests in writing that Colliers Engineering and Design provide any specific construction phase services and if Colliers Engineering and Design agrees in writing to provide such services, Colliers Engineering and Design shall be compensated in accordance with a written Agreement between the Client and Colliers Engineering and Design.

17.0 OPINIONS OF PROBABLE COST:

In reviewing Colliers Engineering and Design's opinions of probable construction cost, the Client understands that Colliers Engineering and Design has no control over costs or the price of labor, equipment or materials, or over the Contractor's method of pricing, and that any opinions of probable construction costs provided by Colliers Engineering and Design are to be made based on Colliers Engineering and Design's judgment, qualifications and experience as a design professional familiar with the construction industry. Colliers Engineering and Design makes no representation or warranty, expressed or implied, as to the accuracy of such opinions as compared to bid or actual costs.

18.0 HAZARDOUS MATERIALS:

If the Scope of Services for this Agreement does not include services related to hazardous materials, then the following provision shall apply:

It is acknowledged by both parties that Colliers Engineering and Design's Scope of Services does not include any services related to asbestos or hazardous or toxic materials. In the event Colliers Engineering and Design or any other party encounters asbestos or hazardous or toxic materials at the project site, or should it become known in any way that such materials may be present at the project site or any adjacent areas that may affect the performance of Colliers Engineering and Design's services, Colliers Engineering and Design may, at its sole option and without liability for consequential or any other damages, suspend performance of services on the project until the Client takes steps to identify, abate and/or remove the asbestos or hazardous or toxic materials, and to warrant that the project site is in full compliance with applicable laws.

If the Scope of Services for this Agreement includes services related to hazardous materials, then the following provision shall apply:

In consideration of the substantial risks to Colliers Engineering and Design posed by the presence or suspected presence of asbestos or hazardous or toxic materials on or about the project site, the Client agrees, to the fullest extent permitted by law, to defend, indemnify and hold harmless Colliers Engineering and Design, its officers, directors, employees, agents and independent consultants and any of them from all claims and losses, including reasonable attorney's fees and defense costs, arising out of, or in any way connected with, the performance or nonperformance of the obligations under this Agreement unless and until there has been an adjudication by a court or forum of competent jurisdiction that the claims at issue are a direct result of sole negligence of Colliers Engineering and Design.

19.0 TOPOGRAPHIC MAPPING:

If the Scope of Services for this Agreement includes topographic mapping, then the following provisions shall apply:

Colliers Engineering and Design shall perform the services necessary to produce the required topographic mapping and/or shall retain an independent sub consultant to perform topographic mapping services. The topographic mapping shall be prepared in conformance with generally accepted standards for aerial mapping services. Colliers Engineering and Design's sole responsibility and liability with regard to the accuracy or completeness of the topographic mapping is limited to the correction of any inaccurate information, and this shall be the Client's sole remedy related to the adequacy or accuracy of the topographic mapping and any information derived from the data.

If the location of subsurface information (i.e., underground utilities, storage tanks, structures, etc.) is to be provided by Colliers Engineering and Design, the topographic survey shall be limited to the extent of the information provided by the Client or others. Colliers Engineering and Design

shall not be responsible for any unknown conditions not identified in the information provided to Colliers Engineering and Design or any unknown condition beyond the reasonable scope of the information obtained as a result of any testing, test pit excavations, boring, or samples taken by Colliers Engineering and Design.

20.0 EARTHWORK ANALYSIS:

In reviewing Colliers Engineering and Design's earthwork analysis, calculations, reports or opinions, the Client understands that Colliers Engineering and Design's data is based on the topographic mapping used as a Base Map for plan preparation and that this topographic mapping has certain standard tolerances and accuracy limits. The Client further understands that due to earthwork differences that result from topographic map accuracy limitations, construction changes, topsoil depth, replacement of unsuitable soils, weather conditions, construction methods, soil conditions, earthwork calculation methods, soil volume calculation methods and other factors, some of which are unique to each contractor and construction site, it is not possible to definitively predict quantities that will ultimately be determined to be associated with a particular project. Earthwork data provided by Colliers Engineering and Design is provided to assist the Client in understanding the general earthwork requirements. Since some degree of uncertainty may still exist, Colliers Engineering and Design's sole responsibility and liability with regard to the accuracy or completeness of the earthwork analysis is limited to the correction of any inaccurate information. To determine actual quantities and costs associated with required earthwork, the Client must solicit actual construction bids from qualified contractors and must require such contractors to determine existing topographic conditions, subgrade conditions, construction plans and procedures.

21.0 GOVERNING LAW:

The laws of the State within which the project is being performed will govern the validity of this Agreement, its interpretation and performance. Any litigation arising in any way from this Agreement shall be sought in that State or in a Federal Court, venued in that State.

22.0 INVALID TERMS:

In the event any of these Contract Provisions are found to be illegal or otherwise unenforceable, the unenforceable Contract Provision will be stricken. Striking such a Contract Provision shall have no effect on the enforceability of the remaining Contract Provisions and those remaining Contract Provisions shall continue in full force and effect as if the unenforceable Contract Provision were never included in the Agreement.

23.0 SURVIVAL:

All express representations, indemnifications or limitations of liability made in or given in this Agreement will survive the completion of all services of Colliers Engineering and Design under this Agreement or the termination of this Agreement for any reason.

24.0 ENTIRE AGREEMENT:

This Agreement comprises the final and complete Agreement between the Client and Colliers Engineering and Design. It supersedes all prior or contemporaneous communications, representations, or Agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly, has had the opportunity to have questions explained by independent counsel and is satisfied with the terms and conditions contained herein. Amendments to this Agreement shall not be binding unless made in writing and signed by both the Client and Colliers Engineering and Design.

To the extent Client provides its own Agreement and that Agreement conflicts with or is silent with respect to any term or condition expressed herein, these conditions shall prevail and shall be binding upon the parties.

Colliers
Engineering & Design

Section III – Rate Schedule

Technical Staff Rates 2021	
Billing Titles	**Hourly Rates**
Executive Principal	315.00
Senior Principal	305.00
Principal	285.00
Senior Technical Director	235.00
Senior Project Manager	200.00
Technical Director	195.00
Project Manager	190.00
Senior Project Specialist	175.00
Project Specialist	165.00
Technical Professional	155.00
Technical Specialist	135.00
Specialist	130.00
Senior Data Technician	125.00
Senior Technical Assistant	110.00
Technical Assistant	95.00
Field Technician	85.00
Data Technician	80.00
Survey Crew – 2 Man	205.00
Survey Crew – 1 Man w/Robotic Equipment	180.00
SUE Crew (designating) – 1 Man	120.00
Additional (designating) Member	45.00
SUE Crew (locating) – 2 Man	180.00
Additional (locating) Member	40.00
Expert Witness	355.00

Reimbursable Expenses	
General Expenses	Cost + 15%
Travel (Hotel, Airfare, Meals)	Cost + 15%
Sub-Consultants/Sub-Contractors	Cost + 20%
Plotting	3.95 / Each
Computer Mylars / Color Plots	75.00 / Each
Photocopies	0.18 / Each
Color Photocopies	1.95 / Each
Document Binding	3.75 / Each
Portable Media	75.00 / Each
Exhibit Lamination (24" x 36" or larger)	75.00 / Each
Initial Digital Signature	250.00
Additional Digital Signatures	60.00 / Each
Mileage Reimbursement*	0.56 / Per Mile
	Field Vehicle 0.75 / Per Mile

*Mileage reimbursement subject to change based upon IRS standard mileage rate.

Master Schedule

Rates are effective through December 31, 2021

Colliers
Engineering
& Design

Section IV – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature	Date
Printed Name	Title

If you find this proposal acceptable, please sign where indicated above in Section IV, and return one signed copy to this office. This proposal is valid until June 1, 2021.

We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

Stephen Gomba
Department Manager

SMG/crc

cc: Leonardo E. Ponzio, PLS, Colliers Engineering & Design (via email)

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Office of the Mayor of the Borough of Englishtown Proclamation

In Celebration of Women's History Month "Honoring Rita McNulty"

WHEREAS, Rita was born and raised in Sayreville, New Jersey and grew up with 7 siblings, one brother and six sisters. Rita's family grew up struggling, but that did not stop Rita from growing up with a heart of gold – and still does; and

WHEREAS, She had her first daughter at a young age, and eventually had two more girls. Rita raised her daughters as a hard-working mother; and

WHEREAS, In December of 2005, she met the love of her life, Peter J. McNulty and they made their home together in Englishtown. She is now a grandmother of six children; and

WHEREAS, Every year on these holidays; Easter, Christmas, and Thanksgiving, she cooks dinners for the Englishtown Police Department and she's also been known to cook apple, pumpkin and other flavorful pies to keep the officers happy; and

WHEREAS, She started her site with her two daughters Gidget and Tabatha in 2013 called "Paying it Forward in Englishtown/Manalapan and Surrounding Areas". This site is where a community of people chosen by Rita all come together and donate to families in need. For example, every year in the beginning of September she received school supplies and backpacks for over hundreds of kids, and puts them together with love; and

WHEREAS, Every Thanksgiving she receives all different types of food needed for a thanksgiving dinner, and she puts each and every person's list of food in a bag and or basket and delivers them. She has even cooked multiple turkeys and hams for people who couldn't do it themselves. Continuing on, every December she gathers coats, boots, sweaters, gloves, and warm winter clothes and gives them to anyone in need; and

WHEREAS, This past Christmas Rita and her family collected gifts for over 60 children in need. In some cases, she cooked dinners for families in need. Rita also puts together Easter baskets with hand-made chocolate for children; and

WHEREAS, She has even given her time to the local nursing home she has now adopted and has held clothing, food, and blanket drives for them. Friends and family can tell you; Rita has also given random strangers a drive to wherever they needed; She has paid people's bills with her own money, even with no donations; She brought in home cooked meals to whoever needed them; She's even given the shirt off her back to someone who needed it; She also helps many other sites if needed: such as "Manalapan Helps"; She's collected for the military to have care packages shipped overseas; and

WHEREAS, One of the biggest parts of her life are her animals, even ones that aren't hers. She's been able to get wounded animals the care and help they need to be rehabilitated and released them into their natural habitat. For those that live nearby, you can see her red and green macaw, Tequila, entertaining children in the neighborhood as he sings and dances on the fence surrounding the McNulty house; and

WHEREAS, Despite all of the good things Rita has done for her neighbors and those in need, several medical situations have impacted her family. She was providing care for her middle daughter Tabatha who was suffering from major back and health problems – Rita was there to help her get healthy again; and

WHEREAS, Her eldest daughter Gidget has been struggling with non Hodgkin's Lymphoma cancer since last year, Rita cares for her daughter's children while Gidget receives her medical treatments; and

WHEREAS, Her daughter Christine was in a major car accident and went through several terrible back surgeries, Rita was there to help her too – this meant holding a full-time job at the time, and then traveling back and forth to the hospital in Manhattan for months on end. This also meant helping to pay for medical bills and therapy. Rita is a woman to be recognized for being a mother, grandmother, and friend to all she meets in her many roles in Englishtown;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, that in celebration of Women's History Month, we recognize, honor and pay tribute to the amazing achievements of ***Rita McNulty,*** who has shaped, enriched and enlightened our community with her warm heart, hard work and dedication and we hereby proclaim April 28, 2021 Rita McNulty Day in the Borough of Englishtown.

April 28, 2021
Dated

_____
Mayor Thomas Reynolds

**** WORKSHOP AGENDA ****
March 24, 2021
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: Women's History Month Candidate – C/Gregory Wojyn
   Budget Workshop – CFO – Sylvia Eryan-Hawileh
3. Adjournment

The workshop meeting was called to order by Mayor Reynolds at 6:43 P.M.

Roll Call: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Discussion Items:

Women's History Month – C/Wojyn has recommended Rita McNulty, a longtime Englishtown resident as the recipient for this year. Mayor and Council agree. Presentation will be at the April 28th scheduled meeting.

Budget Workshop – CFO Sylvia Eryan-Hawileh presented to 2021 Municipal Budget.

The 2021 Municipal Budget Complies with the LEVY CAP & APPROPRIATION CAP.

Notes:	2021 penny = $27,687.93	2020 penny = $26,380.96
	Available Surplus $793,996.58	Available Surplus $828,456.77
	Utilized $300,000	Utilized $400,000
	2021 surplus balance = $493,996.58	2020 surplus balance = $428,456.77

The Value of the Penny increased by $1,306.97

The 2021 Municipal Budget is $77,825.00 LOWER than the 2020 Municipal Budget
This budget is prepared with a recommendation to not increase the tax rate.

Analysis of Tax Levy CAP:
Tax Levy Cap Bank is balanced.
2021 Budget Tax Levy CAP is $1,744,212
Total Allowable for 2021 Tax Levy CAP = $1,729,781
Levy Cap Bank used from 2018 was $14,431

Amount left in 2021 Levy CAP Bank is $0.00 .
Amount in 2020 Levy CAP Bank available to use in 2021-2023 is $138,198
Amount in 2019 Levy CAP Bank available to use in 2021-2022 is $19,321
Amount in 2018 Levy CAP Bank available to use in 2021 is $50,182

Revenues

- All Revenues remained the same as 2020 except for the following:
  - Increase in Surplus (without the $140,000 payoff Ban) $ 40,000
    Note: 2020 Surplus originally $260,000
  - Increase in General Capital Surplus $ 5,413
  - Increase in Sewer Utility Surplus $ 30,000
  - Increase in Tower Lease $ 5,000
  - Decrease in Municipal Court Fine ($68,000)
  - Decrease in Interest on Investment ($13,000)
  - Decrease in Off Duty Police Admin Fee ($ 5,000)
  - Decrease in Cable Franchise Fees ($ 5,343)

Expenditures

Included in this budget are Increases of :

- Contractual Salaries $18,000
- Data Processing Salary $26,000
- Data Processing OE $12,744 (Reallocated $18,000 from Various Accts)
- Police OE $ 3,100
- Solid Waste Collection $ 5,000

Included in this budget are decreases of:

- Debt Service $ 6,425
- Pension-Police & Fire $24,600
- Pension RERS $ 8,245
- Legal Services $ 5,000
- Building & Grounds $ 2,500
- Public Safety Grants $ 9,000 (Recycling Tonnage/Drive Sober)

Most Department Budgets either remained the same or had a reduction.
Please refer to the attached budget spreadsheets for detail and explanations.

This Budget represents a Decrease in spending by $77,825 however the budget increased spending by $62,175 if we didn't budget the $140,000 to pay off the BAN in 2020. Revenue in 2021 decreased by $10,930 due to COVID related closures.

Amount to be Raised by Taxation in year 2021 is $1,744,212.18 divided by $27,687.93. (value of penny) equals a tax rate of .630 TAX RATE INCREASE of 0 cent
In 2020.... $1,662,350.82 divided by $26,364.47 = .631 tax rate

The ESTIMATED total 2021 Tax Rate assumes a 2% increase for County and School Taxes.

There were NO Capital Improvement Projects requested from departments this budget year.

CFO Eryan-Hawileh answered questions from Mayor and Council. The CFO reminded Council that beginning next year in the 2022 budget the revenue loss deferral from Covid-19 needs to be budgeted for five consecutive years. Mayor Reynolds stated that the 2021 Budget will be introduced at the April Council Meeting with a public hearing and adoption at the May Council Meeting.

There being no further business a motion to adjourn the workshop was offered aby C/Robilotti, Seconded by C/Krawiec. The time being 7:05 PM.

****AGENDA****

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
   January 27, 2021 Meeting
   January 27, 2021 Executive Session

5. Proclamation Supporting the 2021 UDrive, UText, UPay Distracting Driving Crackdown April 1 – 30, 2021

6. Committee Reports

7. Correspondence

8. 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.

9. New Business:

   A. Ordinance No. 2021-01 - First Reading &Introduction
      Amending & Supplementing Chapter 1.30.09 "Personnel Policies" of the Code of the Borough of Englishtown Deleting Section 1.30.09D Extended Personal Leave

   B. Ordinance No. 2021-02 - First Reading &Introduction
      An Ordinance of the Mayor and Council of the Borough of Englishtown Amending and Supplementing Various Sections of the Code of the Borough of Englishtown

   C. Resolution No. 2021-056
      Appointment of Animal Control Officer

D. Resolution No. 2021-057
Authorizing the County of Monmouth Mosquito Control Division to Conduct Aerial Mosquito Control Operations Within the Borough of Englishtown

E. Resolution No. 2021-058
Authorizing Signing of Professional Contracts

F. Resolution No. 2021-059
Authorizing Refund of Tax Sale Certificate & Refund of Premium Paid at Tax Sale Block 18, Lot 11

G. Resolution No. 2021-060
Authorizing Borough Employees to Carry Over Remaining Vacation Time to the Year 2021

H. Resolution No. 2021-061
Authorizing Borough Employees to Bank Remaining 2020 Sick Leave Time

I Resolution No. 2021-062
Emergency Temporary Appropriations

J. Resolution No. 2021-063
Payment of Borough Bills –February 2021

K. Resolution No. 2021-064
Amending Resolution Authorizing Person to Person and Place to Place Transfer of Plenary Retail License

L. Resolution No. 2021-065
Authorization of Purchases Over $2625.00
Payment to County of Monmouth –Police Vehicle Repair

M. Resolution No. 2021-066
Payment of Borough Bills –March 2021

N. Resolution No. 2021-067
Emergency Water Break – Wood Avenue & Hospitality Way

O. Resolution No. 2021-068
Shared Services Agreement with Manalapan Township for Deputy Municipal Court Administrator

P. Resolution No. 2021-069
Shared Services Agreement with Manalapan Township for Certified Public Works Manager

Q. Resolution No. 2021-070
Accepting Resignation of P/T DPW Employee Vincent Santorelli

R. Resolution No. 2021-071
Award of Contract for the 2020 Road Program

S. Resolution No. 2021-072
Accepting Resignation of Police Officer Dylan R. Croker

T. Resolution No. 2021-073
Appointment of Full Time Police Officer Dylan J. McLearen

U. Resolution No. 2021-074
Conditional Offer of Employment for Special Law Enforcement Class II Officer Alexander M. Pires

V. Resolution No. 2021-075
Authorizing Police Chief to Interview and Appoint Class II Special Law Enforcement Officer

10. Tax Collector's Reports:
- 2020 Annual Report
- January 2021
- February 2021

11. 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 implies or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

12. Executive Session

13. Adjournment

The meeting was called to order by Mayor Reynolds at 7:06 P.M.

Roll Call: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Also present was Deputy Municipal Clerk Laurie Finger, CFO Sylvia Eryan-Hawileh, Mayor Tom Reynolds, and Attorney Joseph Youssouf. Excused was Municipal Clerk Peter Gorbatuk. There were also (3) remote participants.

Attorney Youssouf 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. This 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: January 27, 2021 Meeting
January 27, 2021 Executive Session

There being no corrections, deletions or additions, a motion to approve the January 27, 2021 meeting minutes and January 27, 2021 Executive Minutes by C/Wojyn and Seconded by C/ Robilotti.

Roll Call: Ayes: C/Francisco, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nayes: None
Abstain: C/Krawiec
Absent: None

Mayor Reynolds read the following Proclamation:

Proclamation Supporting the 2021 UDrive. UText. UPay. Distracted Driving Crackdown April 1 – 30, 2021

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2020 alone distracted driving-related crashes resulted in 3,477 deaths and 391,000 injuries on our nation's roads; and

WHEREAS, Driver inattention was in fact listed as a contributing factor in crashes at a rate nine times higher than that of the next highest contributing factor (speed); and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2021 Crackdown* from April 1 – 30, 2021 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is *UDrive. UText. UPay*;

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

NOW, THEREFORE, be it resolved that Mayor Thomas Reynolds, along with the Council Members declares its support for the *Distracted Driving 2021Crackdown* both locally and nationally from April 1 – 30, 2021 and pledges to increase awareness of the dangers of distracted driving.

Committee Reports:

Public Buildings & Grounds
Councilman Mann reported:

- There were several snow events this winter where the crew worked significant overtime hours. The Borough also ran low on salt and they were fortunate to utilize the County Co-op Program at a lower cost per ton than our current vendor.

Technology
Councilman Marter reported:

- The Borough website usage has increased by 15%. There are approximately 2,000 users. The email mailing list is up by 252 users.
- C/Wojyn commented that he will be able to upload a link to the website that will provide access to the Department of Community Affairs forms and State permits.

Code Enforcement, Public Health, Public Events
Councilman Francisco reported:

- Code Enforcement – Richard Thompson made us aware of some 17 notices made for not shoveling during the snowstorms and 4 basketball hoops hanging over public streets. There was a complaint re: sump pump. He issued the 1st garage sale warning. He reminded Mayor and Council for the need of a permit form to be established for the garage/yard sales and residents need to be notified about the permit process. A copy of the permit must be given to Code and Police Dept.
- There was also discussion about the down trees at the cemetery and the need for a historical title search and deed.

Legislative, Insurance & Licenses
Councilman Marter reported: No report at this time.

Public Safety
Councilman Wojyn reported:

- The monthly Police report for January and February were unavailable.

Public Utilities
Councilwoman Krawiec reported:

- Heat Exchanger Repair: the exchanger was covered under warranty. Only cost was labor.
- The motor for the condenser exhaust needs to be replaced. A proposal is being obtained.
- Estimate received for a water heater replacement of approx. $1300. This will be addressed later in the year if money is available in the Water Budget.
- There was a water main break on Feb. 11th on Wood Avenue & Hospitality Way costing over $30,000 to repair and replace piping. This cost is being charged to water capital outlay.
- The department is continuing to do maintenance without own resources rather than using money.
- Looking into the American Recovery Act as a way to recover aged receivables.

Administration, Finance & Personnel
Councilwoman Robilotti reported:

- Our clerk Peter Gorbatuk is still out due to health reasons. We all wish him a quick recovery.
- The Borough received a resignation letter from P/T DPW worker Vincent Santorelli. His last day is April 9th.
- Was unable to attend the Planning Board Meeting this month. Mayor Reynolds updated the Council by stating that the Industrial Park came before the board with plans to build 3 additional buildings in Manalapan.

Correspondence

- Received the executed $120,000 Grant Approval from NJDOT for Improvements to West Dey Street. Construction contract must be awarded by November 16, 2022.
- Received denial letter from NJDOT for Safe Street to Transit Grant Program for 2021
  Program
- Received Meeting Notice from Manalapan-Englishtown School next Board Meeting will take place on April 6th at 7:30pm at MEMS.
- Received notification Monmouth County SCAT will provide free transportation for our senior/disable residents to obtain the Covid-19 vaccine. Need to contact the County to schedule the trip.
- Certified resolution from the County urging immediate repeal of Senate Bill 3454 Legalize Marijuana
- Two Ordinances from Manalapan.
  a. Affordable Housing amendment to include exempting a development fee for residential structures demolished and replaced as a result of fire, flood or other natural disaster. Public Hearing taking place on March 24th.
  b. Affordable Housing amendment to include a new affordable housing zone district entitled Affordable Housing Multi Family Zone
  Public Hearing will take place April 14th.
- Fire District No. 1 Annual Report for 2019 on file in the Clerk's Office
- Mayor & Council Received from the CFO on February 4th the January 2021 Budget Report and on March 6th the February 2021 Budget Report.

Public Portion – Agenda Items Only

Mayor Reynolds opens the floor to the public discussion limited to agenda items only. Motion by C/Francisco and second by C/Mann.

Steven Bloom of Englishtown questioned the new stimulus money that the Borough will receive of approx. $188,000. The Mayor commented that as of now there are no guidelines issued on how the money can be used. Mr. Bloom questioned the need for the shared services agreement for a CPWM. The Mayor explained that the Borough needs a supervisor for public works and they need to have this certification. Mr. Bloom questioned the code changes and stated that the current code is not online and cannot be compared to the changes. Asked if the code can be put online. He also suggested a traffic study be done first. Chief Cooke addressed the issues of the traffic & safety concerns.

Christine Robbins-18 Hamilton Avenue voiced concerns to the changes to Hamilton Avenue going from 2-way street to a 1-way and how it will affect her. Chief Cooke explained that the street is narrow and already has one side only parking. It is still very difficult to get emergency vehicles down that road. Ms. Robbins objected to the change.

Chief Cooke addressed the Council in regard to the change in the Personnel Policy re: eliminating the "Extended Personal Leave". He cited N.J.S.A. 34:13A-5.38 that changes in employment must be part of the PBA Contract. Attorney Youssouf disagreed.

Richard Thompson Code Enforcement Officer also opposes elimination of the extended leave police that is not covered under FMLA.

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

Old Business: NONE

New Business:

BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION
ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1.30.09 "PERSONNEL POLICIES" OF THE CODE OF THE BOROUGH OF ENGLISHTOWN DELETING SECTION 1.30.09.D EXTENDED PERSONAL LEAVE

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 1.30.09.D is hereby amended as follows:

ARTICLE I

LEGISLATIVE FINDINGS: The Mayor and Council of the Borough of Englishtown heretofore adopted a Personnel Manual governing various employee related matters that may arise during the course of employment by the Borough. Among the policies instituted was Section 1.30.09.D that provides employees may be granted extended personal leave of up to (1) year in the sole discretion of the Council provided that the leave does not cause "...undue operational disruption.)

The Mayor and Council find that said provision is no longer viable given the limited work force employed by the Borough and the tightly constrained municipal budget and tax base.

SECTION I-PURPOSE: The purpose of this Section is to completely repeal and eliminate the "Extended Personal Leave" provisions contained in this ordinance and the Personnel Manual.

ARTICLE II

A. ELIMINATION AND REPEAL: Section 1.30.09.D "Extended Personal Leave" is hereby repealed and eliminated as official Borough Policy. All references to this

policy, whether contained in this ordinance or the Borough Personnel Police, are deleted and removed by reference.

ARTICLE III
SEVERABILITY

Should any portion, section or subsection of this ordinance amendment be ruled invalid or unconstitutional by a court of competent jurisdiction, such provision, portion, section or subsection shall be deemed severable and shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

ARTICLE IV
EFFECTIVE DATE

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

Offered By: C/Mann

Seconded By: C/Marter

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN **FIRST READING & INTRODUCTION**
ORDINANCE NO. 2021-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTWON AMENIDNG AND SUPPLEMENTING VARIOUS SECTIONS OF THE CODE OF THE BOROUGH OF ENGLISHTOWN

WHEREAS; The Chief of Police of the Borough and the Borough Code Enforcement Officer have recommended that various provisions of the Code of the Borough of Englishtown be amended and supplemented to facilitate enforcement of the Code and clarify various provisions to make them comport with State Law and Administrative guidelines.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Englishtown that the following specified sections and provisions of the Code of the Borough of Englishtown are amended and supplemented as specified below:

ARTICLE I

CHAPTER 2.93-09

(NEW SECTION) SECTION 2.93.09 D.

VIOLATIONS AND PENALTIES:

Any person business entity or organization who violates the provisions of this Article shall, upon conviction thereof, be liable to a penalty of not less than one hundred dollars ($100.00) or imprisonment for a term not to exceed thirty (30) days, or both, for each offense, in the discretion of the Court.

CHAPTER 2.98.04

SECTION 2.98.04 K. is revised as follows:

Upon submission of an application for a license a fee in the amount of twenty five dollars ($25.00) shall be paid to the Borough Clerk. Applications for licenses pursuant to this section shall not be deemed complete until said fee is paid.

CHAPTER 2.100

SECTION 2.100 is revised as follows:

Sections D., E., & G. of Section 2.100.08, 2.100.18 and 2.100.24 are repealed and deleted in their entirety.

CHAPTER 2.109

SECTION 2.109.10 A. (1)(e) Handicapped Parking Standards is hereby amended as follows:

Accessible spaces reserved for use by individuals with disabilities shall be identified by a sign installed 5 to 7 feet above the ground bearing the international symbol of Accessibility and shall also include a penalty notification specifying the mandatory fines for offense. Signs identifying van parking spaces shall contain the designation "van accessible". The parking spaces and access isles shall be painted blue and shall be at least 96 inches (8 Feet) wide for accessible car parking spaces, at least 132 inches (11 feet) wide for van accessible parking and a minimum of 60 inches (5 feet) wide for access isles for both accessible car and van spaces.

(NEW SECTION) SECTION 2.109.10 A.(1) (f) Handicapped Parking Spaces

Total Number of parking spaces required shall be in accordance with the revised and updated ADA standards of accessible design:

1-25 spaces: At least one (1) in each lot. Required number of van accessible spaces if constructed or altered prior to 3/5/12: 1:8; Required number of van accessible spaces if constructed or altered on or after 3/15/12: 1:6.

26-50- 2 in each lot; 51-75-3 in each lot; 79-100-4 in each lot; 101 -150- 5 in each lot; 151-200-6 in each lot; 201-300-7 in each lot; 301-400-8 in each lot; 401-500- 9 in each lot; 501-1000, 2% of total spaces, 1 in every 8 for van accessible spaces.

CHAPTER 2.117

(NEW SECTION) 2.117.09 Exceptions: The provisions of this Chapter shall not be applicable to rideshare services.

CHAPTER 2.118

(NEW SECTION) 2.118.01 F- Electronic Cigarettes: An electronic devise that simulates tobacco smoking, commonly known and identified as " e-cigarettes" and/ or "Vaping". It consists of an atomizer, a power source such as a battery and a container such as a cartridge or tank. Instead of inhaling smoke, the user inhales the vapor.

All references in this Chapter to 18 years of age are deleted and repealed and replaced with the age of 21 years.

CHAPTER 2.121

(NEW SECTION ADD) 2.121.07 Parking Prohibited at all times:

Parking is prohibited on the following specified streets and locations at all times:

Hamilton Street parking restrictions to include the area between Harrison Avenue and Irving Place from the easterly curb line of Main Street to the westerly curb line of Irving Place:

Irving Place from the curb line of Hamilton Street to a point 30 feet southerly to Hamilton Street to Tennent Avenue.

West Dey Street South Side from Main Street to Cul-de-Sac West Dey Street, North Side from Main Street to a point 156 feet West.

Center Street, South Side, from Main Street to Harrison Avenue.

Tennent Avenue, North Side from Main Street to the Manalapan Township Border.

Main Street, West Side from West Dey Street to Water Street form the Northerly Side of the bridge to Water Street. Main Street from the East Side to both Sides, from Park Avenue to Tennent Avenue.

Pine Street, North Side, from Main Street to Harrison Avenue.

SECTION 2.121.08 PARKING PROHIBITED DURING CERTAIN HOURS is amended to delete Pine Street, North Side, 6:00 A.M. to 6:00 p.m. Main Street to Harrison Avenue.

SECTION 2.121.15 Prohibited right turn on red. Add: Water Street East Bound @Intersection of Main Street South Bound between 7:00 A.M. and 7:00 P.M.

SECTION 2.121.25 One Way Designations. Add: Hamilton Street Eastbound, from Main Street to Harrison Avenue. Center Street Westbound from a point 100 feet East of Main Street to Main Street.

CHAPTER 2.130 ADMINISTRATION AND ENFORCEMENT:

SECTION 2.130.21 (Add) It shall be the duty of the Zoning Officer or his/her designee, to review building plans and to inspect buildings and premises to determine their compliance with approved plans, specifications and any and all applicable Borough Ordinances or portions thereof . The Zoning Officer may issue an Order to take corrective action to ensure compliance with all applicable restrictions and regulations pertaining to said property. The Zoning Officer shall have the right to enter any premises or property during regular business hours to conduct any required inspections.

CHAPTER 2.136 (ADD NEW PROVISION) The provisions of Title 2 of the Code of the Borough of Englishtown shall be enforced by the Code Enforcement Officer of the Borough and/or the Police Department of the Borough.

ARTICLE II

SEVERABILITY

Should a Court of competent jurisdiction rule any portion, provision, clause or section of this Ordinance Amendment unconstitutional or invalid , such provision shall be deemed severable and shall not affect the validity of the remaining portions provisions or sections of this Ordinance which shall remain in full force and effect.

ARTICLE III

EFFECTIVE DATE

This Ordinance shall take effect upon its final passage, approval and publication according to law.

Offered By: C/Mann

Seconded By: C/Robilotti

Several concerns were brought up by C/Francisco in regards to changing the regulations. Discussion by Mayor and Council to a possible amendment after the public hearing.

Roll Call:	Ayes:	C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
	Nays:	None
	Abstain:	None
	Absent:	None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-056

APPOINTMENT OF ANIMAL CONTROL OFFICER

WHEREAS, the Mayor and Council of the Borough of Englishtown are knowledgeable that there is a need for an Animal Control Officer to perform Animal Control services within the Borough of Englishtown.

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

1. Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J. is a certified animal control officer who will perform all duties required of the position and outlined in the contract.

2. The Mayor and Municipal Clerk are authorized to execute a 1-year agreement between Jan E. Bilyk (d/b/a Whisper Acres) and the Borough of Englishtown for Animal Control Services for a one-year period commencing March 1, 2021 through February 28, 2022 at an annual compensation of two thousand dollars ($2,000.00).

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 with Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J for Animal Control Services.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Borough of Englishtown Chief Financial Officer and Jan (John) E. Bilyk (d/b/a Whisper Acres).

Offered By: C/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-057

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF ENGLISHTOWN

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all

acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated "congested area", the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Englishtown is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT FURTHER RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

    a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
    b. Such operations will be performed in compliance with applicable Federal and State regulations; and
    c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-058

AUTHORIZING SIGNING OF PROFESSIONAL CONTRACTS

WHEREAS, professional contracts have been submitted to the Municipal Clerk of the Borough of Englishtown and forwarded to the Borough Attorney for review; and

WHEREAS, the Municipal Attorney has reviewed said contracts and has found them to be in compliance with statutory requirements; and

WHEREAS, the members of Council hereby approve the following contracts.

NOW, THEREFORE BE IT RESOLVED by 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 contracts for professional services for:

Bond Counsel	John M. Cantalupo of Archer & Greiner
Auditor	Robert W. Allison of Holman, Frenia, Allison P.A.
Engineer	Thomas J. Herits of Colliers Engineering & Design
Attorney	Joseph Youssouf, Esquire
Prosecutor	Richard Kelly, Esquire
Public Defender	Michael DuPont, Esquire

Offered By: C/Robilotti

Seconded By: C/ Francisco

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-059

AUTHORIZING REFUND OF TAX SALE CERTIFICATE
& REFUND OF PREMIUM PAID AT TAX SALE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to US Bank Global Corp Trust Services:

Tax Sale Certificate No. 20-00005
Block 18, Lot 11
6 Terrace Drive
in the amount of $530.64

WHEREAS, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund paid to obtain said certificate for a total refund amount of $530.64.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of $530.64 to US Bank Global Corp Trust Services, 50 South 16th Street, Suite 2050, Philadelphia, PA 19102.

BE IT FURTHER RESOLVED that a certified true copy of this Resolution be forwarded to the Borough's Tax Collector and Chief Financial Officer.

Offered By: C/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-060

AUTHORIZING BOROUGH EMPLOYEES TO CARRY OVER REMAINING VACATION TIME TO THE YEAR 2021

WHEREAS, several Borough employees have not used all of their allowed vacation time; and

WHEREAS, pursuant to Section 3.2 of the Personnel Policy, employees may carry over a maximum of five (5) unused vacation days into the next calendar year ; and

WHEREAS, the department heads state that the remaining vacation time is as follows:

Jeanne Keevins	3 Vacation Days Remaining
Peter Gorbatuk	5 Vacation Days Remaining
Lisa Langlois	5 Vacation Days Remaining

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above personnel will be allowed to carry their remaining vacation time from 2020 over to the year 2021.

BE IT FURTHER RESOLVED a certified true copy of this Resolution be forwarded to Peter Gorbatuk, Lisa Langlois, Jeanne Keevins, and the Borough Auditor.

Offered By: C/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-061

AUTHORIZING BOROUGH EMPLOYEES TO BANK REMAINING 2020 SICK LEAVE TIME

WHEREAS, several Borough employees have not used all of their allowed sick time in the year 2020; and

WHEREAS, pursuant to Section 3.4 of the Personnel Policy, earned but unused sick leave may accumulate, however in no event shall accrued sick leave exceed 20 days; and

WHEREAS, the department heads state that the 2020 unused sick leave time is as follows:

Jeanne Keevins	15.0	Sick Days Remaining
Peter Gorbatuk	20.0	Sick Days Remaining
Edward Walker	27	Sick Hours Remaining
Vincent Santorelli	13	Sick Hours Remaining
William Murphy	2	Sick Hours Remaining

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above personnel will be allowed to bank their remaining 2020 sick time.

BE IT FURTHER RESOLVED a certified true copy of this Resolution be forwarded to Jeanne Keevins, Peter Gorbatuk, Edward Walker,Vincent Santorelli, William Murphy and the Borough Auditor.

Offered By: C/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-062

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to the need for various operating expenses prior to the adoption of the 2021 Budget and no adequate provision has been made in the 2021 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A.40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L.1951 (N.J.S.A.40A:4-20) including this resolution total $619,150.00

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A-20:

1. Emergency temporary appropriations be and the same is hereby made in the amount of $619,150.00 as per attached sheet.

2. Said emergency temporary appropriations will be provided for in the 2021 budgets.

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-063

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 $712,197.94 are hereby authorized to be paid on February 24, 2021

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/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-064

AMENDED RESOLUTION AUTHORIZING PERSON TO PERSON AND PLACE TO PLACE TRANSFER OF PLENARY RETAIL LICENSE

WHEREAS, Resolution 2020-113 adopted by Mayor and Council on October 28, 2020 needs to be amended to reflect the mailing address of Village Center Holding II LLC; and

WHEREAS, an application was filed for a person to person, place to place transfer of Plenary Retail Consumption License 1312-33-003-012, heretofore issued to Village Center Holdings II LLC with the mailing address of 227 Route 33, Building 2, Unit 7, Manalapan, New Jersey 07726; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

NOW, THEREFORE, BE IT RESOLVED , that the Borough of Englishtown does hereby approve, effective October 28, 2020, the person to person, place to place transfer of the aforesaid Plenary Retail Consumption License with a mailing address of 227 Route 33, Building 2, Unit 7, Manalapan to Yorktown Discount Wines and Liquors LLC 14 Wilson Avenue Units 5-6, Englishtown, NJ 07726, and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to premises located at 14 Wilson Avenue Units 5-6, Englishtown, effective October 28, 2020".

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-065

AUTHORIZATION OF PURCHASES OVER $2625.00

WHEREAS, the Borough of Englishtown Council requires that purchases and services over $2,625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Police Dept. –Maintenance of Motor Vehicle Repair - $6,158.91
Dodge Charger Sedan, Dodge Charger, Chevrolet Tahoe

Services From:

County of Monmouth
Public Works & Engineering Dept.
250 Center Street
Bldg A
Freehold, NJ 07728

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By: C/Robilotti

Seconded By: C/Francisco

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-066

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 $585,483.14 are hereby authorized to be paid on March 24, 2021.

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/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-067

RESOLUTION OF EMERGENCY WATER BREAK

WHEREAS, an emergency has arisen on February 11 thru February 12, 2021 regarding the immediate need for replacement and repair of a water line break on Wood Avenue & Hospitality Way; and

WHEREAS, an emergency contract pursuant to N.JS.A. 40A:11-6, may be awarded without public advertisement for bids and bidding due to the lack of a water supply to Wood Avenue & Hospitality Way residents that created an emergency affecting the public health and safety requiring the immediate work to the water infrastructure system; and

WHEREAS, pursuant to the New Jersey Local Public Contracts Law, specifically N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, the Borough Water Superintendent identified the existence of the actual emergency and the immediate need for the replacement of a portion of the water line: and

WHEREAS, quotes were not able to be obtained to perform this emergency work and B & W Construction was the only contractor that responded who is certified to perform the most responsible work; and

WHEREAS, the Borough Council agrees with the recommendation of the Water Superintendent who declared this to be an emergency procurement under the New Jersey Local Public Contracts Law N.J.S.A.40A:11-6 et. seq., and the contract award may be made without public bidding; and

WHEREAS, the maximum amount of the contract is $30,037.62 and funds are available in Water Capital Outlay Account No.1-05-55-511-500 in the amount

of $30,037.62, as evidenced by the Chief Financial Officer's Certification of Funds dated March 16, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, in the Monmouth County, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to forward a purchase order to B & W Construction, for the installation and repair to a water main pipe on Wood Avenue & Hospitality Way in an amount not to exceed $30,037.62.

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-068

RESOLUTION OF AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH MANALAPAN TOWNSHIP FOR DEPUTY MUNICIPAL COURT ADMINISTRATOR

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Englishtown has identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Borough of Englishtown now wishes to enter into a Shared Services Agreement ("Agreement") for Deputy Municipal Court Administrator with Manalapan Township to provide such service; and

WHEREAS, Manalapan Township has agreed to provide the Borough of Englishtown with the services of its Deputy Municipal Court Administrator pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute a Shared Services Agreement for the position of a Deputy Municipal Court Administrator at an hourly rate of $42.00 per hour, not to exceed $10,000 per annum.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-069

RESOLUTION OF AUTHORIZATION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH MANALAPAN TOWNSHIP FOR CERTIFIED PUBLIC WORKS MANAGER

WHEREAS, the "Uniform Shared Services and Consolidation Act" N.J.S.A. 40A:65-1 through 40A:65-35 (the "Act"), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Englishtown has identified an area where working together through shared services will result in positive outcomes for both municipalities; and

WHEREAS, the Borough of Englishtown now wishes to enter into a Shared Services Agreement ("Agreement") for Certified Public Works Manager with Manalapan Township to provide such service; and

WHEREAS, Manalapan Township has agreed to provide the Borough of Englishtown with the services of its Certified Public Works Manager pursuant to the terms and conditions set forth in a Shared Services Agreement between the Parties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown in the County of Monmouth, State of New Jersey that it hereby authorizes and directs the Mayor to execute a Shared Services Agreement for the position of a Certified Public Works Manager at an hourly rate of $72.00 per hour, not to exceed $9,000 per annum.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-070

RESOLUTION ACCEPTING THE RESIGNATION OF VINCENT SANTORELLI PART TIME PUBLIC WORKS EMPLOYEE

WHEREAS, Part Time Public Works Employee, Vincent Santorelli has served the Borough of Englishtown since June 2019 with dedication and commitment; and

WHEREAS, Vincent Santorelli tendered his resignation with the Borough of Englishtown with his last day of employment being April 9, 2021.

NOW THEREFORE BE IT RESOVED that the Mayor and Council of the Borough of Englishtown regretfully accept the resignation from Part Time Public Works Employee Vincent Santorelli and wish him well in his future.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the Chief Financial Officer and Part Time Public Works Employee Vincent Santorelli.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-071

RESOLUTION AWARDING A CONTRACT FOR THE 2020 ROAD PROGRAM

WHEREAS, Englishtown Borough has received grants from the NJDOT Trust Fund FY 2019 and FY 2020 in the amounts of $150,000 and $154,000 respectively, for the applications known as Hamilton Street, and, Heritage Drive and Raymond Court; and,

WHEREAS, the Borough advertised for bids for both projects as the project known as the 2020 Road Program (Project); and,

WHEREAS, the Borough received nine (9) proposals on March 16, 2021 at 11:00 am, in the Borough offices, for the Project; and,

WHEREAS, Earle Asphalt of Wall, New Jersey is determined to be the lowest responsible bidder after careful review of all of the bids submitted, with a low bid of $435,413,30.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council awards a contract to Earle Asphalt of Wall, New Jersey in the amount of $435,413.30, total bid, for the reconstruction of Hamilton Street, and, Heritage Drive and Raymond Court.

BE IT FURTHER RESOLVED, that the award of the contract is conditioned upon the Borough Attorney's review and approval of the bid documents, NJDOT approval, and certification by the Borough's Chief Financial Officer of the availability of funds for this project.

BE IT FURTHER RESOLVED, that the Clerk's Office is authorized to forward a copy of this Resolution to the Borough Attorney, the Borough Engineer, Earle Asphalt of Wall, NJ, and the Borough's Chief Financial Officer.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-072

RESOLUTION REGRETFULLY ACCEPTING THE RESIGNATION OF DYLAN R. CROKER

WHEREAS, Dylan R. Croker served as a full time police officer for the Borough of Englishtown; and

WHEREAS, Dylan R. Croker did tender his resignation to the Englishtown Borough Council on March 16, 2021 with his last day of employment being March 24, 2021.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Englishtown Borough Council regretfully accepts the resignation of Dylan R. Croker
2. That a certified copy of this Resolution be delivered to the Chief Financial Officer, Chief Peter Cooke, and Officer Dylan R. Croker.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-073

APPOINTMENT OF
FULL TIME POLICE OFFICER

WHEREAS, there is a need to hire a full time police officer; and

WHEREAS, Chief Cooke and the Police Commission have recommended Dylan J. McLearen of Eatontown, N.J. for the position; and

WHEREAS, Dylan J. McLearen is eligible for enrollment into PFRS; and;

WHEREAS, Dylan J. McLearen will be sworn in by the Police Commissioner on May 24, 2021 as a full time Police Officer for the Borough of Englishtown.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that Dylan J. McLearen is hereby appointed Police Officer for the Borough of Englishtown as follows:

1. Appointment is effective March 24, 2021.

2. Salary is effective March 24, 2021 in the amount of $41,545.00 per annum, paid semi-monthly per the salary ordinance.

3. That said appointment is probationary for one year and said probation shall culminate on March 24, 2022.

BE IT FURTHER RESOLVED, that a certified true copy of this resolution be forwarded to the Chief Financial Officer, Chief Cooke, Police Commissioner and Dylan J. McLearen.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-074

CONDITIONAL OFFER OF EMPLOYMENT FOR SPECIAL LAW ENFORCEMENT CLASS II OFFICER

WHEREAS, there is a need to hire a part-time Class II Special Law Enforcement Officer; and

WHEREAS, Alexander M. Pires of Hopelawn, N.J. has satisfactorily completed the Basic Course for Class II Special Law Enforcement Officer; and

WHEREAS, it is the recommendation of the Chief of Police to make a conditional offer of employment to Alexander M. Pires of Hopelawn, N.J. for the position of Class II Special Law Enforcement Officer; and

WHEREAS, that the following appointment is conditional upon the successful passing of a background investigation, physical examination, psychological examination, drug testing by urinalysis, firearms qualification and satisfactorily paying any financial obligation owed to the municipality that sent Alexander M. Pires to the Monmouth County Police Academy to attend the Basic Course for Class II Special Law Enforcement Officer; and

WHEREAS, said appointment shall be in accordance with any existing laws or policies regulating said office; and

WHEREAS, the date of hire shall be determined by the Chief of Police and the salary shall be at the rate of $15.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Chief of Police is authorized to offer a conditional offer of employment to Alexander M. Pires of Hopelawn, N.J. for the position of Class II Special law Enforcement Officer and the following appointment is conditional upon the successful passing of a physical examination, psychological examination, drug testing by urinalysis, firearms qualification and satisfactorily paying any financial obligation owed to the municipality that sent him to the Monmouth County Police Academy to attend the Basic Course for Class II Special Law Enforcement Officer

BE IT FURTHER RESOLVED, that a certified true copy of this resolution be forwarded to the Chief of Police, Police Commissioner Wojyn and Alexander M. Pires.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-075

AUTHORIZING POLICE CHIEF TO INTERVIEW AND APPOINT CLASS II SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, there is a need to hire a part time Class II Special Law Enforcement Officer to maintain staffing in the Police Department.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that Police Chief Cooke along with the Police Commission is hereby authorized to proceed to interview and hire to fill the said position.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Mayor Reynolds read the Tax Collector's Annual Report; January 2021 and February 2021 Reports

Tax Collectors Report –2020 Annual Statement of Receipts

2020 Tax Levy per Duplicate	$6,363,574.79
2020 Added, Omitted	21,717.67
Total 2019 Levy	$6,385,292.46
2020 Net Cash Collected	$6,174,904.68
2020 State Share Seniors Vets & Disabled	$ 6,000.00
2020 Total Cash Collected	$6,370,134.55
2020 Taxes Transferred to Municipal Liens	$ 1,756.73
2020 Taxes Remitted Abated Or Cancelled	$ 13,401.18
2020 Outstanding 12/31/20	$ 0.00
Percentage of Cash Collections To Total 2020 Levy	99.76%

<u>January 2021 Taxes Collected</u>	
2021 Taxes Year	360,780.06
2020 Taxes Year	0.00
Tax Sale Premium	0.00
Outside Lien Redemption	18,658.11
Interest	0.00
Duplicate Bill Fee	0.00
Total Disbursements	$379,438.17

February 2021 Taxes Collected	
2021 Taxes Year	1,197,624.85
2020 Taxes Year	3,668.28
Tax Sale Premium	0.00
Property Redeemed-Municipal Lien	2,136.64
Outside Lien Redemption	0.00
Interest	258.97
Search Fee	12.00
Duplicate Bill Fee	15.00
Total Disbursements	$1,203,715.74

Public Portion Non Agenda Items Only

Mayor Reynolds opens the floor to the public for discussion limited to non-agenda items only. Motion made by C/Marter, Seconded by CWojyn.

Chief Cooke stated that the Sergeant's exam will be at Borough Hall on Monday, March 28th at 9am.

William Lewis of Lasatta Avenue asked about the cable company outreach meeting.

Richard Thompson questioned the $50,000 that will expire at the end of 2021 in the tax levy cap and asked why the Borough is not using it for capital purchases in the budget.

There being no further items to discuss, a Motion to close the public portion Motion made by C/Krawiec, Seconded by C/ Robilotti. Passed unanimously.

Mayor Reynolds stated there was a need for an 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: Potential Litigation and Personnel.

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 or 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 4 of N.J.S.A. 10:4-12b is required to discuss personnel matters.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 24h day of March, 2021 pursuant to Section 4 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/ Francisco

Seconded By: C/Robilotti

Passed unanimously with the time being 8:50 P.M.

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

The time being 9:14 P.M.

Mayor Reynolds added the following resolution to the agenda.

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-076

APPOINTMENT OF 2nd DEPUTY MUNICIPAL CLERK

WHEREAS, effective March 24, 2021 there is a need for a 2nd Deputy Municipal Clerk within the Borough of Englishtown; and

WHEREAS, the Borough of Englishtown is desirous of filling the position of 2nd Deputy Municipal Clerk; and

WHEREAS, it is the recommendation of the Administration, Finance and Personnel Committee to appoint Kelly Lettera, of Robbinsville, New Jersey.

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

1. That Kelly Lettera is hereby appointed as 2nd Deputy Municipal Clerk for the Borough of Englishtown, effective March 24, 2021 until December 31, 2021.

2. That said position shall be part-time, paid at $40.00 per hour, payable semi-monthly per the salary ordinance.

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Borough's Chief Financial Officer, Municipal Clerk and Kelly Lettera.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: None
Absent: None

Adjournment

There being no further business a motion to adjourn was offered by C/Robilotti, seconded by C/Krawiec. Passed unanimously.

9:17 P.M.

Laurie Finger

Approved by Governing Body

Deputy Municipal Clerk

Borough of Englishtown
Executive Session Minutes

Approved by Governing Body

Date: March 24,2021

Time: 8:50 PM

Governing Body Present:

Mayor Reynolds
C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Also Present:

Joseph Youssouf, Borough Attorney

Subject: Deputy Clerk Position

Mayor and Council discussed hiring a 2nd Deputy Clerk to help in the Clerk's office part time while the Clerk is out on medical leave. Council was in favor.

Discussion Ended At 9:00 P.M.
Forwarded to Borough Attorney on

Laurie Finger, Deputy Municipal Clerk

Borough of Englishtown
Executive Session Minutes

_____
Approved by Governing Body

Date: March 24,2021

Time: 9:00 PM

Governing Body Present:

Mayor Reynolds
C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Also Present:

Joseph Youssouf, Borough Attorney

Subject: Public Works Position

Mayor and Council discussed advertising for a full time DPW worker and part time DPW worker. Council was in favor. Ads were to be placed next week in the newspaper and on the Borough website and Borough signage board.

Discussion Ended At 9:14 P.M.
Forwarded to Borough Attorney on

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN **PUBLIC HEARING & ADOPTION**
ORDINANCE NO. 2021-01

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 1.30.09 "PERSONNEL POLICIES" OF THE CODE OF THE BOROUGH OF ENGLISHTOWN DELETING SECTION 1.30.09.D EXTENDED PERSONAL LEAVE

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 1.30.09.D is hereby amended as follows:

ARTICLE I

LEGISLATIVE FINDINGS: The Mayor and Council of the Borough of Englishtown heretofore adopted a Personnel Manual governing various employee related matters that may arise during the course of employment by the Borough. Among the policies instituted was Section 1.30.09.D that provides employees may be granted extended personal leave of up to (1) year in the sole discretion of the Council provided that the leave does not cause "...undue operational disruption.)

The Mayor and Council find that said provision is no longer viable given the limited work force employed by the Borough and the tightly constrained municipal budget and tax base.

SECTION I-PURPOSE: The purpose of this Section is to completely repeal and eliminate the "Extended Personal Leave" provisions contained in this ordinance and the Personnel Manual.

ARTICLE II

A. ELIMINATION AND REPEAL: Section 1.30.09.D "Extended Personal Leave" is hereby repealed and eliminated as official Borough Policy. All references to tgis policy, whether contained in this ordinance or the Borough Personnel Police, are deleted and removed by reference.

ARTICLE III

SEVERABILITY

Should any portion, section or subsection of this ordinance amendment be ruled invalid or unconstitutional by a court of competent jurisdiction, such provision, protion, section or subsection shall be deemed severable and shall not affect the validity of the remaining portions of this ordinance which shall remain in full force and effect.

ARTICLE IV
EFFECTIVE DATE

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

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

Date

Thomas Reynolds, Mayor

Attested:

Introduction March 24, 2021
Adoption:

BOROUGH OF ENGLISHTOWN **PUBLIC HEARING & ADOPTION**
ORDINANCE NO. 2021-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTWON AMENIDNG AND SUPPLEMENTING VARIOUS SECTIONS OF THE CODE OF THE BOROUGH OF ENGLISHTOWN

WHEREAS; The Chief of Police of the Borough and the Borough Code Enforcement Officer have recommended that various provisions of the Code of the Borough of Englishtown be amended and supplemented to facilitate enforcement of the Code and clarify various provisions to make them comport with State Law and Administrative guidelines.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Englishtown that the following specified sections and provisions of the Code of the Borough of Englishtown are amended and supplemented as specified below:

ARTICLE I

CHAPTER 2.93-09

(NEW SECTION) SECTION 2.93.09 D.

VIOLATIONS AND PENALTIES:

Any person business entity or organization who violates the provisions of this Article shall, upon conviction thereof, be liable to a penalty of not less than one hundred dollars ($100.00) or imprisonment for a term not to exceed thirty (30) days, or both, for each offense, in the discretion of the Court.

CHAPTER 2.98.04

SECTION 2.98.04 K. is revised as follows:

Upon submission of an application for a license a fee in the amount of twenty five dollars ($25.00) shall be paid to the Borough Clerk. Applications for licenses pursuant to this section shall not be deemed complete until said fee is paid.

CHAPTER 2.100

SECTION 2.100 is revised as follows:

Sections D., E., & G. of Section 2.100.08, 2.100.18 and 2.100.24 are repealed and deleted in their entirety.

CHAPTER 2.109

SECTION 2.109.10 A. (1)(e) Handicapped Parking Standards is hereby amended as follows:

Accessible spaces reserved for use by individuals with disabilities shall be identified by a sign installed 5 to 7 feet above the ground bearing the international symbol of Accessibility and shall also include a penalty notification specifying the mandatory fines for offense. Signs identifying van parking spaces shall contain the designation "van accessible". The parking spaces and access isles shall be painted blue and shall be at least 96 inches (8 Feet) wide for accessible car parking spaces, at least 132 inches (11 feet) wide for van accessible parking and a minimum of 60 inches (5 feet) wide for access isles for both accessible car and van spaces.

(NEW SECTION) SECTION 2.109.10 A.(1) (f) Handicapped Parking Spaces

Total Number of parking spaces required shall be in accordance with the revised and updated ADA standards of accessible design:

1-25 spaces: At least one (1) in each lot. Required number of van accessible spaces if constructed or altered prior to 3/5/12: 1:8; Required number of van accessible spaces if constructed or altered on or after 3/15/12: 1:6.

26-50- 2 in each lot; 51-75-3 in each lot; 79-100-4 in each lot; 101 -150- 5 in each lot; 151-200-6 in each lot; 201-300-7 in each lot; 301-400-8 in each lot; 401-500- 9 in each lot; 501-1000, 2% of total spaces, 1 in every 8 for van accessible spaces.

CHAPTER 2.117

(NEW SECTION) 2.117.09 Exceptions: The provisions of this Chapter shall not be applicable to rideshare services.

CHAPTER 2.118

(NEW SECTION) 2.118.01 F- Electronic Cigarettes: An electronic devise that simulates tobacco smoking, commonly known and identified as " e-cigarettes" and/ or "Vaping". It consists of an atomizer, a power source such as a battery and a container such as a cartridge or tank. Instead of inhaling smoke, the user inhales the vapor.

All references in this Chapter to 18 years of age are deleted and repealed and replaced with the age of 21 years.

CHAPTER 2.121

(NEW SECTION ADD) 2.121.07 Parking Prohibited at all times:

Parking is prohibited on the following specified streets and locations at all times:

Hamilton Street parking restrictions to include the area between Harrison Avenue and Irving Place from the easterly curb line of Main Street to the westerly curb line of Irving Place:

Irving Place from the curb line of Hamilton Street to a point 30 feet southerly to Hamilton Street to Tennent Avenue.

West Dey Street South Side from Main Street to Cul-de-Sac West Dey Street, North Side from Main Street to a point 156 feet West.

Center Street, South Side, from Main Street to Harrison Avenue.

Tennent Avenue, North Side from Main Street to the Manalapan Township Border.

Main Street, West Side from West Dey Street to Water Street form the Northerly Side of the bridge to Water Street. Main Street from the East Side to both Sides, from Park Avenue to Tennent Avenue.

Pine Street, North Side, from Main Street to Harrison Avenue.

SECTION 2.121.08 PARKING PROHIBITED DURING CERTAIN HOURS is amended to delete Pine Street, North Side, 6:00 A.M. to 6:00 p.m. Main Street to Harrison Avenue.

SECTION 2.121.15 Prohibited right turn on red. Add: Water Street East Bound @Intersection of Main Street South Bound between 7:00 A.M. and 7:00 P.M.

SECTION 2.121.25 One Way Designations. Add: Hamilton Street Eastbound, from Main Street to Harrison Avenue. Center Street Westbound from a point 100 feet East of Main Street to Main Street.

CHAPTER 2.130 ADMINISTRATION AND ENFORCEMENT:

SECTION 2.130.21 (Add) It shall be the duty of the Zoning Officer or his/her designee, to review building plans and to inspect buildings and premises to determine their compliance with approved plans, specifications and any and all applicable Borough Ordinances or portions thereof . The Zoning Officer may issue an Order to take corrective action to ensure compliance with all applicable restrictions and regulations

pertaining to said property. The Zoning Officer shall have the right to enter any premises or property during regular business hours to conduct any required inspections.

CHAPTER 2.136 (ADD NEW PROVISION) The provisions of Title 2 of the Code of the Borough of Englishtown shall be enforced by the Code Enforcement Officer of the Borough and/or the Police Department of the Borough.

ARTICLE II

SEVERABILITY

Should a Court of competent jurisdiction rule any portion, provision, clause or section of this Ordinance Amendment unconstitutional or invalid , such provision shall be deemed severable and shall not affect the validity of the remaining portions provisions or sections of this Ordinance which shall remain in full force and effect.

ARTICLE III

EFFECTIVE DATE

This Ordinance shall take effect upon its final passage, approval and publication according to law.

_____ _____

Date Thomas Reynolds, Mayor

_____ Introduction: March 24, 2021

Attested: Adoption:

BOROUGH OF ENGLISHTOWN **FIRST READING & INTRODUCTION**
ORDINANCE NO. 2021-03

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Englishtown in the County of Monmouth find it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 2.5% increase in the budget for said year, amounting to $50,636.50 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Englishtown, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Englishtown shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to $70,891.10 and that the CY 2021 municipal budget for the Borough of Englishtown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

This ordinance amendment shall take effect upon final passage and after publication as required by law.

Offered by:

Seconded by:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

Date:

Mayor, Thomas Reynolds

Attested

Introduction: April 28, 2021

Adopted:

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-052

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN AMENDING THE BOROUGH PERSONNEL MANUAL DELETING "EXTENDED PERSONAL LEAVE"

WHEREAS, the Borough of Englishtown heretofore adopted a "Personnel Manual" governing various employee related issues that may arise during the course of employment by the Borough; and

WHEREAS, the employee manual provides a very generous "Extended Personal Leave" policy that provides that an employee "...may be granted a personal leave of absence for "...**up to one (1) year** at the sole discretion of the Borough Council if the leave does not cause undue operational disruption..."; and

WHEREAS, said provision is simply no longer viable within the context of Borough Employment given the limited work force employed by the Borough and the tightly constrained municipal budget; and

WHEREAS, the Mayor and Council of the Borough of Englishtown have determined that it is necessary and in the public interest to amend the Borough's Leave of Absence policy by deleting the "Extended Personal Leave" provisions of the Personnel Manual.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that the Personnel Manual of the Borough of Englishtown is amended to delete any and all references to "Extended Personal Leave" effective immediately.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:
:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-077

AUTHORIZING THE CANCELLATION OF A SPECIAL EMERGENCY APPROPRIATION

WHEREAS, the Borough of Englishtown, in the County of Monmouth and State of New Jersey adopted Ordinance No. 2020-08 on December 21, 2020 appropriating $80,000 attributable to revenue deficit directly attributable to COVID-19 pandemic; and

WHEREAS, the Borough did not require any financial assistance to offset the operating deficit attributable to COVID-19 pandemic; and

WHEREAS, the Special Emergency Appropriation in the amount of $80,000.00 is reduced to $73,484.17 by cancelling $6,515.83 as of December 31, 2020 to reflect the actual amount of revenue loss for the year 2020.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Englishtown, County of Monmouth does hereby cancel the Special Emergency Appropriation in the amount of $6,515.83.

That a copy of this resolution be sent to the Director of the Division of Local Government Services.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

Interoffice Memo

TO: Mayor and Council

FROM: Sylvia Eryan-Hawileh, CFO

DATE: April 21, 2021

Cc: Municipal Clerk

SUBJECT: 2021 Budget

The 2021 Municipal Budget Complies with the LEVY CAP & APPROPRIATION CAP.

Notes:

2021 penny = $27,687.93
Available Surplus $787,480.75
Utilized $300,000
2021 surplus balance = $487,480.75

2020 penny = $26,380.96
Available Surplus $828,456.77
Utilized $400,000
2020 surplus balance = $428,456.77

The Value of the Penny increased by $1,306.97

The 2021 Municipal Budget is $16,810.00 LOWER than the 2020 Municipal Budget
This budget is prepared with a recommendation to increase the tax rate by 0.0175.

Analysis of Tax Levy CAP:

Tax Levy Cap Bank is balanced.
2021 Budget Tax Levy CAP is $1,794,227
Total Allowable for 2021 Tax Levy CAP = $1,728,505
Levy Cap Bank used from 2018 was $58,414

Amount left in 2021 Levy CAP Bank is $0.00 .
Amount in 2020 Levy CAP Bank available to use in 2021-2023 is $138,198
Amount in 2019 Levy CAP Bank available to use in 2021-2022 is $19,321
Amount in 2018 Levy CAP Bank available to use in 2021 is $6,199

Revenues

- All Revenues remained the same as 2020 except for the following:

o Increase in Surplus (without the $140,000 payoff Ban) Note: 2020 Surplus originally $260,000	$ 40,000
o Increase in General Capital Surplus	$ 5,413
o Increase in Sewer Utility Surplus	$ 35,000
o Increase in Tower Lease	$ 5,000
o Decrease in Municipal Court Fine	($68,000)
o Decrease in Interest on Investment	($13,000)
o Decrease in Off Duty Police Admin Fee	($ 5,000)
o Decrease in Cable Franchise Fees	($ 5,343)

Expenditures

Included in this budget are Increases of :

- Contractual Salaries $17,500
- Data Processing OE $82,955 (Reallocated $18,000 from Various Accts)
- Police OE $ 3,100
- Solid Waste Collection $ 5,000
- Pension-Police & Fire $24,600
- Pension RERS $ 8,245
- Dog regulation $ 500
- Sick Leave Trust $ 1,500

Included in this budget are decreases of:

- Debt Service $ 6,425
- Legal Services $ 5,000
- Building & Grounds $ 2,500
- Public Safety Grants $ 9,000 (Recycling Tonnage/Drive Sober)

Most Department Budgets either remained the same or had a reduction.
Please refer to the attached budget spreadsheets for detail and explanations.

This Budget represents a Decrease in spending by $16,810 however the budget increased spending by $123,190 if we didn't budget the $140,000 to pay off the BAN in 2020. Revenue in 2021 decreased by $5,930 due to COVID related closures .

Amount to be Raised by Taxation in year 2021 is $1,794,227.18 divided by $27,687.93. (value of penny) equals a tax rate of .648 TAX RATE INCREASE of 0.0175 cent
In 2020.... $1,662,350.82 divided by $26,364.47 = .631 tax rate

The ESTIMATED total 2021 Tax Rate assumes a 2% increase for County and School Taxes.

There were NO Capital Improvement Projects requested from departments this budget year.

****PLEASE BE KNOWLEDGEABLE OF YOUR ASSIGNED DEPT. BUDGET TO RESPOND TO QUESTIONS AT THE COUNCIL MEETING.**

****CALL or EMAIL ME PRIOR TO THE COUNCIL MEETING WITH ANY QUESTIONS OR CLARIFICATIONS REGARDING THIS MEMO.**

2021 MUNICIPAL DATA SHEET

(MUST ACCOMPANY 2021 BUDGET)

CAP

MUNICIPALITY: BOROUGH OF ENGLISHTOWN **COUNTY:** MONMOUTH

Thomas Reynolds	December 31, 2023
Mayor's Name	**Term Expires**

Municipal Officials

	12/1/2006
	Date of Orig. Appt.
Peter Gorbatuk	C-1518
Municipal Clerk	**Cert. No.**
Consetta Ellison	T-8467
Tax Collector	**Cert. No.**
Sylvia Eryan-Hawileh	N-1675
Chief Financial Officer	**Cert. No.**
Robert W. Allison	483
Registered Municipal Accountant	**Lic. No.**
Joseph Youssouf	
Municipal Attorney	

Governing Body Members

Name	Term Expires
Cindy Robilotti	12/31/2023
Eric Mann	12/31/2023
Daniel Francisco	12/31/2021
Maryanne Krawiec	12/31/2021
Gregory Wojyn	12/31/2022
Daniel Marter	12/31/2022

Official Mailing Address of Municipality

Borough of Englishtown
15 Main Street
Englishtown, NJ 07726

Fax #: (732) 446 - 4979

2021
MUNICIPAL BUDGET

Municipal Budget of the **BOROUGH** of **ENGLISHTOWN**, County of **MONMOUTH** for the Fiscal Year 2021.

It is hereby certified that the Budget and Capital Budget annexed hereto and hereby made a part hereof is a true copy of the Budget and Capital Budget approved by resolution of the Governing Body on the 28 day of April, 2021 and that public advertisement will be made in accordance with the provisions of N.J.S.A. 40A:4-6 and N.J.A.C. 5:30-4.4(d).

Certified by me, this 28 day of April, 2021

Clerk
15 Main Street
Address
Englishtown, NJ 07726
Address
(732) 446 - 9235
Phone Number

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof, and the total of anticipated revenues equals the total of appropriations.

Certified by me, this 28 day of April, 2021

Registered Municipal Accountant
Lakewood, NJ 08701
Address
1985 Cedar Bridge Ave. Suite 3
Address
(732) 797 - 1333
Phone Number

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof, the total of anticipated revenues equals the total of appropriations and the budget is in full compliance with the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

Certified by me, this 28 day of April, 2021

Chief Financial Officer

DO NOT USE THESE SPACES

CERTIFICATION OF ADOPTED BUDGET

(Do not advertise this Certification form)

It is hereby certified that the amounts to be raised by taxation for local purposes has been compared with the approved Budget previously certified by me and any changes required as a condition to such approval have been made. The adopted budget is certified with respect to the foregoing only.

STATE OF NEW JERSEY
Department of Community Affairs
Director of the Division of Local Government Services

Dated: _____, 2021 **By:** _____

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the BOROUGH of ENGLISHTOWN, County of MONMOUTH for the Fiscal Year 2021

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2021;

Be it Further Resolved, that said Budget be published in the Asbury Park Press

in the issue of May 6, 2021

The Governing Body of the BOROUGH of ENGLISHTOWN does hereby approve the following as the Budget for the year 2021:

RECORDED VOTE
(Insert last name)

Ayes	Nays	Abstained	Absent

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the BOROUGH of ENGLISHTOWN, County of MONMOUTH, on April 28, 2021.

A Hearing on the Budget and Tax Resolution will be held at Borough of Englishtown, on May 26, 2021 at 6:30 o'clock at which time and place objections to said Budget and Tax Resolution for the year 2021 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

	YEAR 2021
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)	XXXXXXXXXXX
1. Appropriations within "CAPS" -	XXXXXXXXXXX
(a) Municipal Purposes {(Item H-1, Sheet 19)(N.J.S.A. 40A:4-45.2)}	2,151,535.00
2. Appropriations excluded from "CAPS" -	XXXXXXXXXXX
(a) Municipal Purposes {(Item H-2, Sheet 28)(N.J.S.A. 40A:4-53.3 as amended)}	312,400.20
(b) Local District School Purposes in Municipal Budget (Item K, Sheet 29)	-
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)	312,400.20
3. Reserve for Uncollected Taxes (Item M, Sheet 29) Based on Estimated *98.18%* Percent of Tax Collections	119,674.80
Building Aid Allowance 2021 - $ -	
4. Total General Appropriations (Item 9, Sheet 29) for Schools-State Aid 2020 - $ -	2,583,610.00
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous Revenues and Receipts from Delinquent Taxes)	789,382.82
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)	XXXXXXXXXXX
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	1,794,227.18
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)	-
(c) Minimum Library Tax	-

EXPLANATORY STATEMENT - (Continued)

SUMMARY OF 2020 APPROPRIATIONS EXPENDED AND CANCELED

	General Budget	WATER Utility	SEWER Utility	Utility	Utility	Utility	Utility
Budget Appropriations - Adopted Budget	2,585,100.88	521,800.00	507,000.00	-	-	-	-
Budget Appropriations Added by N.J.S.A. 40A:4-87	15,319.12	-	-	-	-	-	-
Emergency Appropriations	-	-	-	-	-	-	-
Total Appropriations	2,600,420.00	521,800.00	507,000.00	-	-	-	-
Expenditures:							
Paid or Charged (Including Reserve for Uncollected Taxes)	2,305,432.12	393,359.71	483,291.31	-	-	-	-
Reserved	294,934.24	78,390.29	23,708.69	-	-	-	-
Unexpended Balances Canceled	53.64	50,050.00	(0.00)	-	-	-	-
Total Expenditures and Unexpended Balances Canceled	2,600,420.00	521,800.00	507,000.00	-	-	-	-
Overexpenditures *	-	-	-	-	-	-	-

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

CAP CALCULATION

Total General Appropriations for 2020	2,594,420.00
Cap Base Adjustment:	-
Subtotal	2,594,420.00
Exceptions Less:	
Total Other Operations	27,800.00
Total Uniform Construction Code	-
Total Interlocal Service Agreement	87,760.00
Total Additional Appropriations	-
Total Capital Improvements	15,000.00
Total Debt Service	303,900.00
Transferred to Board of Education	-
Type I School Debt	-
Total Public & Private Programs	11,512.00
Judgements	-
Total Deferred Charges	10,000.00
Cash Deficit	-
Reserve for Uncollected Taxes	112,988.00
Total Exceptions	568,960.00
Amount on Which CAP is Applied	2,025,460.00
1.0% CAP	20,254.60
Allowable Operating Appropriations before Additional Exceptions per (N.J.S.A. 40A:4-45.3)	2,045,714.60

CAP CALCULATION

Allowable Operating Appropriations before Additional Exceptions per (N.J.S.A. 40A:4-45.3)		2,045,714.60
Additions:		
New Construction (Assessor Certification)		7,307.61
2019 Cap Bank		19,321.20
2020 Cap Bank		59,106.22
Total Additions		85,735.03
Maximum Appropriations within "CAPS" Sheet 19 @	1.0%	2,131,449.63
Additional Increase to COLA rate.	3.5%	
Amount of Increase allowable.	2.5%	50,636.50
Maximum Appropriations within "CAPS" Sheet 19 @	3.5%	2,182,086.13

NOTE: **Sheet 3b**

MANDATORY MINIMUM BUDGET MESSAGE MUST INCLUDE A SUMMARY OF:

1. **HOW THE "CAP" WAS CALCULATED. (Explain in words what the "CAPS" mean and show the figures.)**
2. **A SUMMARY BY FUNCTION OF THE APPROPRIATIONS THAT ARE SPREAD AMONG MORE THAN ONE OFFICIAL LINE ITEM (e.g. if Police S & W appears in the regular section and also under "Operation Excluded from "CAPS" section, combine the figures for purposes of citizen understanding.)**

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

RECAP OF GROUP INSURANCE APPROPRIATION

Following is a recap of the Municipality's Employee Group Insurance

Estimated Group Insurance Costs - 2021		$ 215,000.00
Estimated Amounts to be Contributed by Employees:		
Contribution from all eligible emp.	40,000.00	
		175,000.00
Budgeted Group Insurance - Inside CAP		175,000.00
Budgeted Group Insurance - Utilities		-
Budgeted Group Insurance - Outside CAP		-
TOTAL		175,000.00

Instead of receiving Health Benefits, 4 employees have elected an opt-out for 2021. This opt-out amount is budgeted separately.

Health Benefits Waiver	
Salaries and Wages	$ 10,000.00

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

NEW JERSEY 2010 LOCAL UNIT LEVY CAP LAW

P.L. 2007, c. 62, was amended by P.L. 2008 c. 6 and P.L. 2010 c. 44 (S-29 R1). The last amendment reduces the 4% to 2% and modifies some of the exceptions and exclusions. It also removes the LFB waiver. The voter referendum now requires a vote in excess of only 50% which is reduced from the original 60% in P.L. 2007, c. 62.

SUMMARY LEVY CAP CALCULATION

LEVY CAP CALCULATION		
Prior Year Amount to be Raised by Taxation		1,662,350.82
Less:		
Less: Prior Year Deferred Charges to Future Taxation Unfunded		10,000.00
Less: Prior Year Deferred Charges: Emergencies		-
Less: Prior Year Recycling Tax		3,300.00
Less:		
Less:		
Net Prior Year Tax Levy for Municipal Purpose Tax for CAP Calculation		1,649,050.82
Plus 2% CAP Increase		32,981.02
ADJUSTED TAX LEVY		1,682,031.84
Plus: Assumption of Service/Function		-
ADJUSTED TAX LEVY PRIOR TO EXCLUSIONS		1,682,031.84
Exclusions:		
Allowable Shared Service Agreements Increase	-	
Allowable Health Insurance Costs Increase	-	
Allowable Pension Obligations Increases	33,227.00	
Allowable LOSAP Increase	-	
Allowable Capital Improvements Increase	-	
Allowable Debt Service and Capital Leases Inc.	-	
Recycling Tax appropriation	3,300.00	
Deferred Charge to Future Taxation Unfunded	10,000.00	
Current Year Deferred Charges: Emergencies	-	
Add Total Exclusions		46,527.00
Less Cancelled or Unexpended Waivers		-
Less Cancelled or Unexpended Exclusions		53.64
ADJUSTED TAX LEVY		1,728,505.20
Additions:		
New Ratables - Increase for new construction	1,158,100	
Prior Year's Local Purpose Tax Rate (per $100)	0.631	
New Ratable Adjustment to Levy		7,307.61
Amounts approved by Referendum		-
Levy CAP Bank Applied		58,414.37
MAXIMUM ALLOWABLE AMOUNT TO BE RAISED BY TAXATION		1,794,227.18
AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES		1,794,227.18
OVER OR (UNDER) 2% LEVY CAP		0.00
(must be equal or under for Introduction)		

EXPLANATORY STATEMENT - (Continued)

BUDGET MESSAGE

"2010" LEVY CAP BANKS:

2018	
Maximum Allowable Amount to be Raised by Taxation	-
Amount to be Raised by Taxation for Municipal Purpose	-
Available for Banking (CY 2021)	64,613
Amount Used in 2021	58,414
Balance to Expire	6,199
2019	
Maximum Allowable Amount to be Raised by Taxation	-
Amount to be Raised by Taxation for Municipal Purpose	-
Available for Banking (CY 2021 - CY 2022)	19,321
Amount Used in 2021	-
Balance to Carry Forward (CY 2022)	19,321
2020	
Maximum Allowable Amount to be Raised by Taxation	1,800,549
Amount to be Raised by Taxation for Municipal Purpose	1,662,351
Available for Banking (CY 2021 - CY 2023)	138,198
Amount Used in 2021	-
Balance to Carry Forward (CY 2022 - CY2023)	138,198
2021	
Maximum Allowable Amount to be Raised by Taxation	1,794,227
Amount to be Raised by Taxation for Municipal Purpose	1,794,227
Available for Banking (CY 2022 - CY 2024)	(0)
Total Levy CAP Bank	157,519

CURRENT FUND - ANTICIPATED REVENUES

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
1. Surplus Anticipated	08-101	300,000.00	400,000.00	400,000.00
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services	08-102	-	-	-
Total Surplus Anticipated	08-100	300,000.00	400,000.00	400,000.00
3. Miscellaneous Revenues - Section A: Local Revenues	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Licenses:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Alcoholic Beverages	08-103	6,600.00	6,600.00	6,640.02
Other	08-104	-	-	-
Fees and Permits	08-105	-	-	-
Fines and Costs:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Municipal Court	08-110	122,000.00	190,000.00	122,942.65
Other	08-109	-	-	-
Interest and Costs on Taxes	08-112	7,000.00	7,610.00	7,051.68
Interest and Costs on Assessments	08-115	-	-	-
Parking Meters	08-111	-	-	-
Interest on Investments and Deposits	08-113	12,000.00	25,000.00	18,573.18
Anticipated Utility Operating Surplus	08-114	35,000.00	-	-

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section A: Local Revenues (continued)				

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section A: Local Revenues (continued)				

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section A: Local Revenues (continued)				
Total Section A: Local Revenue	08-001	182,600.00	229,210.00	155,207.53

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations				
Transitional Aid	09-212	-	-	-
Consolidated Municipal Property Tax Relief Aid	09-200	-	8,471.00	8,471.00
Energy Receipts Tax (P.L. 1997, Chapters 162 & 167)	09-202	142,206.00	133,735.00	133,735.00
Total Section B: State Aid Without Offsetting Appropriations	09-001	142,206.00	142,206.00	142,206.00

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations (N.J.S.A. 40A:4-36 and N.J.A.C. 5:23-4.17)	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Uniform Construction Code Fees	08-160	-	-	-
Special Item of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Additional Dedicated Uniform Construction Code Fees Offset with Appropriations (N.J.S.A. 40A:4-45.3h and N.J.A.C. 5:23-4.17)	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Uniform Construction Code Fees	08-160	-	-	-
Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations	08-002	-	-	-

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services Shared Service Agreements Offset With Appropriations:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Fire District Interlocal Agreement	11-109	32,760.00	32,760.00	32,760.00

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services Shared Service Agreements Offset With Appropriations:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section D: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services Shared Service Agreements Offset With Appropriations:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Total Section D: Shared Service Agreements Offset With Appropriations	11-001	32,760.00	32,760.00	32,760.00

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section E: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services - Additional Revenues Offset with Appropriations (N.J.S.A. 40A:4-45.3h):	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Total Section E: Special Item of General Revenue Anticipated with Prior Written	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Consent of Director of Local Government Services - Additional Revenues	08-003	-	-	-

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Recycling Tonnage Grant	10-569	-	2,719.68	2,719.68
Clean Communities Program	10-602	4,000.00	4,000.00	4,000.00
Alcohol Education & Rehabilitation Fund	10-501	1,333.66	1,848.62	1,848.62
Distracted Driving Crackdown Grant	10-508	6,000.00	-	-
Drive Sober or Get Pulled Over	10-509	-	6,000.00	6,000.00
Body Armor Grant	10-505	1,087.54	-	-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations (Continued):	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
				-
Total Section F: Special Item of General Revenue Anticipated with Prior Written	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Consent of Director of Local Government Services - Public and Private Revenues	10-001	12,421.20	14,568.30	14,568.30

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Other Special Items:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Utility Operating Surplus of Prior Year	08-116	-	-	-
Off-Duty Police Admin Fees	08-133	2,500.00	7,500.00	7,500.00
Tower Lease Agreement	08-240	30,000.00	25,000.00	31,188.60
Cable Franchise Fees	08-117	56,482.62	61,824.88	61,824.88
General Capital Fund Surplus	08-228	30,413.00	25,000.00	25,000.00

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
3. Miscellaneous Revenues - Section G: Special Items of General Revenue Anticipated With Prior Written Consent of Director of Local Government Services - Other Special Items:	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Total Section G: Special Items of General Revenue Anticipated with Prior Written	xxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Consent of Director of Local Government Services - Other Special Items	08-004	119,395.62	119,324.88	125,513.48

CURRENT FUND - ANTICIPATED REVENUES - (Continued)

GENERAL REVENUES	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Summary of Revenues	xxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
1. Surplus Anticipated (Sheet 4, #1)	08-101	300,000.00	400,000.00	400,000.00
2. Surplus Anticipated with Prior Written Consent of Director of Local Government Services (Sheet 4, #2)	08-102	-	-	-
3. Miscellaneous Revenues:	xxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
Total Section A: Local Revenues	08-001	182,600.00	229,210.00	155,207.53
Total Section B: State Aid Without Offsetting Appropriations	09-001	142,206.00	142,206.00	142,206.00
Total Section C: Dedicated Uniform Construction Code Fees Offset with Appropriations	08-002	-	-	-
Total Section D: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Shared Service Agreements	11-001	32,760.00	32,760.00	32,760.00
Total Section E: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Additional Revenues	08-003	-	-	-
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	10-001	12,421.20	14,568.30	14,568.30
Total Section G: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Other Special Items	08-004	119,395.62	119,324.88	125,513.48
Total Miscellaneous Revenues	13-099	489,382.82	538,069.18	470,255.31
4. Receipts from Delinquent Taxes	15-499	-	-	33.77
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	13-199	789,382.82	938,069.18	870,289.08
6. Amount to be Raised by Taxes for Support of Municipal Budget:	xxxxx	xxxxxxxxxxx	xxxxxxxxxxx	xxxxxxxxxxx
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	07-190	1,794,227.18	1,662,350.82	xxxxxxxxxxx
b) Addition to Local District School Tax	07-191	-	-	xxxxxxxxxxx
c) Minimum Library Tax	07-192	-	-	xxxxxxxxxxx
Total Amount to be Raised by Taxes for Support of Municipal Budget	07-199	1,794,227.18	1,662,350.82	1,783,139.93
7. Total General Revenues	13-299	2,583,610.00	2,600,420.00	2,653,429.01

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
General Government Functions:								-
Mayor and Council								-
Salaries and Wages	20-110	1	28,500.00	28,500.00	-	28,500.00	28,500.00	-
Other Expenses	20-110	2	2,000.00	2,000.00	-	2,000.00	385.61	1,614.39
General Administration								-
Salaries and Wages	20-100	1	-	-	-	-	-	-
Other Expenses	20-100	2	100.00	7,600.00	-	7,600.00	5,552.14	2,047.86
Municipal Clerk's Office								-
Salaries and Wages	20-120	1	45,600.00	45,500.00	-	45,500.00	45,499.46	0.54
Other Expenses	20-120	2	10,000.00	11,800.00	-	20,400.00	16,123.23	4,276.77
Election								-
Other Expenses	20-120	2	600.00	600.00	-	600.00	412.21	187.79
Annual Audit								-
Other Expenses	20-135	2	15,000.00	15,000.00	-	15,000.00	13,570.00	1,430.00
								-
Assessment of Taxes								-
Salaries and Wages	20-150	1	12,400.00	12,400.00	-	12,400.00	12,387.85	12.15
Other Expenses	20-150	2	5,150.00	5,125.00	-	5,125.00	994.80	4,130.20
								-
								-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Department of Finance:								-
Financial Administration								-
Salaries and Wages	20-130	1	58,000.00	56,000.00	-	56,000.00	55,858.15	141.85
Other Expenses	20-130	2	2,110.00	6,500.00	-	6,500.00	5,762.99	737.01
Collection of Taxes								-
Salaries and Wages	20-145	1	12,000.00	12,000.00	-	12,000.00	12,000.00	-
Other Expenses	20-145	2	3,080.00	5,000.00	-	5,200.00	5,168.57	31.43
Department of Law								-
Legal Services and Cost	20-155		-	-	-	-	-	-
Other Expenses	20-155	2	70,000.00	75,000.00	-	69,000.00	27,211.00	41,789.00
Municipal Prosecutor								-
Salaries and Wages	25-275	1	10,500.00	10,500.00	-	10,500.00	8,050.00	2,450.00
Other Expenses	25-275	2	-	-	-	-	-	-
Dog Regulation								-
Other Expenses	27-340	2	600.00	100.00	-	100.00	-	100.00
Insurance								-
Employee Group Health	23-220	2	175,000.00	175,000.00	-	175,000.00	153,076.83	21,923.17
Health Benefit Waiver	23-222	1	10,000.00	12,500.00	-	12,500.00	8,750.00	3,750.00
								-
								-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Department of Public Safety								-
Police Department								-
Salaries and Wages	25-240	1	644,500.00	627,000.00	-	627,000.00	610,466.09	16,533.91
Other Expenses	25-240	2	112,000.00	115,000.00	-	115,000.00	106,327.37	8,672.63
Fire Official								-
Salaries and Wages	25-265	1	-	-	-	-	-	-
Other Expenses	25-265	2	-	-	-	-	-	-
First Aid Organizations								-
Other Expenses	25-260	2	-	-	-	-	-	-
Office of Emergency Management								-
Salaries and Wages	25-252	1	-	-	-	-		-
Other Expenses	25-252	2	400.00	400.00	-	400.00	-	400.00
Department of Community Development								-
Engineering Services and Costs	20-165	2	-	-	-	-	-	-
Other Expenses	20-165	2	13,000.00	13,000.00	-	13,000.00	9,625.00	3,375.00
Planning Board								-
Salaries and Wages	21-180	1	4,000.00	5,000.00	-	5,000.00	3,499.92	1,500.08
Other Expenses	21-180	2	5,000.00	5,000.00	-	5,000.00	110.55	4,889.45
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Code Enforcement								-
Salaries and Wages	22-196	1	22,100.00	22,100.00	-	22,100.00	18,970.95	3,129.05
Other Expenses	22-196	2	2,700.00	4,000.00	-	4,000.00	2,428.87	1,571.13
Affordable Housing								-
Salaries and Wages	21-190	1	625.00	625.00	-	625.00	615.64	9.36
Other Expenses	21-190	2	1,000.00	1,000.00	-	1,000.00	-	1,000.00
Department of Public Works:								-
Building and Grounds								-
Salaries and Wages	26-310	1	11,500.00	11,500.00	-	11,500.00	10,029.85	1,470.15
Other Expenses	26-310	2	40,000.00	42,500.00	-	42,500.00	31,518.52	10,981.48
Road Repair and Maintenance								-
Salaries and Wages	26-290	1	24,000.00	31,000.00	-	31,000.00	18,336.45	12,663.55
Other Expenses	26-290	2	32,000.00	26,000.00	-	26,000.00	2,983.81	23,016.19
Garbage and Trash Removal								-
Other Expenses	26-305	2	165,000.00	160,000.00	-	160,000.00	131,770.31	28,229.69
Data Processing								-
Other Expenses	20-140	2	100,955.00	-	-	-	-	-
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Sanitary Landfill								-
Other Expenses	26-305	2	5,000.00	5,000.00	-	5,000.00	1,165.00	3,835.00
Recycling								-
Other Expenses	26-305	2	23,700.00	23,500.00	-	23,500.00	19,790.10	3,709.90
Snow Removal								-
Salaries and Wages	26-290	1	1,500.00	1,500.00	-	1,500.00	1,500.00	-
Other Expenses	26-290	2	4,000.00	4,000.00	-	4,000.00	4,000.00	-
Municipal Court								-
Salaries and Wages	43-490	1	100,500.00	110,600.00	-	107,800.00	90,185.78	17,614.22
Other Expenses	43-490	2	23,500.00	15,350.00	-	15,350.00	6,185.32	9,164.68
Public Defender								-
Other Expenses	43-495	2	3,000.00	3,000.00	-	3,000.00	-	3,000.00
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Uniform Construction Code - Appropriations	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Offset by Dedicated Revenues (N.J.A.C. 5:23-4.17)	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
State Uniform Construction Code								
Construction Official								
Salaries and Wages	22-195	1	-	-	-	-	-	-
Other Expenses	22-195	2	-	-	-	-	-	-
								-
Shade Tree Commission								-
Salaries and Wages	22-197	1	905.00	905.00	-	905.00	-	905.00
Other Expenses	22-197	2	1,200.00	1,200.00	-	1,200.00	-	1,200.00
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Uniform Construction Code - Appropriations	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Offset by Dedicated Revenues (N.J.A.C. 5:23-4.17)	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
UNCLASSIFIED:	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Celebrating Public Events								-
Other Expenses	30-420	2	100.00	100.00	-	100.00	-	100.00
								-
Utility Expenses and Bulk Purchases								-
Electricity	31-430	2	22,000.00	22,000.00	-	22,000.00	15,188.72	6,811.28
Street Lighting	31-435	2	32,500.00	32,500.00	-	32,500.00	26,266.53	6,233.47
Telephone (Excluding Equipment Acquisition)	31-450	2	7,500.00	8,000.00	-	8,000.00	5,332.11	2,667.89
Gas (Natural or Propane)	31-446	2	7,500.00	7,500.00	-	7,500.00	5,510.76	1,989.24
Gasoline	31-447	2	24,000.00	25,000.00	-	25,000.00	11,293.07	13,706.93
Water & Sewage	31-445	2	4,500.00	4,500.00	-	4,500.00	3,212.00	1,288.00
								-
Salary and Wage Adjustment	30-425	1	-	-	-	-	-	-
								-
Sick Leave Trust	30-415	1	1,500.00	-	-	-	-	-
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - within "CAPS" - (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
UNCLASSIFIED:	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
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Total Operations {Item 8(A)} within "CAPS"	34-199		1,902,325.00	1,809,905.00	-	1,809,905.00	1,535,615.56	274,289.44
B. Contingent	35-470	2	-	-	XXXXXXXXXX	-	-	-
Total Operations Including Contingent - within "CAPS"	34-201		1,902,325.00	1,809,905.00	-	1,809,905.00	1,535,615.56	274,289.44
Detail:			XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Salaries & Wages	34-201	1	988,130.00	987,630.00	-	984,830.00	924,650.14	60,179.86
Other Expenses (Including Contingent)	34-201	2	914,195.00	822,275.00	-	825,075.00	610,965.42	214,109.58

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	xxxxxx		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
(1) DEFERRED CHARGES	xxxxxx		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Emergency Authorizations	46-870		-	-	xxxxxxxxxx	-	-	xxxxxxxxxx
					xxxxxxxxxx			xxxxxxxxxx
Prior Year Bills	30-410	2	310.00	-	xxxxxxxxxx	-	-	xxxxxxxxxx
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS"	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(1) DEFERRED CHARGES	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
(E) Deferred Charges and Statutory Expenditures - Municipal within "CAPS" - (continued)	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(2) STATUTORY EXPENDITURES:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Contribution to: Public Employees' Retirement System	36-471	45,900.00	37,655.00	-	37,655.00	37,000.00	655.00
Social Security System (O.A.S.I.)	36-472	42,000.00	42,000.00	-	42,000.00	37,526.20	4,473.80
Consolidated Police & Fireman's Pension Fund	36-474	-	-	-	-	-	-
Police and Firemen's Retirement System of NJ	36-475	154,000.00	129,400.00	-	129,400.00	126,405.00	2,995.00
Unemployment Compensation Insurance (N.J.S.A. 43:21-3 et seq.)	23-225	-	-	-	-	-	-
							-
							-
							-
Defined Contribution Retirement Program (DCRP)	36-477	7,000.00	6,500.00	-	6,500.00	5,798.36	701.64
							-
Total Deferred Charges and Statutory Expenditures - Municipal	34-209	249,210.00	215,555.00	-	215,555.00	206,729.56	8,825.44
(F) Judgments	37-480	-	-	-	-	-	XXXXXXXXXX
(G) Cash Deficit of Preceding Year	46-855	-	-	-	-	-	-
(H-1) Total General Appropriations for Municipal Purposes within	34-299	2,151,535.00	2,025,460.00	-	2,025,460.00	1,742,345.12	283,114.88

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Health Insurance								-
Other Expenses	23-221	2	-	-	-	-		-
								-
Cost of Tax Appeals								-
Other Expenses	20-150	2	5,000.00	6,000.00	-	6,000.00	6,000.00	-
Due to School Business Personal Property								-
Other Expenses	30-428	2	13,000.00	13,000.00	-	13,000.00	12,204.00	796.00
								-
								-
								-
LOSAP								-
Other Expenses	25-286	2	5,500.00	5,500.00	-	5,500.00	-	5,500.00
								-
Recycling Tax (NJSA 13:1E-96.5)	32-465	2	3,300.00	3,300.00	-	3,300.00	2,669.88	630.12
								-
								-
								-
								-
						-		-
						-		-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
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					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
Total Other Operations - Excluded from "CAPS"	34-300	26,800.00	27,800.00	-	27,800.00	20,873.88	6,926.12

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Uniform Construction Code	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Appropriations Offset by Increased Fee Revenues (N.J.A.C. 5:23-4.17)	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
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					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
Total Uniform Construction Code Appropriations	22-999	-	-	-	-	-	-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Shared Service Agreements	xxxxxx		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
911 Emergency Service Contract with County	42-115	2	55,000.00	55,000.00	-	55,000.00	53,072.00	1,928.00
								-
Fire District								-
Salaries and Wages	42-109	1	30,000.00	30,000.00	-	30,000.00	29,999.76	0.24
Other Expenses	42-109	2	2,760.00	2,760.00	-	2,760.00	2,295.00	465.00
								-
Interlocal - Public Works Manager								-
Salaries and Wages	42-105	1	-	-	-	-	-	-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
						-		-
						-		-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	Appropriated for 2020 By Emergency Appropriation	Appropriated Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Shared Service Agreements	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
					-		-
					-		-
					-		-
					-		-
					-		-
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					-		-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Shared Service Agreements	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
					-		-
					-		-
					-		-
					-		-
					-		-
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					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
Total Interlocal Municipal Service Agreements	42-999	87,760.00	87,760.00	-	87,760.00	85,366.76	2,393.24

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	Appropriated for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Additional Appropriations Offset by Revenues (N.J.S.A. 40A:4-45.3h)	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
					-		-
					-		-
					-		-
					-		-
					-		-
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					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
					-		-
Total Additional Appropriations Offset by Revenues (N.J.S.A. 40A:4-45.3h)	34-303	-	-	-	-	-	-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Public and Private Programs Offset by Revenues								
Matching Funds for Grants	41-899	2	2,500.00	2,500.00	-	2,500.00	-	2,500.00
						-	-	-
Clean Communities Program	41-602	2	4,000.00	4,000.00	-	4,000.00	4,000.00	-
Body Armor Fund	41-505	2	1,087.54	-	-	-	-	-
Alcohol Education Rehabilitation Program	41-501	2	1,333.66	1,848.62	-	1,848.62	1,848.62	-
Recycling Tonnage	41-569	2	-	2,719.68	-	2,719.68	2,719.68	-
SFSP Fire District Payment	41-526	2	444.00	444.00	-	444.00	444.00	-
Click It or Ticket Mobilization Grant	41-507	2	-	-	-	-	-	-
Distracted Driving Crackdown Grant	41-508	2	6,000.00	-	-	-	-	-
Drive Sober or Get Pulled Over	41-509	2	-	6,000.00	-	6,000.00	6,000.00	-
								-
								-
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Public and Private Programs Offset by Revenues							
							-
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (A) Operations - Excluded from "CAPS" (continued)	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Public and Private Programs Offset by Revenues (cont)	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
Total Public and Private Programs Offset by Revenues	40-999		15,365.20	17,512.30	-	17,512.30	15,012.30	2,500.00
Total Operations - Excluded from "CAPS"	34-305		129,925.20	133,072.30	-	133,072.30	121,252.94	11,819.36
Detail:								
Salaries & Wages	34-305	1	30,000.00	30,000.00	-	30,000.00	29,999.76	0.24
Other Expenses	34-305	2	99,925.20	103,072.30	-	103,072.30	91,253.18	11,819.12

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (C) Capital Improvements - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Down Payments on Improvements	44-902	-	-	-	-	-	-
Capital Improvement Fund	44-901	15,000.00	15,000.00	XXXXXXXXXX	15,000.00	15,000.00	-
							-
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (C) Capital Improvements - Excluded from "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
								-
								-
								-
								-
								-
								-
Public and Private Programs Offset by Revenues:	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
New Jersey Transportation Trust Fund Authority Act	41-865	2	-	-	-	-	-	-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
								-
Total Capital Improvements Excluded from "CAPS"	44-999		15,000.00	15,000.00	-	15,000.00	15,000.00	-

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (D) Municipal Debt Service - Excluded from "CAPS"	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Payment of Bond Principal	45-920	95,000.00	90,000.00	-	90,000.00	90,000.00	xxxxxxxxxx
Payment of Bond Anticipation Notes and Capital Notes	45-925	-	140,000.00	-	140,000.00	140,000.00	xxxxxxxxxx
Interest on Bonds	45-930	60,775.00	65,300.00	-	65,300.00	65,266.36	xxxxxxxxxx
Interest on Notes	45-935	1,700.00	8,600.00	-	8,600.00	8,580.00	xxxxxxxxxx
Green Trust Loan Program:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
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CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (D) Municipal Debt Service - Excluded from "CAPS" (cont.)	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
							xxxxxxxxxx
							xxxxxxxxxx
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							xxxxxxxxxx
							xxxxxxxxxx
							xxxxxxxxxx
							xxxxxxxxxx
Total Municipal Debt Service Excluded from "CAPS"	45-999	157,475.00	303,900.00	-	303,900.00	303,846.36	xxxxxxxxxx

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS (E) Deferred Charges - Municipal - Excluded from "CAPS"	FCOA		Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
(1) DEFERRED CHARGES:	XXXXXX		XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Emergency Authorizations	46-870		-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
Special Emergency Authorization - 5 Years (N.J.S.A. 40A:4-55)	46-875		-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
Special Emergency Authorization - 3 Years (N.J.S.A. 40A:4-55.1 &	46-871		-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
2019-02 Var. Improv. Police Dept (Unfunded ord.)	46-892	2	10,000.00	10,000.00	XXXXXXXXXX	10,000.00	10,000.00	XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
Total Deferred Charges - Municipal - Excluded from "CAPS"	46-999		10,000.00	10,000.00	XXXXXXXXXX	10,000.00	10,000.00	XXXXXXXXXX
(F) Judgments (N.J.S.A. 40A:4-45.3cc)	37-480		-	-	-	-	-	XXXXXXXXXX
(N) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-	29-405		-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
(G) With Prior Consent of Local Finance Board: Cash Deficit of Preceding Year	46-885		-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
					XXXXXXXXXX			XXXXXXXXXX
(H-2) Total General Appropriations for Municipal Purposes Excluded from	34-309		312,400.20	461,972.30	-	461,972.30	450,099.30	11,819.36

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
For Local District School Purposes - Excluded from "CAPS"	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
(I) Type 1 District School Debt Service	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Payment of Bond Principal	48-920	-	-	-	-	-	XXXXXXXXXX
Payment of Bond Anticipation Notes	48-925	-	-	-	-	-	XXXXXXXXXX
Interest on Bonds	48-930	-	-	-	-	-	XXXXXXXXXX
Interest on Notes	48-935	-	-	-	-	-	XXXXXXXXXX
							XXXXXXXXXX
							XXXXXXXXXX
Total of Type 1 District School Debt Service - Excluded from "CAPS"	48-999	-	-	-	-	-	XXXXXXXXXX
Deferred Charges and Statutory (J) Expenditures - Local School -	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Emergency Authorizations - Schools	29-406	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
Capital Project for Land, Building or Equipment N.J.S.A. 18A:22-20	29-407	-	-	-	-	-	XXXXXXXXXX
Total Deferred Charges and Statutory Expenditures - Local School -	29-409	-	-	-	-	-	XXXXXXXXXX
District School Purposes {Items (I) and (J) - (K) Excluded from "CAPS"	29-410	-	-	-	-	-	XXXXXXXXXX
(O) Total General Appropriations - Excluded from "CAPS"	34-399	312,400.20	461,972.30	-	461,972.30	450,099.30	11,819.36
(L) Subtotal General Appropriations {Items (H-1) and (O)}	34-400	2,463,935.20	2,487,432.30	-	2,487,432.30	2,192,444.42	294,934.24
(M) Reserve for Uncollected Taxes	50-899	119,674.80	112,987.70	XXXXXXXXXX	112,987.70	112,987.70	XXXXXXXXXX
9. Total General Appropriations	34-499	2,583,610.00	2,600,420.00	-	2,600,420.00	2,305,432.12	294,934.24

CURRENT FUND - APPROPRIATIONS

8. GENERAL APPROPRIATIONS Summary of Appropriations	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
(H-1) Total General Appropriations for	34-299	2,151,535.00	2,025,460.00	-	2,025,460.00	1,742,345.12	283,114.88
Municipal Purposes within "CAPS"	XXXXXX						
(A) Operations - Excluded from "CAPS"	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Other Operations	34-300	26,800.00	27,800.00	-	27,800.00	20,873.88	6,926.12
Uniform Construction Code	22-999	-	-	-	-	-	-
Shared Service Agreements	42-999	87,760.00	87,760.00	-	87,760.00	85,366.76	2,393.24
Additional Appropriations Offset by Revenues	34-303	-	-	-	-	-	-
Public & Private Programs Offset by Revenues	40-999	15,365.20	17,512.30	-	17,512.30	15,012.30	2,500.00
Total Operations Excluded from "CAPS"	34-305	129,925.20	133,072.30	-	133,072.30	121,252.94	11,819.36
(C) Capital Improvements	44-999	15,000.00	15,000.00	-	15,000.00	15,000.00	-
(D) Municipal Debt Service	45-999	157,475.00	303,900.00	-	303,900.00	303,846.36	XXXXXXXXX
(E) Total Deferred Charges (Sheet 28)	46-999	10,000.00	10,000.00	XXXXXXXXX	10,000.00	10,000.00	XXXXXXXXX
(F) Judgments (Sheet 28)	37-480	-	-	-	-	-	XXXXXXXXX
(G) Cash Deficit - With Prior Consent of LFB	46-885	-	-	XXXXXXXXX	-	-	XXXXXXXXX
(K) Local District School Purposes	29-410	-	-	-	-	-	XXXXXXXXX
(N) Transferred to Board of Education	29-405	-	-	XXXXXXXXX	-	-	XXXXXXXXX
(M) Reserve for Uncollected Taxes	50-899	119,674.80	112,987.70	XXXXXXXXX	112,987.70	112,987.70	XXXXXXXXX
Total General Appropriations	34-499	2,583,610.00	2,600,420.00	-	2,600,420.00	2,305,432.12	294,934.24

DEDICATED WATER UTILITY BUDGET

10. DEDICATED REVENUES FROM WATER UTILITY	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Operating Surplus Anticipated	08-501	207,000.00	194,600.00	194,600.00
Operating Surplus Anticipated with Prior Written Consent of Director of Local Government Services	08-502	-	-	-
Total Operating Surplus Anticipated	08-500	207,000.00	194,600.00	194,600.00
Rents	08-503	325,400.00	327,200.00	451,008.10
Miscellaneous	08-505	-	-	-
Special Items of General Revenues Anticipated with Prior Written Consent of Director of Local Governement Services	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Deficit (General Budget)	08-549	-	-	-
Total WATER Utility Revenues	08-599	532,400.00	521,800.00	645,608.10

DEDICATED WATER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR WATER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Salaries & Wages	55-501	93,000.00	89,000.00	-	89,000.00	81,279.75	7,720.25
Other Expenses	55-502	277,100.00	270,200.00	-	270,200.00	220,365.12	49,834.88
							-
							-
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DEDICATED WATER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR WATER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
							-
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DEDICATED WATER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR WATER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
							-
							-
							-
							-
							-
Capital Improvements:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Down Payments on Improvements	55-510	-	-	-	-	-	-
Capital Improvement Fund	55-511	10,000.00	10,000.00	xxxxxxxxxx	10,000.00	10,000.00	-
Capital Outlay	55-512	84,500.00	84,500.00	-	84,500.00	15,611.00	18,889.00
							-
							-
Debt Service:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Payment on Bond Principal	55-520	35,000.00	35,000.00	-	35,000.00	35,000.00	xxxxxxxxxx
Payment on Bond Anticipation Notes & Capital Notes	55-521	-	-	-	-	-	xxxxxxxxxx
Interest on Bonds	55-522	16,000.00	17,800.00	-	17,800.00	17,750.00	xxxxxxxxxx
Interest on Notes	55-523	-	-	-	-	-	xxxxxxxxxx
							xxxxxxxxxx
							xxxxxxxxxx
							xxxxxxxxxx

DEDICATED WATER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR WATER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Deferred Charges and Statutory Expenditures:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
DEFERRED CHARGES:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Emergency Authorizations	55-530	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
STATUTORY EXPENDITURES:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Contribution To: Public Employee's Retirement System	55-540	8,700.00	7,200.00	-	7,200.00	7,036.00	164.00
Social Security System (O.A.S.I.)	55-541	8,000.00	8,000.00	-	8,000.00	6,217.84	1,782.16
Unemployment Compensation Insurance (N.J.S.A. 43:21-3 et. Seq.)	55-542	100.00	100.00	-	100.00	100.00	-
							-
							-
							-
Judgements	55-531	-	-	-	-	-	XXXXXXXXXX
Deficit in Operations in Prior Years	55-532	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
Surplus (General Budget)	55-545	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
TOTAL WATER UTILITY APPROPRIATIONS	55-599	532,400.00	521,800.00	-	521,800.00	393,359.71	78,390.29

DEDICATED SEWER UTILITY BUDGET

10. DEDICATED REVENUES FROM SEWER UTILITY	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Operating Surplus Anticipated	08-501	230,000.00	191,000.00	191,000.00
Operating Surplus Anticipated with Prior Written Consent of Director of Local Government Services	08-502	-	-	-
Total Operating Surplus Anticipated	08-500	230,000.00	191,000.00	191,000.00
Rents	08-503	320,000.00	316,000.00	530,517.01
Miscellaneous	08-505	-	-	-
Special Items of General Revenues Anticipated with Prior Written Consent of Director of Local Governement Services	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Deficit (General Budget)	08-549	-	-	-
Total SEWER Utility Revenues	08-599	550,000.00	507,000.00	721,517.01

DEDICATED SEWER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR SEWER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Salaries & Wages	55-501	64,000.00	62,000.00	-	62,000.00	56,974.33	5,025.67
Other Expenses	55-502	422,500.00	417,100.00	-	417,100.00	409,058.45	8,041.55
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DEDICATED SEWER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR SEWER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	xxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
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DEDICATED SEWER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR SEWER UTILITY	FCOA	Appropriated				Expended 2020	
		for 2021	for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Paid or Charged	Reserved
Operating:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Salaries & Wages	55-501	-	-	-	-	-	-
Other Expenses	55-502	-	-	-	-	-	-
							-
							-
							-
Capital Improvements:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Down Payments on Improvements	55-510	-	-	-	-	-	-
Capital Improvement Fund	55-511	10,000.00	10,000.00	XXXXXXXXXX	10,000.00	10,000.00	-
Capital Outlay	55-512	10,000.00	10,000.00	-	10,000.00	-	10,000.00
							-
							-
Debt Service:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Payment on Bond Principal	55-520	-	-	-	-	-	XXXXXXXXXX
Payment on Bond Anticipation Notes & Capital Notes	55-521	-	-	-	-	-	XXXXXXXXXX
Interest on Bonds	55-522	-	-	-	-	-	XXXXXXXXXX
Interest on Notes	55-523	-	-	-	-	-	XXXXXXXXXX
							XXXXXXXXXX
							XXXXXXXXXX
							XXXXXXXXXX

DEDICATED SEWER UTILITY BUDGET - (continued)

11. APPROPRIATIONS FOR SEWER UTILITY	FCOA	Appropriated for 2021	Appropriated for 2020	for 2020 By Emergency Appropriation	Total for 2020 As Modified By All Transfers	Expended 2020 Paid or Charged	Expended 2020 Reserved
Deferred Charges and Statutory Expenditures:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
DEFERRED CHARGES:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Emergency Authorizations	55-530	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
				XXXXXXXXXX			XXXXXXXXXX
STATUTORY EXPENDITURES:	XXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX	XXXXXXXXXX
Contribution To: Public Employee's Retirement System	55-540	3,500.00	2,900.00	-	2,900.00	2,800.00	100.00
Social Security System (O.A.S.I.)	55-541	4,900.00	4,900.00	-	4,900.00	4,358.53	541.47
Unemployment Compensation Insurance (N.J.S.A. 43:21-3 et. Seq.)	55-542	100.00	100.00	-	100.00	100.00	-
							-
							-
							-
Judgements	55-531	-	-	-	-	-	XXXXXXXXXX
Deficit in Operations in Prior Years	55-532	-	-	XXXXXXXXXX	-	-	XXXXXXXXXX
Surplus (General Budget)	55-545	35,000.00	-	XXXXXXXXXX	-	-	XXXXXXXXXX
TOTAL SEWER UTILITY APPROPRIATIONS	55-599	550,000.00	507,000.00	-	507,000.00	483,291.31	23,708.69

DEDICATED ASSESSMENT BUDGET

14. DEDICATED REVENUES FROM	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Assessment Cash	51-101	-	-	-
Deficit (General Budget)	51-885	-	-	-
Total Assessment Revenues	51-899	-	-	-
15. APPROPRIATIONS FOR ASSESSMENT DEBT		**Appropriated 2021**	**Appropriated 2020**	**Expended 2020 Paid or Charged**
Payment of Bond Principal	51-920	-	-	-
Payment of Bond Anticipation Notes	51-925	-	-	-
Total Assessment Appropriations	51-999	-	-	-

DEDICATED ASSESSMENT BUDGET UTILITY

14. DEDICATED REVENUES FROM	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Assessment Cash	52-101	-	-	-
Deficit (Utility Budget)	52-885	-	-	-
Total Utility Assessment Revenues	52-899	-	-	-
15. APPROPRIATIONS FOR ASSESSMENT DEBT		**Appropriated 2021**	**Appropriated 2020**	**Expended 2020 Paid or Charged**
Payment of Bond Principal	52-920	-	-	-
Payment of Bond Anticipation Notes	52-925	-	-	-
Total Utility Assessment Appropriations	52-999	-	-	-

DEDICATED ASSESSMENT BUDGET UTILITY

14. DEDICATED REVENUES FROM	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Assessment Cash	53-101	-	-	-
Deficit (Utility Budget)	53-885	-	-	-
Total Utility Assessment Revenues	53-899	-	-	-
15. APPROPRIATIONS FOR ASSESSMENT DEBT		**Appropriated 2021**	**Appropriated 2020**	**Expended 2020 Paid or Charged**
Payment of Bond Principal	53-920	-	-	-
Payment of Bond Anticipation Notes	53-925	-	-	-
Total Utility Assessment Appropriations	53-999	-	-	-

Dedication by Rider - (N.J.S.A. 40A: 4-39) dedicated revenues anticipated during the year 2020 from Animal Control State or Federal Aid for Maintenance of Libraries Bequest, Escheat; Construction Code Fees Due Hackensak Meadowlands Development Commission; Outside Employment of Off-Duty Municipal Police Officers; Unemployment Compensation Insurance; Reimbursement of Sale of Gasoline to State Automobiles; State Training Fees - Uniform Construction Code Act; Older Americans Act - Program Contributions; Municipal Alliance on Alcoholism and Drug Abuse - Program Income:

Housing and Community Development Act; Developer's Escrow Fund; Municipal Public Defender; Donations- Purchase of American Flags; Disposal of Forfeited Property; Recreation Trust Fund; Donations- Police Department for Safety Equipment; POAA; Outside Employment of Off-Duty Municipal Police Officer; Donations- Recreation Special Events Program; Uniform Fire Safety Act Penalty Monies; Snow Removal; Accumulated Absences; Affordable Housing

are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement."

APPENDIX TO BUDGET STATEMENT

CURRENT FUND BALANCE SHEET - DECEMBER 31, 2020

ASSETS		
Cash and Investments	1110100	1,675,764.24
Due from State of N.J.(c. 20, P.L. 1961)	1111000	149.97
Federal and State Grants Receivable	1110200	-
Receivables with Offsetting Reserves:	XXXXXX	XXXXXXXX
Taxes Receivable	1110300	-
Tax Title Lien Receivable	1110400	1,886.81
Property Acquired by Tax Title Lien Liquidation	1110500	318,800.00
Other Receivables	1110600	23,311.73
Deferred Charges Required to be in 2021 Budget	1110700	73,484.17
Deferred Charges Required to be in Budgets Subsequent to 2021	1110800	-
Total Assets	1110900	2,093,396.92

LIABILITIES, RESERVES AND SURPLUS		
*Cash Liabilities	2110100	961,917.63
Reserves for Receivables	2110200	343,998.54
Surplus	2110300	787,480.75
Total Liabilities, Reserves and Surplus	XXXXXX	2,093,396.92

School Tax Levy Unpaid	2220170	1,645,093.88
Less: School Tax Deferred	2220200	1,223,505.44
*Balance Included in Above "Cash Liabilities"	2220300	421,588.44

(Important: This appendix must be included in advertisement of Budget.)

COMPARATIVE STATEMENT OF CURRENT FUND OPERATIONS AND CHANGE IN CURRENT SURPLUS

		YEAR 2020	YEAR 2019
Surplus Balance, January 1st	2310100	828,456.77	572,709.32
CURRENT REVENUE ON A CASH BASIS:	XXXXXX	XXXXXXXX	XXXXXXXX
Current Taxes: *(Percentage Collected 2020 99%, 2019 99%)	2310200	6,370,134.55	6,180,654.68
Delinquent Taxes	2310300	33.77	-
Other Revenues and Additions to Income	2310400	1,102,732.47	1,285,492.05
Total Funds	2310500	8,301,357.56	8,038,856.05
EXPENDITURES AND TAX REQUIREMENTS:	XXXXXX	XXXXXXXX	XXXXXXXX
Municipal Appropriations	2310600	2,487,378.66	2,335,074.22
School Taxes (Including Local and Regional)	2310700	3,452,495.00	3,341,804.00
County Taxes (Including Added Tax Amounts)	2310800	755,487.32	741,521.06
Special District Taxes	2310900	492,000.00	492,000.00
Other Expenditures and Deductions from Income	2311000	400,000.00	300,000.00
Total Expenditures and Tax Requirements	2311100	7,587,360.98	7,210,399.28
Less: Expenditures to be Raised by Future Taxes	2311200	73,484.17	-
Total Adjusted Expenditures and Tax Requirements	2311300	7,513,876.81	7,210,399.28
Surplus Balance - December 31st	2311400	787,480.75	828,456.77

*Nearest even percentage may be used

Proposed Use of Current Fund Surplus in 2021 Budget

Surplus Balance December 31, 2020	2311500	787,480.75
Current Surplus Anticipated in 2021 Budget	2311600	300,000.00
Surplus Balance Remaining	2311700	487,480.75

2021
CAPITAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM

This section is included with the Annual Budget pursuant to N.J.A.C. 5:30-4. It does not in itself confer any authorization to raise or expend funds. Rather it is a document used as part of the local unit's planning and management program. Specific authorization to expend funds for purposes described in this section must be granted elsewhere, by a separate bond ordinance, by inclusion of a line item in the Capital Improvement Section of this budget, by an ordinance taking the money from the Capital Improvement Fund, or other lawful means.

CAPITAL BUDGET - A plan for all capital expenditures for the current fiscal year.

If no Capital Budget is included, check the reason why:

☐ Total capital expenditures this year do not exceed $25,000, including appropriations for Capital Improvement Fund, Capital Line items and Down Payments on Improvements.

☐ No bond ordinances are planned this year.

CAPITAL IMPROVEMENT PROGRAM - A multi-year list of planned capital projects, including the current year.

Check appropriate box for number of years covered, including current year:

☒ 3 years. (Population under 10,000)

☐ 6 years. (Over 10,000 and all county governments)

☐ years exceeding minimum time period.

☐ Check if municipality is under 10,000, has not expended more than $25,000 annually for capital purposes in immediately previous three years, and is not adopting CIP.

BOROUGH OF ENGLISHTOWN
NARRATIVE FOR CAPITAL IMPROVEMENT PROGRAM

The Capital Improvement Program presented herin is an estimate projection of Capital Projects for the next 3 years. It should be noted that the foregoing does not represent an appropriation of funds for the purposes listed, but merely a plan of capital improvements that are being contemplated in 2021 and the ensuing 2 years. A funding authorization is required in the form of budget appropriation of capital ordinance before monies are available for the projects outline in Sheets 40b-40d.

Every effort has been and will be made by the Mayor and Council to plan improvements which are responsive to the needs of the community. Should unanticipated needs arise, the Capital Program will be revised or amended accordingly.

CAPITAL BUDGET (Current Year Action)
2021

Local Unit BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2021					6 TO BE FUNDED IN FUTURE YEARS
				5a 2021 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
Computer Equipment	1	15,000.00	-	-	750.00	-	-	14,250.00	-
Building Camera	2	25,000.00	-	-	1,250.00	-	-	23,750.00	-
Police Shed	3	6,000.00	-	-	300.00	-	-	5,700.00	-
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CAPITAL BUDGET (Current Year Action)
2021

Local Unit BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2021					6 TO BE FUNDED IN FUTURE YEARS
				5a 2021 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
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CAPITAL BUDGET (Current Year Action)
2021

Local Unit: BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 AMOUNTS RESERVED IN PRIOR YEARS	PLANNED FUNDING SERVICES FOR CURRENT YEAR - 2021					6 TO BE FUNDED IN FUTURE YEARS
				5a 2021 Budget Appropriations	5b Capital Improvement Fund	5c Capital Surplus	5d Grants in Aid and Other Funds	5e Debt Authorized	
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TOTAL - ALL PROJECTS	XXXXX	46,000.00	-	-	2,300.00	-	-	43,700.00	-

Sheet 40b - Totals

3 YEAR CAPITAL PROGRAM - 2021 to 2023
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

Local Unit: BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 Estimated Completion Time	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2021	5b 2022	5c 2023	5d 2024	5e 2025	5f 2026
Computer Equipment	1	15,000.00	2,022.00	7,500.00	7,500.00	-	-	-	-
Building Camera	2	25,000.00	2,022.00	12,500.00	12,500.00	-	-	-	-
Police Shed	3	6,000.00	2,022.00	3,000.00	3,000.00	-	-	-	-
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TOTAL - THIS PAGE	XXXXX	46,000.00	XXXXXXXXXX	23,000.00	23,000.00	-	-	-	-

3 YEAR CAPITAL PROGRAM - 2021 to 2023
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

Local Unit BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 Estimated Completion Time	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2021	5b 2022	5c 2023	5d 2024	5e 2025	5f 2026
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3 YEAR CAPITAL PROGRAM - 2021 to 2023
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENTS

Local Unit: BOROUGH OF ENGLISHTOWN

1 PROJECT TITLE	2 PROJECT NUMBER	3 ESTIMATED TOTAL COST	4 Estimated Completion Time	FUNDING AMOUNTS PER BUDGET YEAR					
				5a 2021	5b 2022	5c 2023	5d 2024	5e 2025	5f 2026
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TOTAL - ALL PROJECTS	XXXXX	46,000.00	XXXXXXXXXX	23,000.00	23,000.00	-	-	-	-

Sheet 40c - Totals

3 YEAR CAPITAL PROGRAM - 2021 to 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit: BOROUGH OF ENGLISHTOWN

1 Project Title	2 Estimated Total Costs	BUDGET APPROPRIATIONS 3a Current Year 2021	3b Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants - in - Aid and Other Funds	BONDS AND NOTES 7a General	7b Self Liquidating	7c Assessment	7d School
Computer Equipment	15,000.00	-	-	750.00	-	-	14,250.00	-	-	-
Building Camera	25,000.00	-	-	1,250.00	-	-	23,750.00	-	-	-
Police Shed	6,000.00	-	-	300.00	-	-	5,700.00	-	-	-
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3 YEAR CAPITAL PROGRAM - 2021 to 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit BOROUGH OF ENGLISHTOWN

1 Project Title	2 Estimated Total Costs	BUDGET APPROPRIATIONS 3a Current Year 2021	3b Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants - in - Aid and Other Funds	BONDS AND NOTES 7a General	7b Self Liquidating	7c Assessment	7d School
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3 YEAR CAPITAL PROGRAM - 2021 to 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Local Unit: BOROUGH OF ENGLISHTOWN

1 Project Title	2 Estimated Total Costs	BUDGET APPROPRIATIONS 3a Current Year 2021	3b Future Years	4 Capital Improvement Fund	5 Capital Surplus	6 Grants - in - Aid and Other Funds	BONDS AND NOTES 7a General	7b Self Liquidating	7c Assessment	7d School
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	-			-						
TOTAL - ALL PROJECTS	46,000.00	-	-	2,300.00	-	-	43,700.00	-	-	-

Sheet 40d - Totals

SECTION 2 - UPON ADOPTION FOR YEAR 2021

RESOLUTION

Be it Resolved by the **COUNCIL MEMBERS** of the **BOROUGH**
of **ENGLISHTOWN**, County of **MONMOUTH** that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) $ 1,794,227.18 (Item 2 below) for municipal purposes, and
(b) $ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) $ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
(d) $ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
(e) $ - (Sheet 44) Arts and Culture Trust Fund Levy
(f) $ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes	Nays	Abstained	Absent

SUMMARY OF REVENUES

1. General Revenues					
Surplus Anticipated			08-100	$	300,000.00
Miscellaneous Revenues Anticipated			13-099	$	489,382.82
Receipts from Delinquent Taxes			15-499	$	-
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)			07-190	$	1,794,227.18
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:					
Item 6, Sheet 42	07-195	$ -			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	$ -			
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY				$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:					
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)			07-191	$	-
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			07-192	$	-
Total Revenues			13-299	$	2,583,610.00

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:	xxxxxx	xxxxxxxxxxxx
Within "CAPS"	xxxxxx	xxxxxxxxxxxx
(a & b) Operations Including Contingent	34-201	$ 1,902,325.00
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	$ 249,210.00
(g) Cash Deficit	46-885	$ -
Excluded from "CAPS"	xxxxxx	xxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	34-305	$ 129,925.20
(c) Capital Improvements	44-999	$ 15,000.00
(d) Municipal Debt Service	45-999	$ 157,475.00
(e) Deferred Charges - Municipal	46-999	$ 10,000.00
(f) Judgments	37-480	$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	$ -
(g) Cash Deficit	46-885	$ -
(k) For Local District School Purposes	29-410	$ -
(m) Reserve for Uncollected Taxes	50-899	$ 119,674.80
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-195	0
Total Appropriations	34-499	$ 2,583,610.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2021, _____, Clerk

Signature

BOROUGH OF ENGLISHTOWN **OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND**

DEDICATED REVENUES FROM TRUST FUND	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Amount to be Raised By Taxation	54-190	-	-	-
Interest Income	54-113	-	-	-
Reserve Funds:	54-101	-	-	-
Total Trust Fund Revenues:	54-299	-	-	-

APPROPRIATIONS	FCOA	Appropriated for 2021	Appropriated for 2020	Expended 2020 Paid or Charged	Expended 2020 Reserved
Development of Lands for Recreation and Conservation:		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Salaries & Wages	54-385-1	-	-	-	-
Other Expenses	54-385-2	-	-	-	-
Maintenance of Lands for Recreation and Conservation:		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Salaries & Wages	54-375-1	-	-	-	-
Other Expenses	54-372-2	-	-	-	-
Historic Preservation:		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Salaries & Wages	54-176-1	-	-	-	-
Other Expenses	54-176-2	-	-	-	-
					-
Acquisition of Lands for Recreation and Conservation	54-915-2	-	-	-	-
Acquisition of Farmland	54-916-2	-	-	-	-
Down Payments on Improvements	54-902-2	-	-	-	-
Debt Service:		xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx	xxxxxxxxxx
Payment of Bond Principal	54-920-2	-	-	-	xxxxxxxxxx
Payment of Bond Anticipation Notes and Capital Notes	54-925-2	-	-	-	xxxxxxxxxx
Interest on Bonds	54-930-2	-	-	-	xxxxxxxxxx
Interest on Notes	54-935-2	-	-	-	xxxxxxxxxx
Reserve for Future Use	54-950-2	-	-	-	-
Total Trust Fund Appropriations:	54-499	-	-	-	-

Summary of Program

Year Referendum Passed/Implemented: 0 *(Date)*

Rate Assessed: $ -

Total Tax Collected to date: $ -

Total Expended to date: $ -

Total Acreage Preserved to date: 0.000 *(Acres)*

Recreation land preserved in 2020: 0.000 *(Acres)*

Farmland preserved in 2020: 0.000 *(Acres)*

BOROUGH OF ENGLISHTOWN **ARTS AND CULTURE TRUST FUND**

DEDICATED REVENUES FROM TRUST FUND	FCOA	Anticipated 2021	Anticipated 2020	Realized in Cash in 2020
Amount to be Raised By Taxation	56-190	-	-	-
Reserve Funds:	56-101	-	-	-
Total Trust Fund Revenues:	56-299	-	-	-

APPROPRIATIONS	FCOA	Appropriated for 2021	Appropriated for 2020	Expended 2020 Paid or Charged	Expended 2020 Reserved
xxxxxxxxxxxxxxxxxx	xxxxx	xxxxxxxxx	xxxxxxxxx	xxxxxxxxx	xxxxxxxxx
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
Total Trust Fund Appropriations:	56-499	-	-	-	-

Summary of Program

Year Referendum Passed/Implemented: 0 *(Date)*

Rate Assessed: $ -

Total Tax Collected to date: $ -

Total Expended to date: $ -

Annual List of Change Orders Approved
Pursuant to N.J.A.C. 5:30-11

Contracting Unit: **BOROUGH OF ENGLISHTOWN** Year Ending: December 31, 2020

The following is a complete list of all change orders which caused the originally awarded contract price to be exceeded by more than 20 percent. For regulatory details please consult N.J.A.C. 5:30-11.1 et seq. Please identify each change order by name of the project.

1. None Noted

2.

3.

4.

For each change order listed above, submit with introduced budget a copy of the governing body resolution authorizing the change order and an Affidavit of Publication for the newspaper notice required by N.J.A.C. 5:30-11.9(d). (Affidavit must include a copy of the newspaper notice.)

If you have not had a change order exceeding the 20 percent threshold for the year indicated above, please check here ☑ and certify below.

Date

Clerk of the Governing Body

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021- 078

RESOLUTION INTRODUCING THE MUNICIPAL BUDGET OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, FOR FISCAL YEAR 2021, WITH STATEMENTS OF REVENUES AND APPROPRIATIONS WHICH SHALL CONSTITUTE THE LOCAL BUDGET FOR THE YEAR 2021

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal budget for the year 2021.

BE IT FURTHER RESOLVED, that the said budget be published in The Asbury Park Press in the issue of May 6, 2021.

The Governing Body of the Borough of Englishtown does hereby approve the following as the budget for the year 2021:

1.	Appropriation within "Caps" Municipal purposes (Item H-1, Sheet 19) (N.J.S. 40a:4-45.2)	$ 2,151,535.00
2.	Appropriations excluded from "Caps" Municipal purposes (Item H-2, Sheet 28) (N.J.S. 40a:4-45.3 as amended)	$ 312,400.20
	Total general appropriations excluded from "Caps" (Item 0, Sheet 29)	$ 312,400.20
3.	Reserve for uncollected taxes (Item M, sheet 29) - based on estimated 98.18% of tax collections	$ 119,674.80
4.	Total general appropriations (Item 9, Sheet 29)	$ 2,583,610.00
5.	Less: Anticipated revenues other than current property tax (Item 5, Sheet 11) (i.e. surplus, misc. revenues and receipts from delinquent taxes)	$ 789,382.82
6.	Difference: Amount to be raised by taxes for support of Municipal Budget (As Follows)	
	A. Local tax for Municipal purposes including reserve for uncollected taxes (Item 6 (A), Sheet 11)	$1,794,227.18

Notice is hereby given that the Budget and Tax Resolution is approved by the Mayor and Council of the Borough of Englishtown, County of Monmouth on April 28, 2021.

A hearing on the Budget and Tax Resolution will be held at 15 Main Street, Englishtown, NJ 07726 on May 26, 2021 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year may be presented by taxpayers or other interested persons.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-079

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the Borough of Englishtown, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *April 28, 2021.*

Offered By:

Seconded By:

Roll Call: Aye:

Nays:

Abstain:

Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

EEOC Enforcement Guidance	**Number** 915.002 **Date** 4/25/2012

1. **SUBJECT**: Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. § 2000e *et seq.*

2. **PURPOSE**: The purpose of this Enforcement Guidance is to consolidate and update the U.S. Equal Employment Opportunity Commission's guidance documents regarding the use of arrest or conviction records in employment decisions under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.*

3. **EFFECTIVE DATE**: Upon receipt.

4. **EXPIRATION DATE**: This Notice will remain in effect until rescinded or superseded.

5. **ORIGINATOR**: Office of Legal Counsel.

Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

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I. Summary

- An employer's use of an individual's criminal history in making employment decisions may, in some instances, violate the prohibition against employment discrimination under Title VII of the Civil Rights Act of 1964, as amended.

- The Guidance builds on longstanding court decisions and existing guidance documents that the U.S. Equal Employment Opportunity Commission (Commission or EEOC) issued over twenty years ago.

- The Guidance focuses on employment discrimination based on race and national origin. The Introduction provides information about criminal records, employer practices, and Title VII.

- The Guidance discusses the differences between arrest and conviction records.

    - The fact of an arrest does not establish that criminal conduct has occurred, and an exclusion based on an arrest, in itself, is not job related and consistent with business necessity. However, an employer may make an employment decision based on the conduct underlying an arrest if the conduct makes the individual unfit for the position in question.

    - In contrast, a conviction record will usually serve as sufficient evidence that a person engaged in particular conduct. In certain circumstances, however, there may be reasons for an employer not to rely on the conviction record alone when making an employment decision.

- The Guidance discusses disparate treatment and disparate impact analysis under Title VII.

    - A violation may occur when an employer treats criminal history information differently for different applicants or employees, based on their race or national origin (disparate treatment liability).

    - An employer's neutral policy (e.g., excluding applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected under Title VII, and may violate the law if not job related and consistent with business necessity (disparate impact liability).

        - National data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. The national data provides a basis for the Commission to investigate Title VII disparate impact charges challenging criminal record exclusions.

- Two circumstances in which the Commission believes employers will consistently meet the "job related and consistent with business necessity" defense are as follows:

  - The employer validates the criminal conduct exclusion for the position in question in light of the Uniform Guidelines on Employee Selection Procedures (if there is data or analysis about criminal conduct as related to subsequent work performance or behaviors); or

  - The employer develops a targeted screen considering at least the nature of the crime, the time elapsed, and the nature of the job (the three factors identified by the court in *Green v. Missouri Pacific Railroad*, 549 F.2d 1158 (8th Cir. 1977)). The employer's policy then provides an opportunity for an individualized assessment for those people identified by the screen, to determine if the policy as applied is job related and consistent with business necessity. (Although Title VII does not require individualized assessment in all circumstances, the use of a screen that does not include individualized assessment is more likely to violate Title VII.).

- Compliance with other federal laws and/or regulations that conflict with Title VII is a defense to a charge of discrimination under Title VII.

- State and local laws or regulations are preempted by Title VII if they "purport[] to require or permit the doing of any act which would be an unlawful employment practice" under Title VII. 42 U.S.C. § 2000e-7.

- The Guidance concludes with best practices for employers.

II. Introduction

The EEOC enforces Title VII of the Civil Rights Act of 1964 (Title VII) which prohibits employment discrimination based on race, color, religion, sex, or national origin.[1] This Enforcement Guidance is issued as part of the Commission's efforts to eliminate unlawful discrimination in employment screening, for hiring or retention, by entities covered by Title VII, including private employers as well as federal, state, and local governments.[2]

In the last twenty years, there has been a significant increase in the number of Americans who have had contact[3] with the criminal justice system[4] and, concomitantly, a major increase in the number of people with criminal records in the working-age population.[5] In 1991, only 1.8% of the adult population had served time in prison.[6] After ten years, in 2001, the percentage rose to 2.7% (1 in 37 adults).[7] By the end of 2007, 3.2% of all adults in the United States (1 in every 31) were under some form of correctional control involving probation, parole, prison, or jail.[8] The Department of Justice's Bureau of Justice Statistics (DOJ/BJS) has concluded that, if incarceration rates do not decrease, approximately 6.6% of all persons born in the United States in 2001 will serve time in state or federal prison during their lifetimes.[9]

Arrest and incarceration rates are particularly high for African American and Hispanic men.[10] African Americans and Hispanics[11] are arrested at a rate that is 2 to 3 times their proportion of the general population.[12] Assuming that current incarceration rates remain unchanged, about 1 in 17 White men are expected to serve time in prison during their lifetime;[13] by contrast, this rate climbs to 1 in 6 for Hispanic men; and to 1 in 3 for African American men.[14]

The Commission, which has enforced Title VII since it became effective in 1965, has well-established guidance applying Title VII principles to employers' use of criminal records to screen for employment.[15] This Enforcement Guidance builds on longstanding court decisions and policy documents that were issued over twenty years ago. In light of employers' increased access to criminal history information, case law analyzing Title VII requirements for criminal record exclusions, and other developments,[16] the Commission has decided to update and consolidate in this document all of its prior policy statements about Title VII and the use of criminal records in employment decisions. Thus, this Enforcement Guidance will supersede the Commission's previous policy statements on this issue.

The Commission intends this document for use by employers considering the use of criminal records in their selection and retention processes; by individuals who suspect that they have been denied jobs or promotions, or have been discharged because of their criminal records; and by EEOC staff who are investigating discrimination charges involving the use of criminal records in employment decisions.

III. Background

The contextual framework for the Title VII analysis in this Enforcement Guidance includes how criminal record information is collected and recorded, why employers use criminal records, and the EEOC's interest in such criminal record screening.

A. Criminal History Records

Criminal history information can be obtained from a wide variety of sources including, but not limited to, the following:

- Court Records. Courthouses maintain records relating to criminal charges and convictions, including arraignments, trials, pleas, and other dispositions.[17] Searching county courthouse records typically provides the most complete criminal history.[18] Many county courthouse records must be retrieved on-site,[19] but some courthouses offer their records online.[20] Information about federal crimes such as interstate drug trafficking, financial fraud, bank robbery, and crimes against the government may be found online in federal court records by searching the federal courts' Public Access to Court Electronic Records or Case Management/Electronic Case Files.[21]

- Law Enforcement and Corrections Agency Records. Law enforcement agencies such as state police agencies and corrections agencies may allow the public to access their records, including records of complaints, investigations, arrests, indictments, and periods of incarceration, probation, and parole.[22] Each agency may differ with respect to how and where the records may be searched, and whether they are indexed.[23]

- Registries or Watch Lists. Some government entities maintain publicly available lists of individuals who have been convicted of, or are suspected of having committed, a certain type of crime. Examples of such lists include state and federal sex offender registries and lists of individuals with outstanding warrants.[24]

- State Criminal Record Repositories. Most states maintain their own centralized repositories of criminal records, which include records that are submitted by most or all of their criminal justice agencies, including their county courthouses.[25] States differ with respect to the types of records included in the repository,[26] the completeness of the records,[27] the frequency with which they are updated,[28] and whether they permit the public to search the records by name, by fingerprint, or both.[29] Some states permit employers (or third-parties acting on their behalf) to access these records, often for a fee.[30] Others limit access to certain types of records,[31] and still others deny access altogether.[32]

- The Interstate Identification Index (III). The Federal Bureau of Investigation (FBI) maintains the most comprehensive collection of criminal records in the nation, called the "Interstate Identification Index" (III). The III database compiles

records from each of the state repositories, as well as records from federal and international criminal justice agencies.[33]

The FBI's III database may be accessed for employment purposes by:

- the federal government;[34]
- employers in certain industries that are regulated by the federal government, such as "the banking, nursing home, securities, nuclear energy, and private security guard industries; as well as required security screenings by federal agencies of airport workers, HAZMAT truck drivers and other transportation workers";[35] and
- employers in certain industries "that the state has sought to regulate, such as persons employed as civil servants, day care, school, or nursing home workers, taxi drivers, private security guards, or members of regulated professions."[36]

Recent studies have found that a significant number of state and federal criminal record databases include incomplete criminal records.

- A 2011 study by the DOJ/BJS reported that, as of 2010, many state criminal history record repositories still had not recorded the final dispositions for a significant number of arrests.[37]
- A 2006 study by the DOJ/BJS found that only 50% of arrest records in the FBI's III database were associated with a final disposition. [38]

Additionally, reports have documented that criminal records may be inaccurate.

- One report found that even if public access to criminal records has been restricted by a court order to seal and/or expunge such records, this does not guarantee that private companies also will purge the information from their systems or that the event will be erased from media archives.[39]
- Another report found that criminal background checks may produce inaccurate results because criminal records may lack "unique" information or because of "misspellings, clerical errors or intentionally inaccurate identification information provided by search subjects who wish to avoid discovery of their prior criminal activities."[40]

Employers performing background checks to screen applicants or employees may attempt to search these governmental sources themselves or conduct a simple Internet search, but they often rely on third-party background screening businesses.[41] Businesses that sell criminal history information to employers are "consumer reporting agencies" (CRAs)[42] if they provide the information in "consumer reports"[43] under the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (FCRA). Under FCRA, a CRA generally may not report records of arrests that did not result in entry of a judgment of conviction, where the arrests occurred more than seven years ago.[44]

However, they may report convictions indefinitely.[45]

CRAs often maintain their own proprietary databases that compile information from various sources, such as those described above, depending on the extent to which the business has purchased or otherwise obtained access to data.[46] Such databases vary with respect to the geographic area covered, the type of information included (e.g., information about arrests, convictions, prison terms, or specialized information for a subset of employers such as information about workplace theft or shoplifting cases for retail employers[47]), the sources of information used (e.g., county databases, law enforcement agency records, sex offender registries), and the frequency with which they are updated. They also may be missing certain types of disposition information, such as updated convictions, sealing or expungement orders, or orders for entry into a diversion program.[48]

B. Employers' Use of Criminal History Information

In one survey, a total of 92% of responding employers stated that they subjected all or some of their job candidates to criminal background checks.[49] Employers have reported that their use of criminal history information is related to ongoing efforts to combat theft and fraud,[50] as well as heightened concerns about workplace violence[51] and potential liability for negligent hiring.[52] Employers also cite federal laws as well as state and local laws[53] as reasons for using criminal background checks.

C. The EEOC's Interest in Employers' Use of Criminal Records in Employment Screening

The EEOC enforces Title VII, which prohibits employment discrimination based on race, color, religion, sex, or national origin. Having a criminal record is not listed as a protected basis in Title VII. Therefore, whether a covered employer's reliance on a criminal record to deny employment violates Title VII depends on whether it is part of a claim of employment discrimination based on race, color, religion, sex, or national origin. Title VII liability for employment discrimination is determined using two analytic frameworks: "disparate treatment" and "disparate impact." Disparate treatment is discussed in Section IV and disparate impact is discussed in Section V.

IV. Disparate Treatment Discrimination and Criminal Records

A covered employer is liable for violating Title VII when the plaintiff demonstrates that it treated him differently because of his race, national origin, or another protected basis.[54] For example, there is Title VII disparate treatment liability where the evidence shows that a covered employer rejected an African American applicant based on his criminal record but hired a similarly situated White applicant with a comparable criminal record.[55]

> **Example 1: Disparate Treatment Based on Race.** John, who is White, and Robert, who is African American, are both recent graduates of State University. They have similar educational backgrounds, skills, and work experience. They each pled guilty to charges of possessing and

distributing marijuana as high school students, and neither of them had any subsequent contact with the criminal justice system.

After college, they both apply for employment with Office Jobs, Inc., which, after short intake interviews, obtains their consent to conduct a background check. Based on the outcome of the background check, which reveals their drug convictions, an Office Jobs, Inc., representative decides not to refer Robert for a follow-up interview. The representative remarked to a co-worker that Office Jobs, Inc., cannot afford to refer "these drug dealer types" to client companies. However, the same representative refers John for an interview, asserting that John's youth at the time of the conviction and his subsequent lack of contact with the criminal justice system make the conviction unimportant. Office Jobs, Inc., has treated John and Robert differently based on race, in violation of Title VII.

Title VII prohibits "not only decisions driven by racial [or ethnic] animosity, but also decisions infected by stereotyped thinking . . . ."[56] Thus, an employer's decision to reject a job applicant based on racial or ethnic stereotypes about criminality—rather than qualifications and suitability for the position—is unlawful disparate treatment that violates Title VII.[57]

Example 2: Disparate Treatment Based on National Origin. Tad, who is White, and Nelson, who is Latino, are both recent high school graduates with grade point averages above 4.0 and college plans. While Nelson has successfully worked full-time for a landscaping company during the summers, Tad only held occasional lawn-mowing and camp-counselor jobs. In an interview for a research job with Meaningful and Paid Internships, Inc. (MPII), Tad discloses that he pled guilty to a felony at age 16 for accessing his school's computer system over the course of several months without authorization and changing his classmates' grades. Nelson, in an interview with MPII, emphasizes his successful prior work experience, from which he has good references, but also discloses that, at age 16, he pled guilty to breaking and entering into his high school as part of a class prank that caused little damage to school property. Neither Tad nor Nelson had subsequent contact with the criminal justice system.

The hiring manager at MPII invites Tad for a second interview, despite his record of criminal conduct. However, the same hiring manager sends Nelson a rejection notice, saying to a colleague that Nelson is only qualified to do manual labor and, moreover, that he has a criminal record. In light of the evidence showing that Nelson's and Tad's educational backgrounds are similar, that Nelson's work experience is more extensive, and that Tad's criminal conduct is more indicative of untrustworthiness, MPII has failed to state a legitimate, nondiscriminatory reason for rejecting Nelson. If Nelson filed a Title VII charge alleging disparate treatment based on national origin and the EEOC's investigation

confirmed these facts, the EEOC would find reasonable cause to believe that discrimination occurred.

There are several kinds of evidence that may be used to establish that race, national origin, or other protected characteristics motivated an employer's use of criminal records in a selection decision, including, but not limited to:

- Biased statements. Comments by the employer or decisionmaker that are derogatory with respect to the charging party's protected group, or that express group-related stereotypes about criminality, might be evidence that such biases affected the evaluation of the applicant's or employee's criminal record.

- Inconsistencies in the hiring process. Evidence that the employer requested criminal history information more often for individuals with certain racial or ethnic backgrounds, or gave Whites but not racial minorities the opportunity to explain their criminal history, would support a showing of disparate treatment.

- Similarly situated comparators (individuals who are similar to the charging party in relevant respects, except for membership in the protected group). Comparators may include people in similar positions, former employees, and people chosen for a position over the charging party. The fact that a charging party was treated differently than individuals who are not in the charging party's protected group by, for example, being subjected to more or different criminal background checks or to different standards for evaluating criminal history, would be evidence of disparate treatment.

- Employment testing. Matched-pair testing may reveal that candidates are being treated differently because of a protected status.[58]

- Statistical evidence. Statistical analysis derived from an examination of the employer's applicant data, workforce data, and/or third party criminal background history data may help to determine if the employer counts criminal history information more heavily against members of a protected group.

V. Disparate Impact Discrimination and Criminal Records

A covered employer is liable for violating Title VII when the plaintiff demonstrates that the employer's neutral policy or practice has the effect of disproportionately screening out a Title VII-protected group and the employer fails to demonstrate that the policy or practice is job related for the position in question and consistent with business necessity.[59]

In its 1971 *Griggs v. Duke Power Company* decision, the Supreme Court first recognized that Title VII permits disparate impact claims.[60] The *Griggs* Court explained that "[Title VII] proscribes . . . practices that are fair in form, but discriminatory in operation. The touchstone is business necessity. If an employment practice which operates to exclude [African Americans] cannot be shown to be related to job performance, the practice is prohibited."[61] In 1991,

Congress amended Title VII to codify this analysis of discrimination and its burdens of proof.[62] Title VII, as amended, states:

> An unlawful employment practice based on disparate impact is established . . . if a complaining party demonstrates that an employer uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity. . . .[63]

With respect to criminal records, there is Title VII disparate impact liability where the evidence shows that a covered employer's criminal record screening policy or practice disproportionately screens out a Title VII-protected group and the employer does not demonstrate that the policy or practice is job related for the positions in question and consistent with business necessity.

A. Determining Disparate Impact of Policies or Practices that Screen Individuals Based on Records of Criminal Conduct

1. Identifying the Policy or Practice

The first step in disparate impact analysis is to identify the particular policy or practice that causes the unlawful disparate impact. For criminal conduct exclusions, relevant information includes the text of the policy or practice, associated documentation, and information about how the policy or practice was actually implemented. More specifically, such information also includes which offenses or classes of offenses were reported to the employer (e.g., all felonies, all drug offenses); whether convictions (including sealed and/or expunged convictions), arrests, charges, or other criminal incidents were reported; how far back in time the reports reached (e.g., the last five, ten, or twenty years); and the jobs for which the criminal background screening was conducted.[64] Training or guidance documents used by the employer also are relevant, because they may specify which types of criminal history information to gather for particular jobs, how to gather the data, and how to evaluate the information after it is obtained.

2. Determining Disparate Impact

Nationally, African Americans and Hispanics are arrested in numbers disproportionate to their representation in the general population. In 2010, 28% of all arrests were of African Americans,[65] even though African Americans only comprised approximately 14% of the general population.[66] In 2008, Hispanics were arrested for federal drug charges at a rate of approximately three times their proportion of the general population.[67] Moreover, African Americans and Hispanics were more likely than Whites to be arrested, convicted, or sentenced for drug offenses even though their rate of drug use is similar to the rate of drug use for Whites.[68]

African Americans and Hispanics also are incarcerated at rates disproportionate to their numbers in the general population. Based on national incarceration data, the U.S. Department of Justice estimated in 2001 that 1 out of every 17 White men (5.9% of the White men in the U.S.)

is expected to go to prison at some point during his lifetime, assuming that current incarceration rates remain unchanged.[69] This rate climbs to 1 in 6 (or 17.2%) for Hispanic men.[70] For African American men, the rate of expected incarceration rises to 1 in 3 (or 32.2%).[71] Based on a state-by-state examination of incarceration rates in 2005, African Americans were incarcerated at a rate 5.6 times higher than Whites,[72] and 7 states had a Black-to-White ratio of incarceration that was 10 to1.[73] In 2010, Black men had an imprisonment rate that was nearly 7 times higher than White men and almost 3 times higher than Hispanic men.[74]

National data, such as that cited above, supports a finding that criminal record exclusions have a disparate impact based on race and national origin. The national data provides a basis for the Commission to further investigate such Title VII disparate impact charges. During an EEOC investigation, the employer also has an opportunity to show, with relevant evidence, that its employment policy or practice does not cause a disparate impact on the protected group(s). For example, an employer may present regional or local data showing that African American and/or Hispanic men are not arrested or convicted at disproportionately higher rates in the employer's particular geographic area. An employer also may use its own applicant data to demonstrate that its policy or practice did not cause a disparate impact. The Commission will assess relevant evidence when making a determination of disparate impact, including applicant flow information maintained pursuant to the Uniform Guidelines on Employee Selection Procedures,[75] workforce data, criminal history background check data, demographic availability statistics, incarceration/conviction data, and/or relevant labor market statistics.[76]

An employer's evidence of a racially balanced workforce will not be enough to disprove disparate impact. In *Connecticut v. Teal*, the Supreme Court held that a "bottom line" racial balance in the workforce does not preclude employees from establishing a prima facie case of disparate impact; nor does it provide employers with a defense.[77] The issue is whether the policy or practice deprives a disproportionate number of Title VII-protected individuals of employment opportunities.[78]

Finally, in determining disparate impact, the Commission will assess the probative value of an employer's applicant data. As the Supreme Court stated in *Dothard v. Rawlinson*, an employer's "application process might itself not adequately reflect the actual potential applicant pool since otherwise qualified people might be discouraged from applying" because of an alleged discriminatory policy or practice.[79] Therefore, the Commission will closely consider whether an employer has a reputation in the community for excluding individuals with criminal records. Relevant evidence may come from ex-offender employment programs, individual testimony, employer statements, evidence of employer recruitment practices, or publicly posted notices, among other sources.[80] The Commission will determine the persuasiveness of such evidence on a case-by-case basis.

B. Job Related For the Position in Question and Consistent with Business Necessity

1. Generally

After the plaintiff in litigation establishes disparate impact, Title VII shifts the burdens of

production and persuasion to the employer to "demonstrate that the challenged practice is job related for the position in question and consistent with business necessity."[81] In the legislative history of the 1991 Civil Rights Act, Congress referred to *Griggs* and its progeny such as *Albemarle Paper Company v. Moody*[82] and *Dothard*[83] to explain how this standard should be construed.[84] The *Griggs* Court stated that the employer's burden was to show that the policy or practice is one that "bear[s] a demonstrable relationship to successful performance of the jobs for which it was used" and "measures the person for the job and not the person in the abstract."[85] In both *Albemarle*[86] and *Dothard*,[87] the Court emphasized the factual nature of the business necessity inquiry. The Court further stated in *Dothard* that the terms of the exclusionary policy must "be shown to be necessary to safe and efficient job performance."[88]

In a case involving a criminal record exclusion, the Eighth Circuit in its 1975 *Green v. Missouri Pacific Railroad* decision, held that it was discriminatory under Title VII for an employer to "follow[] the policy of disqualifying for employment any applicant with a conviction for any crime other than a minor traffic offense."[89] The Eighth Circuit identified three factors (the "*Green* factors") that were relevant to assessing whether an exclusion is job related for the position in question and consistent with business necessity:

- The nature and gravity of the offense or conduct;[90]
- The time that has passed since the offense or conduct and/or completion of the sentence; [91] and
- The nature of the job held or sought.[92]

In 2007, the Third Circuit in *El v. Southeastern Pennsylvania Transportation Authority*[93] developed the statutory analysis in greater depth. Douglas El challenged SEPTA's policy of excluding everyone ever convicted of a violent crime from the job of paratransit driver.[94] El, a 55 year-old African American paratransit driver-trainee, was terminated from employment when SEPTA learned of his conviction for second-degree murder 40 years earlier; the conviction involved a gang fight when he was 15 years old and was his only disqualifying offense under SEPTA's policy.[95] The Third Circuit expressed "reservations" about a policy such as SEPTA's (exclusion for all violent crimes, no matter how long ago they were committed) "in the abstract."[96]

Applying Supreme Court precedent, the *El* court observed that some level of risk is inevitable in all hiring, and that, "[i]n a broad sense, hiring policies . . . ultimately concern the management of risk."[97] Recognizing that assessing such risk is at the heart of criminal record exclusions, the Third Circuit concluded that Title VII requires employers to justify criminal record exclusions by demonstrating that they "accurately distinguish between applicants [who] pose an unacceptable level of risk and those [who] do not."[98]

The Third Circuit affirmed summary judgment for SEPTA, but stated that the outcome of the case might have been different if Mr. El had, "for example, hired an expert who testified that there is a time at which a former criminal is no longer any more likely to recidivate than the average person, . . . [so] there would be a factual question for the jury to resolve."[99] The Third Circuit reasoned, however, that the recidivism evidence presented by SEPTA's experts, in

conjunction with the nature of the position at issue—paratransit driver-trainee with unsupervised access to vulnerable adults—required the employer to exercise the utmost care.[100]

In the subsections below, the Commission discusses considerations that are relevant to assessing whether criminal record exclusion policies or practices are job related and consistent with business necessity. First, we emphasize that arrests and convictions are treated differently.

2. Arrests

The fact of an arrest does not establish that criminal conduct has occurred.[101] Arrests are not proof of criminal conduct. Many arrests do not result in criminal charges, or the charges are dismissed.[102] Even if an individual is charged and subsequently prosecuted, he is presumed innocent unless proven guilty.[103]

An arrest, however, may in some circumstances trigger an inquiry into whether the conduct underlying the arrest justifies an adverse employment action. Title VII calls for a fact-based analysis to determine if an exclusionary policy or practice is job related and consistent with business necessity. Therefore, an exclusion based on an arrest, in itself, is not job related and consistent with business necessity.

Another reason for employers not to rely on arrest records is that they may not report the final disposition of the arrest (e.g., not prosecuted, convicted, or acquitted). As documented in Section III.A., *supra*, the DOJ/BJS reported that many arrest records in the FBI's III database and state criminal record repositories are not associated with final dispositions.[104] Arrest records also may include inaccuracies or may continue to be reported even if expunged or sealed.[105]

> **Example 3: Arrest Record Is Not Grounds for Exclusion.** Mervin and Karen, a middle-aged African American couple, are driving to church in a predominantly white town. An officer stops them and interrogates them about their destination. When Mervin becomes annoyed and comments that his offense is simply "driving while Black," the officer arrests him for disorderly conduct. The prosecutor decides not to file charges against Mervin, but the arrest remains in the police department's database and is reported in a background check when Mervin applies with his employer of fifteen years for a promotion to an executive position. The employer's practice is to deny such promotions to individuals with arrest records, even without a conviction, because it views an arrest record as an indicator of untrustworthiness and irresponsibility. If Mervin filed a Title VII charge based on these facts, and disparate impact based on race were established, the EEOC would find reasonable cause to believe that his employer violated Title VII.

Although an arrest record standing alone may not be used to deny an employment opportunity, an employer may make an employment decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question. The conduct, not the arrest, is relevant for employment purposes.

Example 4: Employer's Inquiry into Conduct Underlying Arrest. Andrew, a Latino man, worked as an assistant principal in Elementary School for several years. After several ten and eleven-year-old girls attending the school accused him of touching them inappropriately on the chest, Andrew was arrested and charged with several counts of endangering the welfare of children and sexual abuse. Elementary School has a policy that requires suspension or termination of any employee who the school believes engaged in conduct that impacts the health or safety of the students. After learning of the accusations, the school immediately places Andrew on unpaid administrative leave pending an investigation. In the course of its investigation, the school provides Andrew a chance to explain the events and circumstances that led to his arrest. Andrew denies the allegations, saying that he may have brushed up against the girls in the crowded hallways or lunchroom, but that he doesn't really remember the incidents and does not have regular contact with any of the girls. The school also talks with the girls, and several of them recount touching in crowded situations. The school does not find Andrew's explanation credible. Based on Andrew's conduct, the school terminates his employment pursuant to its policy.

Andrew challenges the policy as discriminatory under Title VII. He asserts that it has a disparate impact based on national origin and that his employer may not suspend or terminate him based solely on an arrest without a conviction because he is innocent until proven guilty. After confirming that an arrest policy would have a disparate impact based on national origin, the EEOC concludes that no discrimination occurred. The school's policy is linked to conduct that is relevant to the particular jobs at issue, and the exclusion is made based on descriptions of the underlying conduct, not the fact of the arrest. The Commission finds no reasonable cause to believe Title VII was violated.

3. Convictions

By contrast, a record of a conviction will usually serve as sufficient evidence that a person engaged in particular conduct, given the procedural safeguards associated with trials and guilty pleas.[106] However, there may be evidence of an error in the record, an outdated record, or another reason for not relying on the evidence of a conviction. For example, a database may continue to report a conviction that was later expunged, or may continue to report as a felony an offense that was subsequently downgraded to a misdemeanor.[107]

Some states require employers to wait until late in the selection process to ask about convictions.[108] The policy rationale is that an employer is more likely to objectively assess the relevance of an applicant's conviction if it becomes known when the employer is already knowledgeable about the applicant's qualifications and experience.[109] As a best practice, and consistent with applicable laws,[110] the Commission recommends that employers not ask about

convictions on job applications and that, if and when they make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity.

4. Determining Whether a Criminal Conduct Exclusion Is Job Related and Consistent with Business Necessity

To establish that a criminal conduct exclusion that has a disparate impact is job related and consistent with business necessity under Title VII, the employer needs to show that the policy operates to effectively link specific criminal conduct, and its dangers, with the risks inherent in the duties of a particular position.

Two circumstances in which the Commission believes employers will consistently meet the "job related and consistent with business necessity" defense are as follows:

- The employer validates the criminal conduct screen for the position in question per the Uniform Guidelines on Employee Selection Procedures (Uniform Guidelines) standards (if data about criminal conduct as related to subsequent work performance is available and such validation is possible); [111] or

- The employer develops a targeted screen considering at least the nature of the crime, the time elapsed, and the nature of the job (the three *Green* factors), and then provides an opportunity for an individualized assessment for people excluded by the screen to determine whether the policy as applied is job related and consistent with business necessity.

The individualized assessment would consist of notice to the individual that he has been screened out because of a criminal conviction; an opportunity for the individual to demonstrate that the exclusion should not be applied due to his particular circumstances; and consideration by the employer as to whether the additional information provided by the individual warrants an exception to the exclusion and shows that the policy as applied is not job related and consistent with business necessity. *See* Section V.B.9, *infra* (examples of relevant considerations in individualized assessments).

Depending on the facts and circumstances, an employer may be able to justify a targeted criminal records screen solely under the *Green* factors. Such a screen would need to be narrowly tailored to identify criminal conduct with a demonstrably tight nexus to the position in question. Title VII thus does not necessarily require individualized assessment in all circumstances. However, the use of individualized assessments can help employers avoid Title VII liability by allowing them to consider more complete information on individual applicants or employees, as part of a policy that is job related and consistent with business necessity.

5. Validation

The Uniform Guidelines describe three different approaches to validating employment screens.[112] However, they recognize that "[t]here are circumstances in which a user cannot or

need not utilize" formal validation techniques and that in such circumstances an employer "should utilize selection procedures which are as job related as possible and which will minimize or eliminate adverse impact as set forth [in the following subsections]."[113] Although there may be social science studies that assess whether convictions are linked to future behaviors, traits, or conduct with workplace ramifications,[114] and thereby provide a framework for validating some employment exclusions, such studies are rare at the time of this drafting.

6. Detailed Discussion of the *Green* Factors and Criminal Conduct Screens

Absent a validation study that meets the Uniform Guidelines' standards, the *Green* factors provide the starting point for analyzing how specific criminal conduct may be linked to particular positions. The three *Green* factors are:

- The nature and gravity of the offense or conduct;
- The time that has passed since the offense, conduct and/or completion of the sentence; and
- The nature of the job held or sought.

a. The Nature and Gravity of the Offense or Conduct

Careful consideration of the nature and gravity of the offense or conduct is the first step in determining whether a specific crime may be relevant to concerns about risks in a particular position. The nature of the offense or conduct may be assessed with reference to the harm caused by the crime (e.g., theft causes property loss). The legal elements of a crime also may be instructive. For example, a conviction for felony theft may involve deception, threat, or intimidation.[115] With respect to the gravity of the crime, offenses identified as misdemeanors may be less severe than those identified as felonies.

b. The Time that Has Passed Since the Offense, Conduct and/or Completion of the Sentence

Employer policies typically specify the duration of a criminal conduct exclusion. While the *Green* court did not endorse a specific timeframe for criminal conduct exclusions, it did acknowledge that permanent exclusions from all employment based on any and all offenses were not consistent with the business necessity standard.[116] Subsequently, in *El*, the court noted that the plaintiff might have survived summary judgment if he had presented evidence that "there is a time at which a former criminal is no longer any more likely to recidivate than the average person . . . ."[117] Thus, the court recognized that the amount of time that had passed since the plaintiff's criminal conduct occurred was probative of the risk he posed in the position in question.

Whether the duration of an exclusion will be sufficiently tailored to satisfy the business necessity standard will depend on the particular facts and circumstances of each case. Relevant and available information to make this assessment includes, for example, studies demonstrating how much the risk of recidivism declines over a specified time.[118]

c. The Nature of the Job Held or Sought

Finally, it is important to identify the particular job(s) subject to the exclusion. While a factual inquiry may begin with identifying the job title, it also encompasses the nature of the job's duties (e.g., data entry, lifting boxes), identification of the job's essential functions, the circumstances under which the job is performed (e.g., the level of supervision, oversight, and interaction with co-workers or vulnerable individuals), and the environment in which the job's duties are performed (e.g., out of doors, in a warehouse, in a private home). Linking the criminal conduct to the essential functions of the position in question may assist an employer in demonstrating that its policy or practice is job related and consistent with business necessity because it "bear[s] a demonstrable relationship to successful performance of the jobs for which it was used."[119]

7. Examples of Criminal Conduct Exclusions that Do Not Consider the *Green* Factors

A policy or practice requiring an automatic, across-the-board exclusion from all employment opportunities because of any criminal conduct is inconsistent with the *Green* factors because it does not focus on the dangers of particular crimes and the risks in particular positions. As the court recognized in *Green*, "[w]e cannot conceive of any business necessity that would automatically place every individual convicted of any offense, except a minor traffic offense, in the permanent ranks of the unemployed."[120]

> **Example 5: Exclusion Is Not Job Related and Consistent with Business Necessity.** The National Equipment Rental Company uses the Internet to accept job applications for all positions. All applicants must answer certain questions before they are permitted to submit their online application, including "have you ever been convicted of a crime?" If the applicant answers "yes," the online application process automatically terminates, and the applicant sees a screen that simply says "Thank you for your interest. We cannot continue to process your application at this time."
>
> The Company does not have a record of the reasons why it adopted this exclusion, and it does not have information to show that convictions for all offenses render all applicants unacceptable risks in all of its jobs, which range from warehouse work, to delivery, to management positions. If a Title VII charge were filed based on these facts, and there was a disparate impact on a Title VII-protected basis, the EEOC would find reasonable cause to believe that the blanket exclusion was not job related and consistent with business necessity because the risks associated with all convictions are not pertinent to all of the Company's jobs.
>
> **Example 6: Exclusion Is Not Job Related and Consistent with Business Necessity.** Leo, an African American man, has worked

successfully at PR Agency as an account executive for three years. After a change of ownership, the new owners adopt a policy under which it will not employ anyone with a conviction. The policy does not allow for any individualized assessment before exclusion. The new owners, who are highly respected in the industry, pride themselves on employing only the "best of the best" for every position. The owners assert that a quality workforce is a key driver of profitability.

Twenty years earlier, as a teenager, Leo pled guilty to a misdemeanor assault charge. During the intervening twenty years, Leo graduated from college and worked successfully in advertising and public relations without further contact with the criminal justice system. At PR Agency, all of Leo's supervisors assessed him as a talented, reliable, and trustworthy employee, and he has never posed a risk to people or property at work. However, once the new ownership of PR Agency learns about Leo's conviction record through a background check, it terminates his employment. It refuses to reconsider its decision despite Leo's positive employment history at PR Agency.

Leo files a Title VII charge alleging that PR Agency's conviction policy has a disparate impact based on race and is not job related for the position in question and consistent with business necessity. After confirming disparate impact, the EEOC considers PR Agency's defense that it employs only the "best of the best" for every position, and that this necessitates excluding everyone with a conviction. PR Agency does not show that all convictions are indicative of risk or danger in all its jobs for all time, under the *Green* factors. Nor does PR Agency provide any factual support for its assertion that having a conviction is necessarily indicative of poor work or a lack of professionalism. The EEOC concludes that there is reasonable cause to believe that the Agency's policy is not job related for the position in question and consistent with business necessity.[121]

8. Targeted Exclusions that Are Guided by the *Green* Factors

An employer policy or practice of excluding individuals from particular positions for specified criminal conduct within a defined time period, as guided by the *Green* factors, is a targeted exclusion. Targeted exclusions are tailored to the rationale for their adoption, in light of the particular criminal conduct and jobs involved, taking into consideration fact-based evidence, legal requirements, and/or relevant and available studies.

As discussed above in Section V.B.4, depending on the facts and circumstances, an employer may be able to justify a targeted criminal records screen solely under the *Green* factors. Such a screen would need to be narrowly tailored to identify criminal conduct with a demonstrably tight nexus to the position in question. Title VII thus does not necessarily require individualized assessment in all circumstances. However, the use of individualized assessments can help employers avoid Title VII liability by allowing them to consider more complete information on individual applicants or employees, as part of a policy that is job related and consistent with business necessity.

9. Individualized Assessment

Individualized assessment generally means that an employer informs the individual that he may be excluded because of past criminal conduct; provides an opportunity to the individual to demonstrate that the exclusion does not properly apply to him; and considers whether the individual's additional information shows that the policy as applied is not job related and consistent with business necessity.

The individual's showing may include information that he was not correctly identified in the criminal record, or that the record is otherwise inaccurate. Other relevant individualized evidence includes, for example:

- The facts or circumstances surrounding the offense or conduct;
- The number of offenses for which the individual was convicted;
- Older age at the time of conviction, or release from prison; [122]
- Evidence that the individual performed the same type of work, post conviction, with the same or a different employer, with no known incidents of criminal conduct;
- The length and consistency of employment history before and after the offense or conduct; [123]
- Rehabilitation efforts, e.g., education/training; [124]
- Employment or character references and any other information regarding fitness for the particular position; [125] and
- Whether the individual is bonded under a federal, state, or local bonding program. [126]

If the individual does not respond to the employer's attempt to gather additional information about his background, the employer may make its employment decision without the information.

> **Example 7: Targeted Screen with Individualized Assessment Is Job Related and Consistent with Business Necessity.** County Community Center rents meeting rooms to civic organizations and small businesses, party rooms to families and social groups, and athletic facilities to local recreational sports leagues. The County has a targeted rule prohibiting anyone with a conviction for theft crimes (e.g., burglary, robbery, larceny, identity theft) from working in a position with access to personal financial

information for at least four years after the conviction or release from incarceration. This rule was adopted by the County's Human Resources Department based on data from the County Corrections Department, national criminal data, and recent recidivism research for theft crimes. The Community Center also offers an opportunity for individuals identified for exclusion to provide information showing that the exclusion should not be applied to them.

Isaac, who is Hispanic, applies to the Community Center for a full-time position as an administrative assistant, which involves accepting credit card payments for room rentals, in addition to having unsupervised access to the personal belongings of people using the facilities. After conducting a background check, the County learns that Isaac pled guilty eighteen months earlier, at age twenty, to credit card fraud, and that he did not serve time in prison. Isaac confirms these facts, provides a reference from the restaurant where he now works on Saturday nights, and asks the County for a "second chance" to show that he is trustworthy. The County tells Isaac that it is still rejecting his employment application because his criminal conduct occurred eighteen months ago and is directly pertinent to the job in question. The information he provided did nothing to dispel the County's concerns.

Isaac challenges this rejection under Title VII, alleging that the policy has a disparate impact on Hispanics and is not job related and consistent with business necessity. After confirming disparate impact, the EEOC finds that this screen was carefully tailored to assess unacceptable risk in relevant positions, for a limited time period, consistent with the evidence, and that the policy avoided overbroad exclusions by allowing individuals an opportunity to explain special circumstances regarding their criminal conduct. Thus, even though the policy has a disparate impact on Hispanics, the EEOC does not find reasonable cause to believe that discrimination occurred because the policy is job related and consistent with business necessity. [127]

Example 8: Targeted Exclusion Without Individualized Assessment Is Not Job Related and Consistent with Business Necessity. "Shred 4 You" employs over 100 people to pick up discarded files and sensitive materials from offices, transport the materials to a secure facility, and shred and recycle them. The owner of "Shred 4 You" sells the company to a competitor, known as "We Shred." Employees of "Shred 4 You" must reapply for employment with "We Shred" and undergo a background check. "We Shred" has a targeted criminal conduct exclusion policy that prohibits the employment of anyone who has been convicted of any crime related to theft or fraud in the past five years, and the policy does not provide for any individualized consideration. The company explains that its clients entrust it with handling sensitive and confidential information

and materials; therefore, it cannot risk employing people who pose an above-average risk of stealing information.

Jamie, who is African American, worked successfully for "Shred 4 You" for five years before the company changed ownership. Jamie applies for his old job, and "We Shred" reviews Jamie's performance appraisals, which include high marks for his reliability, trustworthiness, and honesty. However, when "We Shred" does a background check, it finds that Jamie pled guilty to misdemeanor insurance fraud five years ago, because he exaggerated the costs of several home repairs after a winter storm. "We Shred" management informs Jamie that his guilty plea is evidence of criminal conduct and that his employment will be terminated. Jamie asks management to consider his reliable and honest performance in the same job at "Shred 4 You," but "We Shred" refuses to do so. The employer's conclusion that Jamie's guilty plea demonstrates that he poses an elevated risk of dishonesty is not factually based given Jamie's history of trustworthiness in the same job. After confirming disparate impact based on race (African American), the EEOC finds reasonable cause to believe that Title VII was violated because the targeted exclusion was not job related and consistent with business necessity based on these facts.

C. Less Discriminatory Alternatives

If an employer successfully demonstrates that its policy or practice is job related for the position in question and consistent with business necessity, a Title VII plaintiff may still prevail by demonstrating that there is a less discriminatory "alternative employment practice" that serves the employer's legitimate goals as effectively as the challenged practice but that the employer refused to adopt.[128]

VI. Positions Subject to Federal Prohibitions or Restrictions on Individuals with Records of Certain Criminal Conduct

In some industries, employers are subject to federal statutory and/or regulatory requirements that prohibit individuals with certain criminal records from holding particular positions or engaging in certain occupations. Compliance with federal laws and/or regulations is a defense to a charge of discrimination. However, the EEOC will continue to coordinate with other federal departments and agencies with the goal of maximizing federal regulatory consistency with respect to the use of criminal history information in employment decisions.[129]

A. Hiring in Certain Industries

Federal laws and regulations govern the employment of individuals with specific convictions in certain industries or positions in both the private and public sectors. For example, federal law excludes an individual who was convicted in the previous ten years of specified crimes from working as a security screener or otherwise having unescorted access to the secure areas of an airport.[130] There are equivalent requirements for federal law enforcement officers,[131]

child care workers in federal agencies or facilities,[132] bank employees, [133] and port workers,[134] among other positions.[135] Title VII does not preempt these federally imposed restrictions. However, if an employer decides to impose an exclusion that goes beyond the scope of a federally imposed restriction, the discretionary aspect of the policy would be subject to Title VII analysis.

> **Example 9: Exclusion Is Not Job Related and Consistent with Business Necessity.** Your Bank has a rule prohibiting anyone with convictions for any type of financial or fraud-related crimes within the last twenty years from working in positions with access to customer financial information, even though the federal ban is ten years for individuals who are convicted of any criminal offense involving dishonesty, breach of trust, or money laundering from serving in such positions.
>
> Sam, who is Latino, applies to Your Bank to work as a customer service representative. A background check reveals that Sam was convicted of a misdemeanor for misrepresenting his income on a loan application fifteen years earlier. Your Bank therefore rejects Sam, and he files a Title VII charge with the EEOC, alleging that the Bank's policy has a disparate impact based on national origin and is not job related and consistent with business necessity. Your Bank asserts that its policy does not cause a disparate impact and that, even if it does, it is job related for the position in question because customer service representatives have regular access to financial information and depositors must have "100% confidence" that their funds are safe. However, Your Bank does not offer evidence showing that there is an elevated likelihood of committing financial crimes for someone who has been crime-free for more than ten years. After establishing that the Bank's policy has a disparate impact based on national origin, the EEOC finds that the policy is not job related for the position in question and consistent with business necessity. The Bank's justification for adding ten years to the federally mandated exclusion is insufficient because it is only a generalized concern about security, without proof.

B. Obtaining Occupational Licenses

Title VII also does not preempt federal statutes and regulations that govern eligibility for occupational licenses and registrations. These restrictions cover diverse sectors of the economy including the transportation industry,[136] the financial industry,[137] and import/export activities,[138] among others.[139]

C. Waiving or Appealing Federally Imposed Occupational Restrictions

Several federal statutes and regulations provide a mechanism for employers or individuals to appeal or apply for waivers of federally imposed occupational restrictions. For example, unless a bank receives prior written consent from the Federal Deposit Insurance

Corporation (FDIC), an individual convicted of a criminal offense involving dishonesty, breach of trust, money laundering, or another financially related crime may not work in, own, or control "an insured depository institution" (e.g., bank) for ten years under the Federal Deposit Insurance Act.[140] To obtain such FDIC consent, the insured institution must file an application for a waiver on behalf of the particular individual.[141] Alternatively, if the insured institution does not apply for the waiver on the individual's behalf, the individual may file a request directly with the FDIC for a waiver of the institution filing requirement, demonstrating "substantial good cause" to grant the waiver.[142] If the FDIC grants the individual's waiver request, the individual can then file an application directly with the FDIC for consent to work for the insured institution in question.[143] Once the institution, or the individual, submits the application, the FDIC's criminal record waiver review process requires consideration of mitigating factors that are consistent with Title VII, including evidence of rehabilitation, and the nature and circumstances of the crime.[144]

Additionally, port workers who are denied the Transportation Workers Identification Credential (TWIC) based on their conviction record may seek a waiver for certain permanently disqualifying offenses or interim disqualifying offenses, and also may file an individualized appeal from the Transportation Security Administration's initial determination of threat assessment based on the conviction.[145] The Maritime Transportation Security Act, which requires all port workers to undergo a criminal background check to obtain a TWIC,[146] provides that individuals with convictions for offenses such as espionage, treason, murder, and a federal crime of terrorism are permanently disqualified from obtaining credentials, but those with convictions for firearms violations and distribution of controlled substances may be temporarily disqualified.[147] Most offenses related to dishonesty are only temporarily disqualifying.[148]

> **Example 10: Consideration of Federally Imposed Occupational Restrictions.** John Doe applies for a position as a truck driver for Truckers USA. John's duties will involve transporting cargo to, from, and around ports, and Truckers USA requires all of its port truck drivers to have a TWIC. The Transportation Security Administration (TSA) conducts a criminal background check and may deny the credential to applicants who have permanently disqualifying criminal offenses in their background as defined by federal law. After conducting the background check for John Doe, TSA discovers that he was convicted nine years earlier for conspiracy to use weapons of mass destruction. TSA denies John a security card because this is a permanently disqualifying criminal offense under federal law.[149] John, who points out that he was a minor at the time of the conviction, requests a waiver by TSA because he had limited involvement and no direct knowledge of the underlying crime at the time of the offense. John explains that he helped a friend transport some chemical materials that the friend later tried to use to damage government property. TSA refuses to grant John's waiver request because a conviction for conspiracy to use weapons of mass destruction is not subject to the TSA's waiver procedures.[150] Based on this denial, Truckers USA rejects John's application for the port truck driver position. Title VII does not override Truckers USA's policy because the policy is consistent with another federal law.

While Title VII does not mandate that an employer seek such waivers, where an employer does seek waivers it must do so in a nondiscriminatory manner.

D. Security Clearances

The existence of a criminal record may result in the denial of a federal security clearance, which is a prerequisite for a variety of positions with the federal government and federal government contractors.[151] A federal security clearance is used to ensure employees' trustworthiness, reliability, and loyalty before providing them with access to sensitive national security information.[152] Under Title VII's national security exception, it is not unlawful for an employer to "fail or refuse to hire and employ" an individual because "such individual has not fulfilled or has ceased to fulfill" the federal security requirements.[153] This exception focuses on whether the position in question is, in fact, subject to national security requirements that are imposed by federal statute or Executive Order, and whether the adverse employment action actually resulted from the denial or revocation of a security clearance.[154] Procedural requirements related to security clearances must be followed without regard to an individual's race, color, religion, sex, or national origin.[155]

E. Working for the Federal Government

Title VII provides that, with limited coverage exceptions, "[a]ll personnel actions affecting employees or applicants for employment . . . shall be made free from any discrimination based on race, color, religion, sex, or national origin."[156] The principles discussed above in this Guidance apply in the federal employment context. In most circumstances, individuals with criminal records are not automatically barred from working for the federal government.[157] However, the federal government imposes criminal record restrictions on its workforce through "suitability" requirements for certain positions.[158] The federal government's Office of Personnel Management (OPM) defines suitability as "determinations based on a person's character or conduct that may have an impact on the integrity or efficiency of the service."[159] Under OPM's rules, agencies may bar individuals from federal employment for up to three years if they are found unsuitable based on criminal or dishonest conduct, among other factors.[160] OPM gives federal agencies the discretion to consider relevant mitigating criteria when deciding whether an individual is suitable for a federal position.[161] These mitigating criteria, which are consistent with the three *Green* factors and also provide an individualized assessment of the applicant's background, allow consideration of: (1) the nature of the position for which the person is applying or in which the person is employed; (2) the nature and seriousness of the conduct; (3) the circumstances surrounding the conduct; (4) the recency of the conduct; (5) the age of the person involved at the time of the conduct; (6) contributing societal conditions; and (7) the absence or presence of rehabilitation or efforts toward rehabilitation.[162] In general, OPM requires federal agencies and departments to consider hiring an individual with a criminal record if he is the best candidate for the position in question and can comply with relevant job requirements.[163] The EEOC continues to coordinate with OPM to achieve employer best practices in the federal sector.[164]

VII. Positions Subject to State and Local Prohibitions or Restrictions on Individuals with Records of Certain Criminal Conduct

States and local jurisdictions also have laws and/or regulations that restrict or prohibit the employment of individuals with records of certain criminal conduct.[165] Unlike federal laws or regulations, however, state and local laws or regulations are preempted by Title VII if they "purport[] to require or permit the doing of any act which would be an unlawful employment practice" under Title VII.[166] Therefore, if an employer's exclusionary policy or practice is *not* job related and consistent with business necessity, the fact that it was adopted to comply with a state or local law or regulation does not shield the employer from Title VII liability.[167]

> **Example 11: State Law Exclusion Is Job Related and Consistent with Business Necessity.** Elijah, who is African American, applies for a position as an office assistant at Pre-School, which is in a state that imposes criminal record restrictions on school employees. Pre-School, which employs twenty-five full- and part-time employees, uses all of its workers to help with the children. Pre-School performs a background check and learns that Elijah pled guilty to charges of indecent exposure two years ago. After being rejected for the position because of his conviction, Elijah files a Title VII disparate impact charge based on race to challenge Pre-School's policy. The EEOC conducts an investigation and finds that the policy has a disparate impact and that the exclusion is job related for the position in question and consistent with business necessity because it addresses serious safety risks of employment in a position involving regular contact with children. As a result, the EEOC would not find reasonable cause to believe that discrimination occurred.

> **Example 12: State Law Exclusion Is Not Consistent with Title VII.** County Y enforces a law that prohibits all individuals with a criminal conviction from working for it. Chris, an African American man, was convicted of felony welfare fraud fifteen years ago, and has not had subsequent contact with the criminal justice system. Chris applies to County Y for a job as an animal control officer trainee, a position that involves learning how to respond to citizen complaints and handle animals. The County rejects Chris's application as soon as it learns that he has a felony conviction. Chris files a Title VII charge, and the EEOC investigates, finding disparate impact based on race and also that the exclusionary policy is not job related and consistent with business necessity. The County cannot justify rejecting everyone with any conviction from all jobs. Based on these facts, County Y's law "purports to require or permit the doing of an[] act which would be an unlawful employment practice" under Title VII.

VIII. Employer Best Practices

The following are examples of best practices for employers who are considering criminal record information when making employment decisions.

General

- Eliminate policies or practices that exclude people from employment based on any criminal record.

- Train managers, hiring officials, and decisionmakers about Title VII and its prohibition on employment discrimination.

Developing a Policy

- Develop a narrowly tailored written policy and procedure for screening applicants and employees for criminal conduct.

    - Identify essential job requirements and the actual circumstances under which the jobs are performed.

    - Determine the specific offenses that may demonstrate unfitness for performing such jobs.

        - Identify the criminal offenses based on all available evidence.

    - Determine the duration of exclusions for criminal conduct based on all available evidence.

        - Include an individualized assessment.

    - Record the justification for the policy and procedures.

    - Note and keep a record of consultations and research considered in crafting the policy and procedures.

- Train managers, hiring officials, and decisionmakers on how to implement the policy and procedures consistent with Title VII.

Questions about Criminal Records

- When asking questions about criminal records, limit inquiries to records for which exclusion would be job related for the position in question and consistent with business necessity.

Confidentiality

- Keep information about applicants' and employees' criminal records confidential. Only use it for the purpose for which it was intended.

Approved by the Commission:

_____ _____

Chair Jacqueline A. Berrien Date

ENDNOTES

[1] 42 U.S.C. § 2000e *et seq.* The EEOC also enforces other anti-discrimination laws including: Title I of the Americans with Disabilities Act of 1990, as amended (ADA), and Section 501 of the Rehabilitation Act, as amended, which prohibit employment discrimination on the basis of disability; the Age Discrimination in Employment Act of 1967, as amended (ADEA), which prohibits discrimination on the basis of age 40 or above; Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits discrimination on the basis of genetic information; and the Equal Pay Act of 1963, as amended (EPA), which requires employers to pay male and female employees at the same establishment equal wages for equal work.

[2] All entities covered by Title VII are subject to this analysis. *See* 42 U.S.C. § 2000e-2 (anti-discrimination provisions); 42 U.S.C. § 2000e(b)–(e) (defining "employer," "employment agency," and "labor organization"); 42 U.S.C. § 2000e-16(a) (prohibiting discriminatory employment practices by federal departments and agencies). For purposes of this Guidance, the term "employer" is used in lieu of listing all Title VII-covered entities. The Commission considers other coverage questions that arise in particular charges involving, for example, joint employment or third party interference in *Compliance Manual Section 2: Threshold Issues,* U.S. EQUAL EMP'T OPPORTUNITY COMM'N, § 2-III B., *Covered Entities*, http://www.eeoc.gov/policy/docs/threshold.html#2-III-B (last visited April 23, 2012).

[3] For the purposes of this Guidance, references to "contact" with the criminal justice system may include, for example, an arrest, charge, indictment, citation, conviction, incarceration, probation, or parole.

[4] *See* THOMAS P. BONCZAR, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, PREVALENCE OF IMPRISONMENT IN THE U.S. POPULATION, 1974–2001, at 3 (2003), http://bjs.ojp.usdoj.gov/content/pub/pdf/piusp01.pdf [hereinafter PREVALENCE OF IMPRISONMENT] ("Between 1974 and 2001 the number of former prisoners living in the United States more than doubled, from 1,603,000 to 4,299,000."); SEAN ROSENMERKEL ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 2006 – STATISTICAL TABLES 1 (2009), http://bjs.ojp.usdoj.gov/content/pub/pdf/fssc06st.pdf (reporting that between 1990 and 2006, there has been a 37% increase in the number of felony offenders sentenced in state courts); *see also* PEW CTR. ON THE STATES, ONE IN 31: THE LONG REACH OF AMERICAN CORRECTIONS 4 (2009), http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf [hereinafter ONE IN 31] ("During the past quarter-century, the number of prison and jail inmates has grown by 274 percent . . . .[bringing] the total population in custody to 2.3 million. During the same period, the number under community supervision grew by a staggering 3,535,660 to a total of 5.1 million."); PEW CTR. ON THE STATES, ONE IN 100: BEHIND BARS IN AMERICA 2008, at 3 (2008), http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf ("[M]ore than one in every 100 adults is now confined in an American jail or

prison."); Robert Brame, Michael G. Turner, Raymond Paternoster, & Shawn D. Bushway, *Cumulative Prevalence of Arrest From Ages 8 to 23 in a National Sample*, 129 PEDIATRICS 21, 25, 26 (2012) (finding that approximately 1 out of 3 of all American youth will experience at least 1 arrest for a nontraffic offense by the age of 23).

[5] *See* JOHN SCHMITT & KRIS WARNER, CTR. FOR ECON. & POLICY RESEARCH, EX-OFFENDERS AND THE LABOR MARKET 12 (2010), www.cepr.net/documents/publications/ex-offenders-2010-11.pdf ("In 2008, ex-prisoners were 2.9 to 3.2 percent of the total working-age population (excluding those currently in prison or jail) or about one in 33 working-age adults. Ex-felons were a larger share of the total working-age population: 6.6 to 7.4 percent, or about one in 15 working-age adults [not all felons serve prison terms]."); *see id.* at 3 (concluding that "in the absence of some reform of the criminal justice system, the share of ex-offenders in the working-age population will rise substantially in coming decades").

[6] PREVALENCE OF IMPRISONMENT, *supra* note 4, at 4, Table 3.

[7] *Id.*

[8] ONE IN 31, *supra* note 4, at 5 (noting that when all of the individuals who are probationers, parolees, prisoners or jail inmates are added up, the total is more than 7.3 million adults; this is more than the populations of Chicago, Philadelphia, San Diego, and Dallas combined, and larger than the populations of 38 states and the District of Columbia).

[9] PREVALENCE OF IMPRISONMENT, *supra* note 4, at 7.

[10] *Id.* at 5, Table 5; *cf.* PEW CTR. ON THE STATES, COLLATERAL COSTS: INCARCERATION'S EFFECT ON ECONOMIC MOBILITY 6 (2010), http://www.pewcenteronthestates.org/uploadedFiles/Collateral_Costs.pdf?n=8653 ("Simply stated, incarceration in America is concentrated among African American men. While 1 in every 87 white males ages 18 to 64 is incarcerated and the number for similarly-aged Hispanic males is 1 in 36, for black men it is 1 in 12."). Incarceration rates are even starker for 20-to-34-year-old men without a high school diploma or GED: 1 in 8 White males in this demographic group is incarcerated, compared to 1 in 14 Hispanic males, and 1 in 3 Black males. PEW CTR. ON THE STATES, *supra*, at 8, Figure 2.

[11] This document uses the terms "Black" and "African American," and the terms "Hispanic" and "Latino," interchangeably.

[12] *See infra* notes 65–67 (citing data for the arrest rates and population statistics for African Americans and Hispanics).

[13] PREVALENCE OF IMPRISONMENT, *supra* note 4, at 1.

[14] *Id.* at 8.

[15] *See Policy Statement on the Issue of Conviction Records Under Title VII of the Civil Rights Act of 1964*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N (Feb. 4, 1987), http://www.eeoc.gov/policy/docs/convict1.html; *EEOC Policy Statement on the Use of Statistics in Charges Involving the Exclusion of Individuals with Conviction Records from Employment*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N (July 29, 1987), http://www.eeoc.gov/policy/docs/convict2.html; *Policy Guidance on the Consideration of Arrest Records in Employment Decisions Under Title VII*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N (Sept. 7, 1990), http://www.eeoc.gov/policy/docs/arrest_records.html; *Compliance Manual Section 15: Race & Color Discrimination*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, § 15-VI.B.2 (April 19, 2006), http://www.eeoc.gov/policy/docs/race-color.pdf. *See also* EEOC Decision No. 72-1497 (1972) (challenging a criminal record exclusion policy based on "serious crimes"); EEOC Decision No. 74-89 (1974) (challenging a policy where a felony conviction was considered an adverse factor that would lead to disqualification); EEOC Decision No. 78-03 (1977) (challenging an exclusion policy based on felony or misdemeanor convictions involving moral turpitude or the use of drugs); EEOC Decision No. 78-35 (1978) (concluding that an employee's discharge was reasonable given his pattern of criminal behavior and the severity and recentness of his criminal conduct).

[16] In 2011, U.S. Attorney General Eric Holder assembled a Cabinet-level interagency Reentry Council to support the federal government's efforts to promote the successful reintegration of ex-offenders back into their communities. *National Reentry Resource Center – Federal Interagency Reentry Council*, http://www.nationalreentryresourcecenter.org/reentry-council (last visited April 23, 2012). As a part of the Council's efforts, it has focused on removing barriers to employment for ex-offenders to reduce recidivism by publishing several fact sheets on employing individuals with criminal records. *See, e.g.*, FED. INTERAGENCY REENTRY COUNCIL, REENTRY MYTHBUSTER! ON FEDERAL HIRING POLICIES (2011), http://www.nationalreentryresourcecenter.org/documents/0000/1083/Reentry_Council_Mythbuster_Fed_Employment.pdf; FED. INTERAGENCY REENTRY COUNCIL, REENTRY MYTHBUSTER! ON HIRING/CRIMINAL RECORDS GUIDANCE (2011), http://www.nationalreentryresourcecenter.org/documents/0000/1082/Reentry_Council_Mythbuster_Employment.pdf; FED. INTERAGENCY REENTRY COUNCIL, REENTRY MYTHBUSTER! CRIMINAL HISTORIES AND EMPLOYMENT BACKGROUND CHECKS (2011), http://www.nationalreentryresourcecenter.org/documents/0000/1176/Reentry_Council_Mythbuster_FCRA_Employment.pdf; FED. INTERAGENCY REENTRY COUNCIL, REENTRY MYTHBUSTER! ON FEDERAL BONDING PROGRAM (2011), http://www.nationalreentryresourcecenter.org/documents/0000/1061/Reentry_Council_Mythbuster_Federal_Bonding.pdf.

In addition to these federal efforts, several state law enforcement agencies have embraced initiatives and programs that encourage the employment of ex-offenders. For example, Texas' Department of Criminal Justice has a Reentry and Integration Division and within that Division, a Reentry Task Force Workgroup. *See Reentry and Integration Division-Reentry Task Force*, TEX. DEP'T OF CRIMINAL JUSTICE, http://www.tdcj.state.tx.us/divisions/rid/rid_texas_reentry_task_force.html (last visited April 23, 2012). One of the Workgroups in this Task Force specifically focuses on identifying

employment opportunities for ex-offenders and barriers that affect ex-offenders' access to employment or vocational training programs. *Reentry and Integration Division – Reentry Task Force Workgroups*, TEX. DEP'T OF CRIMINAL JUSTICE, http://www.tdcj.state.tx.us/divisions/rid/r_workgroup/rid_workgroup_employment.html (last visited April 23, 2012). Similarly, Ohio's Department of Rehabilitation and Correction has an Offender Workforce Development Office that "works with departmental staff and correctional institutions within the Ohio Department of Rehabilitation and Correction to prepare offenders for employment and the job search process." *Jobs for Ohio Offenders*, OHIO DEP'T OF REHAB. AND CORR. OFFENDER WORKFORCE DEV., http://www.drc.ohio.gov/web/JOBOFFEN.HTM (last updated Aug. 9, 2010). Law enforcement agencies in other states such as Indiana and Florida have also recognized the importance of encouraging ex-offender employment. *See, e.g.*, *IDOC: Road to Re-Entry*, IND. DEP'T OF CORR., http://www.in.gov/idoc/reentry/index.htm (last visited April 23, 2012) (describing various services and programs that are available to ex-offenders to help them to obtain employment); FLA. DEP'T OF CORRS., RECIDIVISM REDUCTION STRATEGIC PLAN: FISCAL YEAR 2009-2014, at 11, 12 (2009), http://www.dc.state.fl.us/orginfo/FinalRecidivismReductionPlan.pdf (identifying the lack of employment as one of the barriers to successful ex-offender reentry).

[17] CARL R. ERNST & LES ROSEN, "NATIONAL" CRIMINAL HISTORY DATABASES 1 (2002), http://www.brbpub.com/articles/CriminalHistoryDB.pdf.

[18] LEXISNEXIS, CRIMINAL BACKGROUND CHECKS: WHAT NON-PROFITS NEED TO KNOW ABOUT CRIMINAL RECORDS 4 (2009), http://www.lexisnexis.com/risk/nonprofit/documents/Volunteer_Screening_White_Paper.pdf.

[19] *Id.*

[20] ERNST & ROSEN, *supra* note 17, at 1; NAT'L ASS'N OF PROF'L BACKGROUND SCREENERS, CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT PURPOSES 5, http://www.napbs.com/files/public/Learn_More/White_Papers/CriminalBackgroundChecks.pdf.

[21] LEXISNEXIS, *supra* note 18, at 6. *See also* NAT'L ASS'N OF PROF'L BACKGROUND SCREENERS, *supra* note 20 at 5.

[22] ERNST & ROSEN, *supra* note 17, at 1.

[23] *Id.*

[24] *See* SEARCH, THE NATIONAL TASK FORCE ON THE CRIMINAL BACKGROUNDING OF AMERICA 3, 4 (2005), http://www.search.org/files/pdf/ReportofNTFCBA.pdf. Registries and watch lists can also include federal and international terrorist watch lists, and registries of individuals who are being investigated for certain types of crimes, such as gang-related crimes. *Id. See also* LEXISNEXIS, *supra* note 18, at 5 (reporting that "all 50 states currently have a publicly available sex offender registry").

[25] *See* U.S. DEP'T OF JUSTICE, THE ATTORNEY GENERAL'S REPORT ON CRIMINAL HISTORY

BACKGROUND CHECKS 4 (2006), http://www.justice.gov/olp/ag_bgchecks_report.pdf [hereinafter BACKGROUND CHECKS]. *See also* ERNST & ROSEN, *supra* note 17, at 2.

[26] *See* NAT'L ASS'N OF PROF'L BACKGROUND SCREENERS, *supra* note 20, at 5. *See also* LEXISNEXIS, *supra* note 18, at 5.

[27] LEXISNEXIS, *supra* note 18, at 5. *See also* AM. ASS'N OF COLLS. OF PHARMACY, REPORT OF THE AACP CRIMINAL BACKGROUND CHECK ADVISORY PANEL 6–7 (2006), http://www.aacp.org/resources/academicpolicies/admissionsguidelines/Documents/AACPBackgroundChkRpt.pdf.

[28] AM. ASS'N OF COLLS. OF PHARMACY, *supra* note 27, at 6–7.

[29] BACKGROUND CHECKS, *supra* note 25, at 4.

[30] *Id.*

[31] NAT'L ASS'N OF PROF'L BACKGROUND SCREENERS, *supra* note 20, at 5.

[32] BACKGROUND CHECKS, *supra* note 25, at 4.

[33] *Id.* at 3.

[34] *See id.* ("Non-criminal justice screening using FBI criminal history records is typically done by a government agency applying suitability criteria that have been established by law or the responsible agency.").

[35] *Id.* at 5.

[36] *Id.* at 4.

[37] DENNIS A. DEBACCO & OWEN M. GREENSPAN, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SURVEY OF STATE CRIMINAL HISTORY INFORMATION SYSTEMS, 2010, at 2 (2011), https://www.ncjrs.gov/pdffiles1/bjs/grants/237253.pdf [hereinafter STATE CRIMINAL HISTORY].

[38] *See* BACKGROUND CHECKS, *supra* note 25, at 17.

[39] SEARCH, REPORT OF THE NATIONAL TASK FORCE ON THE COMMERCIAL SALE OF CRIMINAL JUSTICE RECORD INFORMATION 83 (2005), www.search.org/files/pdf/RNTFCSCJRI.pdf; *see also* Douglas Belkin, *More Job Seekers Scramble to Erase Their Criminal Past*, WALL ST. J., Nov. 11, 2009, at A1, *available at* http://online.wsj.com/article/SB125789494126242343.html?KEYWORDS=Douglas+Belkin ("Arrests that have been legally expunged may remain on databases that data-harvesting companies offer to prospective employers; such background companies are under no legal obligation to erase them.").

If applicants deny the existence of expunged or sealed records, as they are permitted to do in several states, they may appear dishonest if such records are reported in a criminal background check. *See generally* Debbie A. Mukamal & Paul N. Samuels, *Statutory Limitations on Civil Rights of People with Criminal Records*, 30 FORDHAM URB. L.J. 1501, 1509–10 (2003) (noting that 29 of the 40 states that allow expungement/sealing of arrest records permit the subject of the record to deny its existence if asked about it on employment applications or similar forms, and 13 of the 16 states that allow the expungement/sealing of adult conviction records permit the subject of the record to deny its existence under similar circumstances).

[40] *See* SEARCH, INTERSTATE IDENTIFICATION NAME CHECK EFFICACY: REPORT OF THE NATIONAL TASK FORCE TO THE U.S. ATTORNEY GENERAL 21–22 (1999), www.search.org/files/pdf/III_Name_Check.pdf ("A so-called 'name check' is based not only on an individual's name, but also on other personal identifiers such as sex, race, date of birth and Social Security Number. . . . [N]ame checks are known to produce inaccurate results as a consequence of identical or similar names and other identifiers."); *id.* at 7 (finding that in a sample of 82,601 employment applicants, 4,562 of these individuals were *inaccurately* indicated by a "name check" to have criminal records, which represents approximately 5.5% of the overall sample).

[41] BACKGROUND CHECKS, *supra* note 25, at 2.

[42] A "consumer reporting agency" is defined by FCRA as "any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information *or other information* on consumers for the purposes of furnishing consumer reports to third parties . . . ." 15 U.S.C. § 1681a(f) (emphasis added); *see also* BACKGROUND CHECKS, *supra* note 25, at 43 (stating that the records that CRAs collect include "criminal history information, such as arrest and conviction information").

[43] A "consumer report" is defined by FCRA as "any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit capacity, *character, general reputation, personal characteristics*, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer's eligibility for . . . employment purposes . . . ." 15 U.S.C. § 1681a(d)(1) (emphasis added).

[44] *See* 15 U.S.C. § 1681c(a)(2) ("[N]o consumer reporting agency may make any consumer report containing . . . records of arrest that, from date of entry, antedate the report by more than seven years or until the governing statute of limitations has expired, whichever is the longer period."). *But see id.* §1681c(b)(3) (stating that the reporting restrictions for arrest records do not apply to individuals who will earn "an annual salary which equals, or which may reasonably be expected to equal $75,000 or more").

[45] 15 U.S.C. § 1681c(a)(5) ("[N]o consumer reporting agency may make any consumer report containing . . . [a]ny other adverse item of information, other than records of convictions of crimes which antedates the report by more than seven years.").

[46] BACKGROUND CHECKS, *supra* note 25, at 2.

[47] *See* Adam Klein, *Written Testimony of Adam Klein*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/7-26-11/klein.cfm (last visited April 23, 2012) (describing how "several data-collection agencies also market and sell a retail-theft contributory database that is used by prospective employers to screen applicants"). *See also Retail Theft Database, ESTEEM, Workplace Theft Contributory Database*, LEXISNEXIS, http://www.lexisnexis.com/risk/solutions/retail-theft-contributory-database.aspx (last visited April 23, 2012) (stating that their database has "[t]heft and shoplifting cases supplied by more than 75,000 business locations across the country"). These databases may contain inaccurate and/or misleading information about applicants and/or employees. *See generally* Goode v. LexisNexis Risk & Info. Analytics Grp., Inc., No. 2:11-CV-2950-JD, 2012 WL 975043 (E.D. Pa. Mar. 22, 2012) (unpublished).

[48] BACKGROUND CHECKS, *supra* note 25, at 2.

[49] SOC'Y FOR HUMAN RES. MGMT., BACKGROUND CHECKING: CONDUCTING CRIMINAL BACKGROUND CHECKS, slide 3 (Jan. 22, 2010), http://www.slideshare.net/shrm/background-check-criminal?from=share_email [hereinafter CONDUCTING CRIMINAL BACKGROUND CHECKS] (73% of the responding employers reported that they conducted criminal background checks on all of their job candidates, 19% reported that they conducted criminal background checks on selected job candidates, and a mere 7% reported that they did not conduct criminal background checks on any of their candidates). The survey excluded the "not sure" responses from its analysis, which may account for the 1% gap in the total number of employer responses. *Id.*

[50] CONDUCTING CRIMINAL BACKGROUND CHECKS, *supra* note 49, at slide 7 (39% of the surveyed employers reported that they conducted criminal background checks "[t]o reduce/prevent theft and embezzlement, other criminal activity"); *see also* Sarah E. Needleman, *Businesses Say Theft by Their Workers is Up*, WALL ST. J., Dec. 11, 2008, at B8, *available at* http://online.wsj.com/article/SB122896381748896999.html.

[51] CONDUCTING CRIMINAL BACKGROUND CHECKS, *supra* note 49, at slide 7 (61% of the surveyed employers reported that they conducted criminal background checks "[to] ensure a safe work environment for employees"); *see also* ERIKA HARRELL, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, WORKPLACE VIOLENCE, 1993–2009, at 1 (2011), http://bjs.ojp.usdoj.gov/content/pub/pdf/wv09.pdf (reporting that in 2009, "[n]onfatal violence in the workplace was about 15% of all nonfatal violent crime against persons age 16 or older"). *But see id.* (noting that from "2002 to 2009, the rate of nonfatal workplace violence has declined by 35%, following a 62% decline in the rate from 1993 to 2002"). Studies indicate that most workplace violence is committed by individuals with no relationship to the business or its employees. *See id.* at 6 (reporting that between 2005 and 2009, strangers committed the majority of workplace violence against individuals (53% for males and 41% for females) while violence committed by co-workers accounted for a much smaller percentage (16.3% for males and 14.3% for females)); *see also* NAT'L INST. FOR OCCUPATIONAL SAFETY & HEALTH, CTR. FOR DISEASE CONTROL & PREVENTION, WORKPLACE VIOLENCE PREVENTION STRATEGIES AND RESEARCH

NEEDS 4, Table 1 (2006), http://www.cdc.gov/niosh/docs/2006-144/pdfs/2006-144.pdf (reporting that approximately 85% of the workplace homicides examined were perpetrated in furtherance of a crime by persons with no relationship to the business or its employees; approximately 7% were perpetrated by employees or former employees, 5% were committed by persons with a personal relationship to an employee, and 3% were perpetrated by persons with a customer-client relationship to the business).

[52] CONDUCTING CRIMINAL BACKGROUND CHECKS, *supra* note 49, at slide 7 (55% percent of the surveyed employers reported that they conducted criminal background checks "[t]o reduce legal liability for negligent hiring"). Employers have a common law duty to exercise reasonable care in hiring to avoid foreseeable risks of harm to employees, customers, and the public. If an employee engages in harmful misconduct on the job, and the employer has not exercised such care in selecting the employee, the employer may be subject to liability for negligent hiring. *See, e.g.*, Stires v. Carnival Corp., 243 F. Supp. 2d 1313, 1318 (M.D. Fla. 2002) ("[N]egligent hiring occurs when . . . the employer knew or should have known of the employee's unfitness, and the issue of liability primarily focuses upon the adequacy of the employer's pre-employment investigation into the employee's background.").

[53] CONDUCTING CRIMINAL BACKGROUND CHECKS, *supra* note 49, at slide 4 (40% of the surveyed employers reported that they conducted criminal background checks for "[j]ob candidates for positions for which state law requires a background check (e.g., day care teachers, licensed medical practitioners, etc.)"); *see id.* at slide 7 (20% of the employers reported that they conducted criminal background checks "[t]o comply with the applicable State law requiring a background check (e.g., day care teachers, licensed medical practitioners, etc.) for a particular position"). The study did not report the exact percentage of employers that conducted criminal background checks to comply with applicable federal laws or regulations, but it did report that 25% of the employers conducted background checks for "[j]ob candidates for positions involving national defense or homeland security." *Id.* at slide 4.

[54] *See* 42 U.S.C. § 2000e-2(a).

[55] Disparate treatment based on the race or national origin of job applicants with the same qualifications and criminal records has been documented. For example, a 2003 study demonstrated that White applicants with the same qualifications and criminal records as Black applicants were three times more likely to be invited for interviews than the Black applicants. *See* Devah Pager, *The Mark of a Criminal Record*, 108 AM. J. SOC. 937, 958, Figure 6 (2003), www.princeton.edu/~pager/pager_ajs.pdf. Pager matched pairs of young Black and White men as "testers" for her study. The "testers" in Pager's study were college students who applied for 350 low-skilled jobs advertised in Milwaukee-area classified advertisements, to test the degree to which a criminal record affects subsequent employment opportunities. The same study showed that White job applicants with a criminal record were called back for interviews more often than equally-qualified Black applicants who *did not have* a criminal record. *Id.* at 958. *See also* Devah Pager et al., *Sequencing Disadvantage: The Effects of Race and Criminal Background for Low Wage Job Seekers*, 623 ANNALS AM. ACAD. POL. & SOC. SCI., 199 (2009), www.princeton.edu/~pager/annals_sequencingdisadvantage.pdf (finding that among Black and

White testers with similar backgrounds and criminal records, "the negative effect of a criminal conviction is substantially larger for blacks than whites. . . . the magnitude of the criminal record penalty suffered by black applicants (60 percent) is roughly double the size of the penalty for whites with a record (30 percent)"); *see id.* at 200–201 (finding that personal contact plays an important role in mediating the effects of a criminal stigma in the hiring process, and that Black applicants are less often invited to interview, thereby having fewer opportunities to counteract the stigma by establishing rapport with the hiring official); Devah Pager, *Statement of Devah Pager, Professor of Sociology at Princeton University*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/11-20-08/pager.cfm (last visited April 23, 2012) (discussing the results of the *Sequencing Disadvantage* study); DEVAH PAGER & BRUCE WESTERN, NYC COMMISSION ON HUMAN RIGHTS, RACE AT WORK, REALITIES OF RACE AND CRIMINAL RECORD IN THE NYC JOB MARKET 6, Figure 2 (2006), http://www.nyc.gov/html/cchr/pdf/race_report_web.pdf (finding that White testers *with* a felony conviction were called back 13% of the time, Hispanic testers *without* a criminal record were called back 14% of the time, and Black testers *without* a criminal record were called back 10% of the time).

[56] *Race & Color Discrimination*, *supra* note 15, § V.A.1.

[57] A 2006 study demonstrated that employers who are averse to hiring people with criminal records sometimes presumed, in the absence of evidence to the contrary, that African American men applying for jobs have disqualifying criminal records. Harry J. Holzer et al., *Perceived Criminality, Criminal Background Checks, and the Racial Hiring Practices of Employers*, 49 J.L. & ECON. 451 (2006), http://www.jstor.org/stable/pdfplus/10.1086/501089.pdf; *see also* HARRY HOLZER ET AL., URBAN INST., EMPLOYER DEMAND FOR EX-OFFENDERS: RECENT EVIDENCE FROM LOS ANGELES 6–7 (2003), http://www.urban.org/UploadedPDF/410779_ExOffenders.pdf (describing the results of an employer survey where over 40% of the employers indicated that they would "probably not" or "definitely not" be willing to hire an applicant with a criminal record).

[58] The Commission has not done matched-pair testing to investigate alleged discriminatory employment practices. However, it has issued an Enforcement Guidance that discusses situations where individuals or organizations file charges on the basis of matched-pair testing, among other practices. *See generally Enforcement Guidance: Whether "Testers" Can File Charges and Litigate Claims of Employment Discrimination*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N (May 22, 1996), http://www.eeoc.gov/policy/docs/testers.html.

[59] 42 U.S.C. § 2000e-2(k)(1)(A)(i). If an employer successfully demonstrates that its policy or practice is job related for the position in question and consistent with business necessity, a Title VII plaintiff may still prevail by demonstrating that there is a less discriminatory "alternative employment practice" that serves the employer's legitimate goals as effectively as the challenged practice but that the employer refused to adopt. *Id.* § 2000e-2(k)(1)(A)(ii).

[60] 401 U.S. 424, 431–32 (1971).

[61] *Id.* at 431.

[62] The Civil Rights Act of 1991, Pub. L. No. 102-166, § 105; *see also* Lewis v. City of Chicago, 130 S. Ct. 2191 (2010) (reaffirming disparate impact analysis); Ricci v. DeStefano, 557 U.S. 557 (2009) (same).

[63] 42 U.S.C. § 2000e-2(k)(1)(A)(i).

[64] The Commission presumes that employers use the information sought and obtained from its applicants and others in making an employment decision. *See* Gregory v. Litton Sys. Inc.,316 F. Supp. 401, 403 (C.D. Cal.1970). If an employer asserts that it did not factor the applicant's or employee's known criminal record into an employment decision, the EEOC will seek evidence supporting this assertion. For example, evidence that the employer has other employees from the same protected group with roughly comparable criminal records may support the conclusion that the employer did not use the applicant's or employee's criminal record to exclude him from employment.

[65] UNIF. CRIME REPORTING PROGRAM, FED. BUREAU OF INVESTIGATION, CRIME IN THE U.S. 2010, at Table 43a (2011), http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/table-43/10tbl43a.xls.

[66] U.S. CENSUS BUREAU, THE BLACK POPULATION: 2010, at 3 (2011), http://www.census.gov/prod/cen2010/briefs/c2010br-06.pdf (reporting that in 2010, "14 percent of all people in the United States identified as Black, either alone, or in combination with one or more races").

[67] Accurate data on the number of Hispanics arrested and convicted in the United States is limited. *See* NANCY E. WALKER ET AL., NAT'L COUNCIL OF LA RAZA, LOST OPPORTUNITIES: THE REALITY OF LATINOS IN THE U.S. CRIMINAL JUSTICE SYSTEM 17–18 (2004), http://www.policyarchive.org/handle/10207/bitstreams/20279.pdf (explaining why "[i]t is very difficult to find any information – let alone accurate information – on the number of Latinos arrested in the United States"). The Department of Justice's Bureau of Justice Statistics' (BJS) *Sourcebook of Criminal Justice Statistics* and the FBI's Crime Information Services Division do not provide data for arrests by ethnicity. *Id.* at 17. However, the U.S. Drug Enforcement Administration (DEA) disaggregates data by Hispanic and non-Hispanic ethnicity. *Id.* at 18. According to DOJ/BJS, from October 1, 2008 to September 30, 2009, 45.5% of drug arrests made by the DEA were of Hispanics or Latinos. MARK MOTIVANS, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FEDERAL JUSTICE STATISTICS, 2009 – STATISTICAL TABLES, at 6, Table 1.4 (2011), http://bjs.ojp.usdoj.gov/content/pub/pdf/fjs09.pdf. Accordingly, Hispanics were arrested for drug offenses by the DEA at a rate of three times their numbers in the general population. *See* U.S. CENSUS BUREAU, OVERVIEW OF RACE AND HISPANIC ORIGIN: 2010, at 3 (2011), http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf (reporting that in 2010, "there were 50.5 million Hispanics in the United States, composing 16 percent of the total population"). However, national statistics indicate that Hispanics have similar or lower drug usage rates compared to Whites. *See, e.g.,* SUBSTANCE ABUSE & MENTAL HEALTH SERVS.

ADMIN., U.S. DEP'T OF HEALTH & HUMAN SERVS., RESULTS FROM THE 2010 NATIONAL SURVEY ON DRUG USE AND HEALTH: SUMMARY OF NATIONAL FINDINGS 21, Figure 2.10 (2011), http://oas.samhsa.gov/NSDUH/2k10NSDUH/2k10Results.pdf (reporting, for example, that the usage rate for Hispanics in 2009 was 7.9% compared to 8.8% for Whites).

[68] *See, e.g.*, HUMAN RIGHTS WATCH, DECADES OF DISPARITY: DRUG ARRESTS AND RACE IN THE UNITED STATES 1 (2009), http://www.hrw.org/sites/default/files/reports/us0309web_1.pdf (noting that the "[t]he higher rates of black drug arrests do not reflect higher rates of black drug offending . . . . blacks and whites engage in drug offenses - possession and sales - at roughly comparable rates"); SUBSTANCE ABUSE & MENTAL HEALTH SERVS. ADMIN., U.S. DEP'T OF HEALTH & HUMAN SERVS., RESULTS FROM THE 2010 NATIONAL SURVEY ON DRUG USE AND HEALTH: SUMMARY OF NATIONAL FINDINGS 21 (2011), http://oas.samhsa.gov/NSDUH/2k10NSDUH/2k10Results.pdf (reporting that in 2010, the rates of illicit drug use in the United States among persons aged 12 or older were 10.7% for African Americans, 9.1% for Whites, and 8.1% for Hispanics); HARRY LEVINE & DEBORAH SMALL, N.Y. CIVIL LIBERTIES UNION, MARIJUANA ARREST CRUSADE: RACIAL BIAS AND POLICE POLICY IN NEW YORK CITY, 1997–2007, at 13–16 (2008), www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf (citing U.S. Government surveys showing that Whites use marijuana at higher rates than African Americans and Hispanics; however, the marijuana arrest rate of Hispanics is nearly three times the arrest rate of Whites, and the marijuana arrest rate of African Americans is five times the arrest rate of Whites).

[69] PREVALENCE OF IMPRISONMENT, *supra* note 4, at 1, 8. Due to the nature of available data, the Commission is using incarceration data as a proxy for conviction data.

[70] *Id.*

[71] *Id.*

[72] MARC MAUER & RYAN S. KING, THE SENTENCING PROJECT, UNEVEN JUSTICE: STATE RATES OF INCARCERATION BY RACE AND ETHNICITY 10 (2007), www.sentencingproject.org/Admin%5CDocuments%5Cpublications%5Crd_stateratesofincbyraceandethnicity.pdf.

[73] *Id.*

[74] PAUL GUERINO ET AL., BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, PRISONERS IN 2010, at 27, Table 14 (2011), http://bjs.ojp.usdoj.gov/content/pub/pdf/p10.pdf (reporting that as of December 31, 2010, Black men were imprisoned at a rate of 3,074 per 100,000 Black male residents, Hispanic men were imprisoned at a rate of 1,258 per 100,000 Hispanic male residents, and White men were imprisoned at a rate of 459 per 100,000 White male residents); *cf.* ONE IN 31, *supra* note 4, at 5 ("Black adults are four times as likely as whites and nearly 2.5 times as likely as Hispanics to be under correctional control. One in 11 black adults -- 9.2 percent -- was under correctional control [probation, parole, prison, or jail] at year end 2007.").

[75] The Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. part 1607, provide that "[employers] should maintain and have available . . . information on [the] adverse impact of [their employment selection procedures]." 29 C.F.R. § 1607.15A. "Where [an employer] has not maintained [such records, the EEOC] may draw an inference of adverse impact of the selection process from the failure of [the employer] to maintain such data . . . ." *Id.* § 1607.4D.

[76] *See, e.g.*, El v. SEPTA, 418 F. Supp. 2d 659, 668–69 (E.D. Pa. 2005) (finding that the plaintiff established a prima facie case of disparate impact with evidence from the defendant's personnel records and national data sources from the U.S. Bureau of Justice Statistics and the Statistical Abstract of the U.S.), *aff'd on other grounds,* 479 F.3d 232 (3d Cir. 2007); Green v. Mo. Pac. R.R., 523 F.2d 1290, 1294–95 (8th Cir. 1975) (concluding that the defendant's criminal record exclusion policy had a disparate impact based on race by evaluating local population statistics and applicant data), *appeal after remand,* 549 F.2d 1158, 1160 (8th Cir. 1977).

[77] 457 U.S. 440, 442 (1982).

[78] *Id.* at 453–54

[79] 433 U.S. 321, 330 (1977).

[80] *See, e.g.*, Int'l Bhd. of Teamsters v. United States, 431 U.S. 324, 365 (1977) (stating that "[a] consistently enforced discriminatory policy can surely deter job applications from those who are aware of it and are unwilling to subject themselves to the humiliation of explicit and certain rejection").

[81] 42 U.S.C. § 2000e-2(k)(1)(A)(i). *See* Griggs v. Duke Power Co., 401 U.S. 424 (1971). *See also* 42 U.S.C. § 2000e(m) (defining the term "demonstrates" to mean "meets the burdens of production and persuasion").

[82] 422 U.S. 405 (1975).

[83] 433 U.S. 321 (1977).

[84] 137 CONG. REC. 15273 (1991) (statement of Sen. Danforth) ("[T]he terms 'business necessity' and 'job related' are intended to reflect the concepts enunciated by the Supreme Court in *Griggs v. Duke Power Co*, and in the other Supreme Court decisions prior to *Wards Cove Packing Co. v. Atonio*." (citations omitted)). Section 105(b) of the Civil Rights Act of 1991 provides that only the interpretive memorandum read by Senator Danforth in the Congressional Record may be considered legislative history or relied upon in construing or applying the business necessity standard.

[85] 401 U.S. at 431, 436.

[86] 422 U.S. at 430–31 (endorsing the EEOC's position that discriminatory tests are impermissible unless shown, by professionally acceptable methods, to predict or correlate with "'important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated'" (quoting 29 C.F.R. § 1607.4(c))).

[87] 433 U.S. at 331–32 (concluding that using height and weight as proxies for strength did not satisfy the business necessity defense because the employer failed to establish a correlation between height and weight and the necessary strength, and also did not specify the amount of strength necessary to perform the job safely and efficiently).

[88] *Id.* at 331 n.14.

[89] 523 F.2d 1290, 1293 (8th Cir. 1975). "In response to a question on an application form, Green [a 29-year-old African American man] disclosed that he had been convicted in December 1967 for refusing military induction. He stated that he had served 21 months in prison until paroled on July 24, 1970." *Id.* at 1292–93.

[90] Green v. Mo. Pac. R.R., 549 F.2d 1158, 1160 (8th Cir. 1977) (upholding the district court's injunction prohibiting the employer from using an applicant's conviction record as an absolute bar to employment but allowing it to consider a prior criminal record as a factor in making individual hiring decisions, as long as the defendant took these three factors into account).

[91] *Id.* (referring to completion of the sentence rather than completion of parole).

[92] *Id.*

[93] 479 F.3d 232 (3d Cir. 2007).

[94] *Id.* at 235.

[95] *Id.* at 235, 236.

[96] *Id.* at 235.

[97] *Id.* at 244.

[98] *Id.* at 244–45.

[99] *Id.* at 247. *Cf.* Shawn Bushway et al., *The Predictive Value of Criminal Background Checks: Do Age and Criminal History Affect Time to Redemption?*, 49 CRIMINOLOGY 27, 52 (2011) [hereinafter *The Predictive Value of Criminal Background Checks*] ("Given the results of the current as well as previous [recidivism] studies, the 40-year period put forward in *El v. SEPTA* (2007) . . . seems too old of a score to be still in need of settlement.").

[100] *El*, 479 F.3d at 248.

[101] Some states have enacted laws to limit employer inquiries concerning all or some arrest records. *See* BACKGROUND CHECKS, *supra* note 25, at 48–49. At least 13 states have statutes explicitly prohibiting arrest record inquiries and/or dissemination subject to certain exceptions. *See, e.g.*, Alaska (ALASKA STAT. § 12.62.160(b)(8)); Arkansas (ARK. CODE ANN. § 12-12-1009(c)); California (CAL. LAB. CODE § 432.7(a)); Connecticut (CONN. GEN. STAT. § 46a-80(e)); Illinois (775 ILL. COMP. STAT. § 5/2-103(A)) (dealing with arrest records that have been ordered expunged, sealed, or impounded); Massachusetts (MASS. GEN. LAWS ch. 151B § 4(9)); Michigan (MICH COMP. LAWS § 37.2205a(1) (applying to misdemeanor arrests only)); Nebraska (NEB. REV. STAT. § 29-3523(2)) (ordering no dissemination of arrest records under certain conditions and specified time periods)); New York (N.Y. EXEC. LAW § 296(16)); North Dakota (N.D. CENT. CODE § 12-60-16.6(2)); Pennsylvania (18 PA. CONS. STAT. § 9121(b)(2)); Rhode Island (R.I. GEN. LAWS § 28-5-7(7)), and Wisconsin (WIS. STAT. §§ 111.321, 111.335a).

[102] *See* United States v. Armstrong, 517 U.S. 456, 464 (1996) (discussing federal prosecutors' broad discretionary authority to determine whether to prosecute cases and whether to bring charges before a grand jury); Bordenkircher v. Hayes, 434 U.S. 357, 364 (1978) (explaining same for state prosecutors); *see also* THOMAS H. COHEN & TRACEY KYCKELHAHN, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY DEFENDANTS IN LARGE URBAN COUNTIES, 2006, at 10, Table 11 (2010), http://bjs.ojp.usdoj.gov/content/pub/pdf/fdluc06.pdf (reporting that in the 75 largest counties in the country, nearly one-third of the felony arrests did not result in a conviction because the charges against the defendants were dismissed).

[103] Schware v. Bd. of Bar Exam'rs, 353 U.S. 232, 241 (1957) ("The mere fact that a [person] has been arrested has very little, if any, probative value in showing that he has engaged in any misconduct."); United States. v. Hynes, 467 F.3d 951, 957 (6th Cir. 2006) (upholding a preliminary jury instruction that stated that a "defendant is presumed to be innocent unless proven guilty. The indictment against the Defendant is only an accusation, nothing more. It's not proof of guilt or anything else."); *see* Gregory v. Litton Sys. Inc., 316 F. Supp. 401, 403 (C.D. Cal. 1970) ("[I]nformation concerning a prospective employee's record of arrests without convictions, is irrelevant to [an applicant's] suitability or qualification for employment."), *modified on other grounds*, 472 F.2d 631 (9th Cir. 1972); Dozier v. Chupka, 395 F. Supp. 836, 850 n.10 (S.D. Ohio 1975) (stating that the use of arrest records was too crude a predictor of an employee's predilection for theft where there were no procedural safeguards to prevent reliance on unwarranted arrests); City of Cairo v. Ill. Fair Empl. Prac. Comm., 8 Empl. Prac. Dec. (CCH) ¶ 9682 (Ill. App. Ct. 1974) (concluding that, where applicants sought to become police officers, they could not be absolutely barred from appointment solely because they had been arrested, as distinguished from convicted); *see also* EEOC Dec. 74-83, ¶ 6424 (CCH) (1983) (finding no business justification for an employer's unconditional termination of all employees with arrest records (all five employees terminated were Black), purportedly to reduce thefts in the workplace; the employer produced no evidence that these particular employees had been involved in any of the thefts, or that all people who are arrested but not convicted are prone towards crime in the future); EEOC Dec. 76-87, ¶ 6665 (CCH) (1983) (holding that an applicant who sought to become a police officer could not be rejected based on one arrest five years earlier

for riding in a stolen car when he asserted that he did not know that the car was stolen and the charge was dismissed).

104 *See* STATE CRIMINAL HISTORY, *supra* note 37, at 2; *see also* BACKGROUND CHECKS, *supra* note 25, at 17.

105 *See supra* notes 39–40.

106 *See* Clark v. Arizona, 548 U.S. 735, 766 (2006) ("The first presumption [in a criminal case] is that a defendant is innocent unless and until the government proves beyond a reasonable doubt each element of the offense charged. . . ."). *See also* FED. R. CRIM P 11 (criminal procedure rule governing pleas). The Supreme Court has concluded that criminal defendants have a Sixth Amendment right to effective assistance of counsel during plea negotiations. *See generally* Lafler v. Cooper, 132 S. Ct. 1376 (2012); Missouri v. Frye, 132 S. Ct. 1399 (2012).

107 *See supra* text accompanying note 39.

108 *See e.g.*, HAW. REV. STAT. § 378-2.5(b). Under this provision, the employer may withdraw the offer of employment if the prospective employee has a conviction record "that bears a rational relationship to the duties and responsibilities of the position." *Id. See also* CONN. GEN. STAT. § 46a-80(b) ("[N]o employer . . . shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position."); MINN. STAT. § 364.021(a) ("[A] public employer may not inquire or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer."). State fair employment practices agencies have information about applicable state law.

109 *See generally* NAT'L LEAGUE OF CITIES & NAT'L EMP'T LAW PROJECT, CITIES PAVE THE WAY: PROMISING REENTRY POLICIES THAT PROMOTE LOCAL HIRING OF PEOPLE WITH CRIMINAL RECORDS (2010), www.nelp.org/page/-/SCLP/2010/CitiesPavetheWay.pdf?nocdn=1 (identifying local initiatives that address ways to increase employment opportunities for individuals with criminal records, including delaying a background check until the final stages of the hiring process, leveraging development funds, and expanding bid incentive programs to promote local hiring priorities); NAT'L EMP'T LAW PROJECT, CITY AND COUNTY HIRING INITIATIVES (2010), www.nelp.org/page/-/SCLP/CityandCountyHiringInitiatives.pdf (discussing the various city and county initiatives that have removed questions regarding criminal history from the job application and have waited until after a conditional offer of employment has been made to conduct a background check and inquire about the applicant's criminal background).

110 Several federal laws automatically prohibit employing individuals with certain felony convictions or, in some cases, misdemeanor convictions. *See, e.g.*, 5 U.S.C. § 7371(b) (requiring the mandatory removal of any federal law enforcement officer who is convicted of a felony); 46 U.S.C. § 70105(c)(1)(A) (mandating that individuals who have been convicted of espionage, sedition, treason or terrorism be permanently disqualified from receiving a biometric transportation security card and thereby excluded from port work employment); 42 U.S.C.

§ 13726(b)(1) (disqualifying persons with felony convictions or domestic violence convictions from working for a private prisoner transport company); 25 U.S.C. § 3207(b) (prohibiting individuals with a felony conviction, or any of two or more misdemeanor convictions, from working with Indian children if their convictions involved crimes of violence, sexual assault, molestation, exploitation, contact or prostitution, crimes against persons, or offenses committed against children); 18 U.S.C. § 922(g)(1), (9) (prohibiting an individual convicted of a felony or a misdemeanor for domestic violence from possessing a firearm, thereby excluding such individual from a wide range of jobs that require such possession); 18 U.S.C. § 2381 (prohibiting individuals convicted of treason from "holding any office under the United States"). Other federal laws prohibit employing individuals with certain convictions for a defined time period. *See, e.g.*, 5 U.S.C. § 7313(a) (prohibiting individuals convicted of a felony for inciting a riot or civil disorder from holding any position in the federal government for five years after the date of the conviction); 12 U.S.C. § 1829 (requiring a ten-year ban on employing individuals in banks if they have certain financial-related convictions); 49 U.S.C. § 44936(b)(1)(B) (imposing a ten-year ban on employing an individual as a security screener for an air carrier if that individuals has been convicted of specified crimes).

111 *See* 29 C.F.R. § 1607.5 (describing the general standards for validity studies).

112 *Id.*

113 *Id.* § 1607.6B. The following subsections state:

> (1) *Where informal or unscored procedures are used.* When an informal or unscored selection procedure which has an adverse impact is utilized, the user should eliminate the adverse impact, or modify the procedure to one which is a formal, scored or quantified measure or combination of measures and then validate the procedure in accord with these guidelines, or otherwise justify continued use of the procedure in accord with Federal law.
> (2) *Where formal and scored procedures are used.* When a formal and scored selection procedure is used which has an adverse impact, the validation techniques contemplated by these guidelines usually should be followed if technically feasible. Where the user cannot or need not follow the validation techniques anticipated by these guidelines, the user should either modify the procedure to eliminate adverse impact or otherwise justify continued use of the procedure in accord with Federal law.
>
> *Id.* § 1607.6A, B(1)–(2).

114 *See, e.g.*, Brent W. Roberts et al., *Predicting the Counterproductive Employee in a Child-to-Adult Prospective Study*, 92 J. APPLIED PSYCHOL. 1427, 1430 (2007), http://internal.psychology.illinois.edu/~broberts/Roberts,%20Harms,%20Caspi,%20&%20Moffitt,%202007.pdf (finding that in a study of New Zealand residents from birth to age 26, "[a]dolescent criminal convictions were unrelated to committing counterproductive activities at work [such as tardiness, absenteeism, disciplinary problems, etc.]. In fact, according to the

[results of the study], people with an adolescent criminal conviction record were less likely to get in a fight with their supervisor or steal things from work.").

115 *See* OHIO REV. CODE ANN. § 2913.02.

116 523 F.2d at 1298 (stating that "[w]e cannot conceive of any business necessity that would automatically place every individual convicted of any offense, except a minor traffic offense, in the permanent ranks of the unemployed").

117 479 F.3d at 247.

118 *See, e.g.*, Keith Soothill & Brian Francis, *When do Ex-Offenders Become Like Non-Offenders?*, 48 HOWARD J. OF CRIM. JUST., 373, 380–81 (2009) (examining conviction data from Britain and Wales, a 2009 study found that the risk of recidivism declined for the groups with prior records and eventually converged within 10 to 15 years with the risk of those of the nonoffending comparison groups); Alfred Blumstein & Kiminori Nakamura, *Redemption in the Presence of Widespread Criminal Background Checks,* 47 CRIMINOLOGY 327 (2009) (concluding that there may be a "point of redemption" (i.e., a point in time where an individual's risk of re-offending or re-arrest is reasonably comparable to individuals with no prior criminal record) for individuals arrested for certain offenses if they remain crime free for a certain number of years); Megan C. Kurlychek, Robert Brame & Shawn D. Bushway, *Enduring Risk? Old Criminal Records and Predictions of Future Criminal Involvement*, 53 CRIME & DELINQUENCY 64 (2007) (analyzing juvenile police contacts and Racine, Wisconsin police contacts for an aggregate of crimes for 670 males born in 1942 and concluding that, after seven years, the risk of a new offense approximates that of a person without a criminal record); Megan C. Kurlychek et al., *Scarlet Letters and Recidivism: Does an Old Criminal Record Predict Future Offending?*, 5 CRIMINOLOGY & PUB. POL'Y 483 (2006) (evaluating juvenile police contacts and arrest dates from Philadelphia police records for an aggregate of crimes for individuals born in 1958, a 2006 study concluded that the risk of recidivism decreases over time and that, six or seven years after an arrest, an individual's risk of re-arrest approximates that of an individual who has never been arrested).

119 *Griggs*, 401 U.S. at 431.

120 523 F.2d at 1298; *see also* Field v. Orkin Extermination Co., No. Civ. A. 00-5913, 2002 WL 32345739, at *1 (E.D. Pa. Feb. 21, 2002) (unpublished) ("[A] blanket policy of denying employment to any person having a criminal conviction is a [*per se*] violation of Title VII."). The only exception would be if such an exclusion were required by federal law or regulation. *See, e.g., supra* note 110.

121 *Cf. Field*, 2002 WL 32345739, at *1. In *Field*, an employee of ten years was fired after a new company that acquired her former employer discovered her 6-year-old felony conviction. The new company had a blanket policy of firing anyone with a felony conviction less than 10 years old. The court granted summary judgment for the employee because the employer's argument that her conviction was related to her job qualifications was "weak at best," especially

given her positive employment history with her former employer. *Id.*

[122] Recidivism rates tend to decline as ex-offenders' ages increase. A 2011 study found that an individual's age at conviction is a variable that has a "substantial and significant impact on recidivism." *The Predictive Value of Criminal Background Checks*, *supra* note 99, at 43. For example, the 26-year-olds in the study, with no prior criminal convictions, had a 19.6% chance of reoffending in their first year after their first conviction, compared to the 36-year-olds who had an 8.8% chance of reoffending during the same time period, and the 46-year-olds who had a 5.3% of reoffending. *Id.* at 46. *See also* PATRICK A. LANGAN & DAVID J. LEVIN, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, SPECIAL REPORT: RECIDIVISM OF PRISONERS RELEASED IN 1994, at 7 (2002), http://bjs.ojp.usdoj.gov/content/pub/pdf/rpr94.pdf (finding that, although 55.7% of ex-offenders aged 14–17 released in 1994 were reconvicted within three years, the percentage declined to 29.7% for ex-offenders aged 45 and older who were released the same year).

Consideration of an applicant's age at the time the offense occurred or at his release from prison would benefit older individuals and, therefore, would not violate the Age Discrimination in Employment Act of 1967, *as amended,* 29 U.S.C. § 621 *et seq*. *See* Age Discrimination in Employment Act, 29 C.F.R. § 1625.2 ("Favoring an older individual over a younger individual because of age is not unlawful discrimination under the ADEA, even if the younger individual is at least 40 years old."); *see also* Gen. Dynamics Land Sys., Inc. v. Cline, 540 U.S. 581, 600 (2004) (concluding that the ADEA does not preclude an employer from favoring an older employee over a younger one within the protected age group).

[123] *See* Laura Moskowitz, *Statement of Laura Moskowitz, Staff Attorney, National Employment Law Project's Second Chance Labor Project*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/11-20-08/moskowitz.cfm (last visited April 23, 2012) (stating that one of the factors that is relevant to the assessment of an ex-offender's risk to a workplace and to the business necessity analysis, is the "length and consistency of the person's work history, including whether the person has been recently employed"; also noting that various studies have "shown a strong relationship between employment and decreases in crime and recidivism"). *But see* Stephen J. Tripodi et al., *Is Employment Associated With Reduced Recidivism?: The Complex Relationship Between Employment and Crime*, 54 INT'L J. OF OFFENDER THERAPY AND COMP. CRIMINOLOGY 716, 716 (2010) (finding that "[b]ecoming employed after incarceration, although apparently providing initial motivation to desist from crime, does not seem to be on its own sufficient to prevent recidivism for many parolees").

[124] *See* WENDY ERISMAN & JEANNE BAYER CONTARDO, INST. FOR HIGHER EDUC. POLICY, LEARNING TO REDUCE RECIDIVISM: A 50 STATE ANALYSIS OF POSTSECONDARY CORRECTIONAL EDUCATION 5 (2005), http://www.ihep.org/assets/files/publications/g-l/LearningReduceRecidivism.pdf (finding that increasing higher education for prisoners enhances their prospects for employment and serves as a cost-effective approach to reducing recidivism); *see also* John H. Laud & Robert J. Sampson, *Understanding Desistance from Crime*, 28 CRIME & JUST. 1, 17–24 (2001), http://www.ncjrs.gov/pdffiles1/Digitization/192542-192549NCJRS.pdf (stating that factors associated with personal rehabilitation and social

stability, such as stable employment, family and community involvement, and recovery from substance abuse, are correlated with a decreased risk of recidivism).

[125] Some employers have expressed a greater willingness to hire ex-offenders who have had an ongoing relationship with third party intermediary agencies that provide supportive services such as drug testing, referrals for social services, transportation, child care, clothing, and food. *See* Amy L. Solomon et al., *From Prison to Work: The Employment Dimensions of Prisoner Reentry*, 2004 URBAN INST. 20, http://www.urban.org/UploadedPDF/411097_From_Prison_to_Work.pdf. These types of services can help ex-offenders avoid problems that may interfere with their ability to obtain and maintain employment. *Id.*; *see generally* Victoria Kane, *Transcript of 7-26-11 Meeting,* U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/7-26-11/transcript.cfm#kane (last visited April 23, 2012) (describing why employers should partner with organizations that provide supportive services to ex-offenders).

[126] *See generally* REENTRY MYTHBUSTER! ON FEDERAL BONDING PROGRAM, *supra* note 16; *Work Opportunity Tax Credit (WOTC),* EMP'T & TRAINING ADMIN., U.S. DEP'T OF LABOR, http://www.doleta.gov/business/incentives/opptax/ (last visited April 3, 2012); *Directory of State Bonding Coordinators*, EMP'T & TRAINING ADMIN., U.S. DEP'T OF LABOR, http://www.doleta.gov/usworkforce/onestop/FBPContact.cfm (last visited April 3, 2012); *Federal Bonding Program - Background,* U.S. DEP'T OF LABOR, http://www.bonds4jobs.com/program-background.html (last visited April 3, 2012); *Bureau of Prisons: UNICOR's Federal Bonding Program,* http://www.bop.gov/inmate_programs/itb_bonding.jsp (last visited April 3, 2012).

[127] This example is loosely based on a study conducted by Alfred Blumstein and Kiminori Nakamura measuring the risk of recidivism for individuals who have committed burglary, robbery, or aggravated assault. *See* Blumstein & Nakamura, *supra* note 118.

[128] 42 U.S.C. § 2000e-2(k)(1)(A)(ii), (C). *See also* Watson v. Fort Worth Bank & Trust, 487 U.S. 977, 998 (1988).

[129] *See* Exec. Order No. 12,067, 3 C.F.R. 206 (1978 Comp.).

[130] *See* 49 U.S.C. §§ 44935(e)(2)(B), 44936(a)(1), (b)(1). The statute mandates a criminal background check.

[131] *See* 5 U.S.C. § 7371(b) (requiring mandatory removal from employment of law enforcement officers convicted of felonies).

[132] *See* 42 U.S.C. § 13041(c) ("Any conviction for a sex crime, an offense involving a child victim, or a drug felony may be grounds for denying employment or for dismissal of an employee. . . .").

[133] 12 U.S.C. § 1829.

[134] 46 U.S.C. § 70105(c).

[135] Other jobs and programs subject to federally-imposed restrictions based on criminal convictions include the business of insurance (18 U.S.C. § 1033(e)), employee benefits employee (29 U.S.C. § 1111(a)), participation in Medicare and state health care programs (42 U.S.C. § 1320a-7(a)–(b)), defense contractor (10 U.S.C. § 2408(a)), prisoner transportation (42 U.S.C. § 13726b(b)(1)), and court-imposed occupational restrictions (18 U.S.C. §§ 3563(b)(5), 3583(d)). This list is not meant to be exhaustive.

[136] *See, e.g.*, federal statutes governing commercial motor vehicle operator's licenses (49 U.S.C. § 31310(b)-(h)), locomotive operator licenses (49 U.S.C. § 20135(b)(4)(B)), and certificates, ratings, and authorizations for pilots, flight instructors, and ground instructors (49 U.S.C. §§ 44709(b)(2), 44710(b), 4711(c); 14 C.F.R. § 61.15).

[137] *See, e.g.*, federal statutes governing loan originator licensing/registration (12 U.S.C. § 5104(b)(2)), registration of brokers and dealers (15 U.S.C. § 78o(b)(4)(B)), registration of commodity dealers (7 U.S.C. § 12a(2)(D), (3)(D), (E), (H)), and registration of investment advisers (15 U.S.C. § 80b-3(e)(2)-(3), (f)).

[138] *See, e.g.*, custom broker's licenses (19 U.S.C. § 1641(d)(1)(B)), export licenses (50 U.S.C. App. § 2410(h)), and arms export (22 U.S.C. § 2778(g)).

[139] *See, e.g.*, grain inspector's licenses (7 U.S.C. § 85), merchant mariner's documents, licenses, or certificates of registry (46 U.S.C. § 7503(b)), licenses to import, manufacture, or deal in explosives or permits to use explosives (18 U.S.C. § 843(d)), and farm labor contractor's certificates of registration (29 U.S.C. § 1813(a)(5)). This list of federally-imposed restrictions on occupational licenses and registrations for individuals with certain criminal convictions is not meant to be exhaustive. For additional information, please consult the relevant federal agency or department.

[140] *See* 12 U.S.C. § 1829(a)(1). The statute imposes a ten-year ban for individuals who have been convicted of certain financial crimes such as corruption involving the receipt of commissions or gifts for procuring loans (18 U.S.C. § 215), embezzlement or theft by an officer/employee of a lending, credit, or insurance institution (18 U.S.C § 657), false or fraudulent statements by an officer/employee of the federal reserve or a depository institution (18 U.S.C. § 1005), or fraud by wire, radio, or television that affects a financial institution (18 U.S.C. § 1343), among other crimes. *See* 12 U.S.C. § 1829(a)(2)(A)(i)(I), (II). Individuals who have either been convicted of the crimes listed in § 1829(a)(2)(A), or conspiracy to commit those crimes, will not receive an exception to the application of the 10-year ban from the FDIC. 12 U.S.C. § 1829(a)(2)(A).

[141] *See* FED. DEPOSIT INS. CORP., FDIC STATEMENT OF POLICY FOR SECTION 19 OF THE FDI ACT, § C, "PROCEDURES" (amended May 13, 2011), http://www.fdic.gov/regulations/laws/rules/5000-1300.html [hereinafter FDIC POLICY]; *see also*

Statement of Policy, 63 Fed. Reg. 66,177, 66,184 (Dec. 1, 1998); Clarification of Statement of Policy, 76 Fed. Reg. 28,031 (May 13, 2011) (clarifying the FDIC's Statement of Policy for Section 19 of the FDI Act).

"Approval is automatically granted and an application [for a waiver] will not be required where [an individual who has been convicted of] the covered offense [criminal offenses involving dishonesty, breach of trust, or money laundering] . . . meets all of the ["*de minimis*"] criteria" set forth in the FDIC's Statement of Policy. FDIC POLICY, *supra*, § B (5). These criteria include the following: (1) there is only one conviction or program of record for a covered offense; (2) the offense was punishable by imprisonment for a term of one year or less and/or a fine of $1,000 or less, and the individual did not serve time in jail; (3) the conviction or program was entered at least five years prior to the date an application would otherwise be required; and (4) the offense did not involve an insured depository institution or insured credit union. *Id.* Additionally, an individual's conviction for writing a "bad" check will be considered a *de minimis* offense, even if it involved an insured depository institution or insured credit union, if: (1) all other requirements of the *de minimis* offense provisions are met; (2) the aggregate total face value of the bad or insufficient funds check(s) cited in the conviction was $1000 or less; and (3) no insured depository institution or insured credit union was a payee on any of the bad or insufficient funds checks that were the basis of the conviction. *Id.*

142 *See* FDIC POLICY, *supra* note 141, § C, "PROCEDURES."

143 *Id. But cf.* NAT'L H.I.R.E. NETWORK, PEOPLE WITH CRIMINAL RECORDS WORKING IN FINANCIAL INSTITUTIONS: THE RULES ON FDIC WAIVERS, http://www.hirenetwork.org/FDIC.html ("Institutions rarely seek a waiver, except for higher level positions when the candidate is someone the institution wants to hire. Individuals can only seek FDIC approval themselves if they ask the FDIC to waive the usual requirement. Most individuals probably are unaware that they have this right."); FED. DEPOSIT INSUR. CORP. 2010 ANNUAL REPORT, § VI.A: KEY STATISTICS, FDIC ACTIONS ON FINANCIAL INSTITUTION APPLICATIONS 2008–2010 (2011), http://www.fdic.gov/about/strategic/report/2010annualreport/chpt6-01.html (reporting that between 2008 and 2010, the FDIC approved a total of 38 requests for consent to employ individuals with covered offenses in their background; the agency did not deny any requests during this time period).

144 FDIC POLICY, *supra* note 141, § D, "EVALUATION OF SECTION 19 APPLICATIONS" (listing the factors that are considered in this waiver review process, which include: (1) the nature and circumstances underlying the offense; (2) "[e]vidence of rehabilitation including the person's reputation since the conviction . . . the person's age at the time of conviction . . . and the time which has elapsed since the conviction"; (3) the position to be held in the insured institution; (4) the amount of influence/control the individual will be able to exercise over management affairs; (5) management's ability to control and supervise the individual's activities; (6) the degree of ownership the individual will have in the insured institution; (7) whether the institution's fidelity bond coverage applies to the individual; (8) the opinion of the applicable federal and/or state regulators; and (9) any other relevant factors).

[145] *See* 49 C.F.R. §§ 1515.7 (describing the procedures for waiver of criminal offenses, among other standards), 1515.5 (explaining how to appeal the Initial Determination of Threat Assessment based on a criminal conviction). In practice, some worker advocacy groups have criticized the TWIC appeal process due to prolonged delays, which leaves many workers jobless; especially workers of color. *See generally* MAURICE EMSELLEM ET AL., NAT'L EMP'T LAW PROJECT, A SCORECARD ON THE POST-911 PORT WORKER BACKGROUND CHECKS: MODEL WORKER PROTECTIONS PROVIDE A LIFELINE FOR PEOPLE OF COLOR, WHILE MAJOR TSA DELAYS LEAVE THOUSANDS JOBLESS DURING THE RECESSION (2009), http://nelp.3cdn.net/2d5508b4cec6e13da6_upm6b20e5.pdf.

The Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 6201, 124 Stat. 721 (2010) (the Act) includes a process to appeal or dispute the accuracy of information obtained from criminal records. The Act requires participating states to perform background checks on applicants and current employees who have direct access to patients in long-term care facilities, such as nursing homes, to determine if they have been convicted of an offense or have other disqualifying information in their background, such as a finding of patient or resident abuse, that would disqualify them from employment under the Social Security Act or as specified by state law. *See* 42 U.S.C. § 1320a-7l(a)(3)(A), (a)(4)(B), (6)(A)–(E). The background check involves an individualized assessment of the relevance of a conviction or other disqualifying information. The Act protects applicants and employees in several ways, for example, by: (1) providing a 60-day provisional period of employment for the prospective employee, pending the completion of the criminal records check; (2) providing an independent process to appeal or dispute the accuracy of the information obtained in the criminal records check; and (3) allowing the employee to remain employed (subject to direct on-site supervision) during the appeals process. 42 U.S.C. § 1320a-7l(a)(4)(B)(iii), (iv).

[146] *See* 46 U.S.C. § 70105(d); *see generally* TWIC Program, 49 C.F.R. § 1572.103 (listing the disqualifying offenses for maritime and land transportation security credentials, such as convictions and findings of not guilty by reason of insanity for espionage, murder, or unlawful possession of an explosive; also listing temporarily disqualifying offenses, within seven years of conviction or five years of release from incarceration, including dishonesty, fraud, or misrepresentation (expressly excluding welfare fraud and passing bad checks), firearms violations, and distribution, intent to distribute, or importation of controlled substances).

[147] 46 U.S.C. § 70105(c)(1)(A)–(B).

[148] 46 U.S.C. § 70105(c)(1)(B)(iii).

[149] *See* 46 U.S.C. § 70105(c)(1)(A)(iv) (listing "Federal crime of terrorism" as a permanent disqualifying offense); *see also* 18 U.S.C. § 2332b(g)(5)(B) (defining "Federal crime of terrorism" to include the use of weapons of mass destruction under § 2332a).

[150] *See* 49 C.F.R. § 1515.7(a)(i) (explaining that only certain applicants with disqualifying crimes in their backgrounds may apply for a waiver; these applicants do not include individuals

who have been convicted of a Federal crime of terrorism as defined by 18 U.S.C. § 2332b(g)).

[151] These positions are defined as "national security positions" and include positions that "involve activities of the Government that are concerned with the protection of the nation from foreign aggression or espionage, including development of defense plans or policies, intelligence or counterintelligence activities, and related activities concerned with the preservation of the military strength of the United States" or "require regular use of, or access to, classified information." 5 C.F.R. § 732.102(a)(1)-(2). The requirements for "national security positions" apply to competitive service positions, Senior Executive Service positions filled by career appointment within the Executive Branch, and excepted service positions within the Executive Branch. *Id.* § 732.102(b). The head of each Federal agency can designate any position within that department or agency as a "sensitive position" if the position "could bring about, by virtue of the nature of the position, a material adverse effect on the national security." *Id.* § 732.201(a). Designation of a position as a "sensitive position" will fall under one of three sensitivity levels: Special-Sensitive, Critical-Sensitive, or Noncritical-Sensitive. *Id.*

[152] *See* Exec. Order No. 12,968, § 3.1(b), 3 C.F.R. 391 (1995 Comp.):

> [E]ligibility for access to classified information shall be granted only to employees who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honestly, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to such information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of the national security.

[153] 42 U.S.C. § 2000e-2(g); *see, e.g.*, Bennett v. Chertoff, 425 F.3d 999, 1001 (D.C. Cir. 2005) ("[E]mployment actions based on denial of a security clearance are not subject to judicial review, including under Title VII."); Ryan v. Reno, 168 F.3d 520, 524 (D.C. Cir. 1999) ("[A]n adverse employment action based on denial or revocation of a security clearance is not actionable under Title VII.").

[154] *See Policy Guidance on the use of the national security exception contained in § 703(g) of Title VII of the Civil Rights Act of 1964, as amended*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, § II, *Legislative History* (May 1, 1989), http://www.eeoc.gov/policy/docs/national_security_exemption.html ("[N]ational security requirements must be applied equally without regard to race, sex, color, religion or national origin."); *see also* Jones v. Ashcroft, 321 F. Supp. 2d 1, 8 (D.D.C. 2004) (indicating that the

national security exception did not apply because there was no evidence that the government considered national security as a basis for its decision not to hire the plaintiff at any time before the commencement of the plaintiff's lawsuit, where the plaintiff had not been forthright about an arrest).

155 Federal contractor employees may challenge the denial of a security clearance with the EEOC or the Office of Contract Compliance Programs when the denial is based on race, color, religion, sex, or national origin. *See generally* Exec. Order No. 11,246, 3 C.F.R. 339 (1964–1965 Comp.).

156 42 U.S.C. § 2000e-16(a).

157 Robert H. Shriver, III, *Written Testimony of Robert H. Shriver, III, Senior Policy Counsel for the U.S. Office of Personnel Management*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/7-26-11/shriver.cfm (last visited April 23, 2012) (stating that "with just a few exceptions, criminal convictions do not automatically disqualify an applicant from employment in the competitive civil service"); *see also* REENTRY MYTHBUSTER! ON FEDERAL HIRING POLICIES, *supra* note 16 ("The Federal Government employs people with criminal records with the requisite knowledge, skills and abilities."). *But see supra* note 110, listing several federal statutes that prohibit individuals with certain convictions from working as federal law enforcement officers or port workers, or with private prisoner transport companies.

158 OPM has jurisdiction to establish the federal government's suitability policy for competitive service positions, certain excepted service positions, and career appointments in the Senior Executive Service. *See* 5 C.F.R. §§ 731.101(a) (stating that OPM has been directed "to examine 'suitability' for competitive Federal employment"), 731.101(b) (defining the covered positions within OPM's jurisdiction); *see also* Shriver, *supra* note 157.

OPM is also responsible for establishing standards that help agencies decide whether to grant their employees and contractor personnel long-term access to federal facilities and information systems. *See* Homeland Security Presidential Directive 12: Policy for a Common Identification Standard for Federal Employees and Contractors, 2 PUB. PAPERS 1765 (Aug. 27, 2004) ("establishing a mandatory, Government-wide standard for secure and reliable forms of identification issued by the Federal Government to its employees and contractors [including contractor employees]"); *see also* Exec. Order No. 13,467, § 2.3(b), 3 C.F.R. 196 (2009 Comp.) ("[T]he Director of [OPM] . . . [is] responsible for developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of investigations and adjudications relating to determinations of suitability and eligibility for logical and physical access."); *see generally* Shriver, *supra* note 157.

159 5 C.F.R. § 731.101(a).

160 *See* 5 C.F.R. §§ 731.205(a) (stating that if an agency finds applicants unsuitable based on the factors listed in 5 C.F.R. § 731.202, it may, in its discretion, bar those applicants from federal employment for three years), § 731.202(b) (disqualifying factors from federal civilian

employment may include: misconduct or negligence in employment; material, intentional false statement, or deception or fraud in examination or appointment; refusal to furnish testimony as required by 5 C.F.R. § 5.4; alcohol abuse without evidence of substantial rehabilitation; illegal use of narcotics, drugs, or other controlled substances; and knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force).

161 *See id.* § 731.202(c).

162 *Id.*

163 *See generally* Shriver, *supra* note 157. *See also* REENTRY MYTHBUSTER! ON FEDERAL HIRING POLICIES, *supra* note 16 ("Consistent with Merit System Principles, [federal] agencies [and departments] are required to consider people with criminal records when filling positions if they are the best candidates and can comply with requirements.").

164 *See generally EEOC Informal Discussion Letter* (March 19, 2007), http://www.eeoc.gov/eeoc/foia/letters/2007/arrest_and_conviction_records.html#N1 (discussing the EEOC's concerns with changes to OPM's suitability regulations at 5 CFR part 731).

165 *See* Stephen Saltzburg, *Transcript of 7-26-11 Meeting*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, http://www.eeoc.gov/eeoc/meetings/7-26-11/transcript.cfm#saltzburg (last visited April 23, 2012) (discussing the findings from the American Bar Association's (ABA) Collateral Consequences of Conviction Project, which found that in 17 states that it has examined to date, 84% of the collateral sanctions against ex-offenders relate to employment). For more information about the ABA's project, visit: Janet Levine, *ABA Criminal Justice Section Collateral Consequences Project*, INST. FOR SURVEY RESEARCH, TEMPLE UNIV., http://isrweb.isr.temple.edu/projects/accproject/ (last visited April 20, 2012). In April 2011, Attorney General Holder sent a letter to every state Attorney General, with a copy to every Governor, asking them to "evaluate the collateral consequences" of criminal convictions in their state, such as employment-related restrictions on ex-offenders, and "to determine whether those [consequences] that impose burdens on individuals . . . without increasing public safety should be eliminated." Letter from Eric H. Holder, Jr., Att'y Gen., Dep't of Justice, to state Attorney Generals and Governors (April 18, 2011), http://www.nationalreentryresourcecenter.org/documents/0000/1088/Reentry_Council_AG_Letter.pdf.

Most states regulate occupations that involve responsibility for vulnerable citizens such as the elderly and children. *See* STATE CRIMINAL HISTORY, *supra* note 37, at 10 ("Fifty states and the District of Columbia reported that criminal history background checks are legally required" for several occupations such as nurses/elder caregivers, daycare providers, caregivers in residential facilities, school teachers, and nonteaching school employees). For example, Hawaii's Department of Human Services may deny applicants licensing privileges to operate a childcare facility if: (1) the applicant or any prospective employee has been convicted of a crime other than a minor traffic violation or has been confirmed to have abused or neglected a child or threatened harm; and (2) the department finds that the criminal history or child abuse record of

the applicant or prospective employee may pose a risk to the health, safety, or well-being of children. *See* HAW. REV. STAT. § 346-154(e)(1)–(2).

166 42 U.S.C. § 2000e-7.

167 *See* Int'l Union v. Johnson Controls, Inc., 499 U.S. 187, 210 (1991) (noting that "[i]f state tort law furthers discrimination in the workplace and prevents employers from hiring women who are capable of manufacturing the product as efficiently as men, then it will impede the accomplishment of Congress' goals in enacting Title VII"); Gulino v. N.Y. State Educ. Dep't, 460 F.3d 361, 380 (2d Cir. 2006) (affirming the district court's conclusion that "the mandates of state law are no defense to Title VII liability").

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-080

APPOINTMENT OF QUALIFIED PURCHASING AGENT

WHEREAS, the Mayor and Council of the Borough of Englishtown have determined that there is a necessity for appointing a Qualified Purchasing Agent to be employed by the Borough of Englishtown; and

WHEREAS, Sylvia Eryan-Hawileh is a qualified individual for the position as she is certified as a Qualified Purchasing Agent..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that Sylvia Eryan-Hawileh is hereby appointed Qualified Purchasing Agent, pursuant to N.J.S.A. 40A:9-140.10, for the Borough of Englishtown, commencing on May 1, 2021.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following: Borough Clerk, Borough Auditor, Borough Attorney, and Sylvia Eryan-Hawileh.

Offered by:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-081

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to the need for various operating expenses prior to the adoption of the 2021 Budget and no adequate provision has been made in the 2021 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A.40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L.1951 (N.J.S.A.40A:4-20) including this resolution total $635,500.00

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A-20:

1. Emergency temporary appropriations be and the same is hereby made in the amount of $16,350.00 as per attached sheet.

2. Said emergency temporary appropriations will be provided for in the 2021 budgets.

3. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
TEMPORARY APPROPRIATION 2021

		2020 Last year's Budget	Temporary Appropriation January	Temporary Emergency APRIL	Total Temporary Appropriation
OFFICE OF THE MAYOR					
OTHER EXPENSES	O/E	2,000	$ 1,500.00		1,500.00
GOVERNING BODY					
SALARIES & WAGES	S&W	28,500	$ -		
GENERAL ADMINISTRATION					
SALARIES & WAGES	S&W		$ -		
OTHER EXPENSES	OE	7,600	$ 100.00		100.00
DATA PROCESSING					
SALARIES & WAGES	S&W		$ 6,500.00		6,500.00
OTHER EXPENSES	OE		$ 18,024.00		18,024.00
ANNUAL AUDIT					
OTHER EXPENSES	O/E	15,000	$ 7,500.00	4,500.00	12,000.00
MUNICIPAL CLERK					
SALARIES & WAGES	S&W	45,500	$ 11,500.00		19,500.00
OTHER EXPENSES	O/E	11,800	$ 3,000.00		4,000.00
ELECTIONS	O/E	600	$ -		
OFFICE OF TAX ASSESSMENT					
SALARIES & WAGES	S&W	12,400	$ 3,150.00	350.00	5,500.00
OTHER EXPENSES	O/E	5,125	$ 1,500.00		1,500.00
FINANCIAL ADMINISTRATION					
SALARIES & WAGES	S&W	56,000	$ 14,750.00		24,750.00
OTHER EXPENSES	O/E	6,500	$ 1,100.00		1,350.00
TAX COLLECTION					
SALARIES & WAGES	S&W	12,000	$ 3,000.00		5,000.00
OTHER EXPENSES	O/E	5,000	$ 1,100.00		1,600.00
GROUP INSURANCE & LIABILITY INSURANCE					
OTHER EXPENSES	O/E INSIDE	175,000	$ 95,000.00		95,000.00
OTHER EXPENSES	O/E OUTSIDE				
HEALTH BENEFIT WAIVER	O/E	12,500	$ 5,000.00		5,000.00
DEPARTMENT OF LAW					
OTHER EXPENSES	O/E	75,000	$ 12,000.00		12,000.00
MUNICIPAL PROSECUTOR					
SALARIES & WAGES	S&W	10,500	$ 3,500.00		5,500.00
OTHER EXPENSES	O/E		$ -		
MUNICIPAL PUBLIC DEFENDER					
SALARIES & WAGES	S&W	3,000	$ -		
OTHER EXPENSES	O/E		$ -		
DEPT. OF PARKS/RECREATION/SOCIAL SERVICES					
CELEBRATION OF PUBLIC EVENTS					
OTHER EXPENSES	O/E	100	$ 25.00		25.00
DOG TRUST FUND					
OTHER EXPENSES	O/E	100	$ 100.00	500.00	600.00
EMERGENCY MANAGEMENT					
SALARIES & WAGES	S&W				
OTHER EXPENSES	O/E	400	$ 100.00		100.00
POLICE					
SALARIES & WAGES	S&W	627,000	$ 170,000.00		270,000.00
OTHER EXPENSES	O/E	115,000	$ 33,000.00		33,000.00
DIVISION OF ENGINEERING					
OTHER EXPENSES	O/E	13,000	$ 5,000.00		5,000.00

BOROUGH OF ENGLISHTOWN
TEMPORARY APPROPRIATION 2021

		2020 Last year's Budget	Temporary Appropriation January	Temporary Emergency APRIL	Total Temporary Appropriation
PLANNING BOARD					
SALARIES & WAGES	S&W	5,000	$ 1,200.00		1,700.00
OTHER EXPENSES	O/E	5,000	$ 1,000.00		1,000.00
AFFORDABLE HOUSING					
SALARIES & WAGES	S&W	625	$ 200.00		400.00
OTHER EXPENSES	O/E	1,000	$ 700.00		700.00
PUBLIC BUILDINGS AND GROUNDS					
SALARIES & WAGES	S&W	11,500	$ 3,600.00		3,600.00
OTHER EXPENSES	O/E	42,500	$ 10,000.00		20,000.00
STREETS & ROAD MAINTENANCE					
SALARIES & WAGES	S&W	31,000	$ 7,000.00		7,000.00
OTHER EXPENSES	O/E	26,000	$ 4,000.00		4,000.00
SNOW REMOVAL					
SALARIES & WAGES	S&W	1,500	$ 1,000.00		1,000.00
OTHER EXPENSES	O/E	4,000	$ 4,000.00		4,000.00
GARBAGE AND TRASH REMOVAL					
DISPOSAL COSTS (CONTRACTUAL)	O/E	160,000	$ 50,000.00		70,000.00
SANITARY LANDFILL					
OTHER EXPENSES	O/E	5,000	$ 3,500.00		3,500.00
RECYCLING					
SALARIES & WAGES	S&W		$ -		
OTHER EXPENSES	O/E	23,500	$ 10,000.00		20,000.00
CODE ENFORCEMENT					
SALARIES & WAGES	S&W	22,100	$ 6,000.00	1,000.00	8,000.00
OTHER EXPENSES	O/E	4,000	$ 500.00		500.00
SHADE TREE COMMISSION					
SALARIES & WAGES	S&W	905	$ 250.00		250.00
OTHER EXPENSES	O/E	1,200	$ 500.00		500.00
UTILITIES:					
GASOLINE	O/E	25,000	$ 9,000.00		9,000.00
ELECTRICITY	O/E	22,000	$ 7,500.00		7,500.00
TELEPHONE	O/E	8,000	$ 4,000.00		4,000.00
NATURAL GAS	O/E	7,500	$ 4,500.00		5,500.00
STREET LIGHTING	O/E	32,500	$ 9,000.00		12,000.00
WATER & SEWAGE	O/E	4,500	$ 2,500.00		2,500.00
SALARY & WAGE ADJUSTMENT	OE				
911 EMERGENCY WITH COUNTY	OE	55,000			
PUBLIC EMPLOYEES' RETIREMENT SYSTEM	O/E Inside	37,655	$ -		45,100.00
PUBLIC EMPLOYEES' RETIREMENT SYSTEM	O/E Outside		$ -		150,000.00
SOCIAL SECURITY SYSTEM (O.A.S.I.)	O/E	42,000	$ 12,000.00		17,000.00
POLICE AND FIREMEN'S RETIREMENT SYSTEM OF NJ	O/E Inside	129,400	$ -		
POLICE AND FIREMEN'S RETIREMENT SYSTEM OF NJ	O/E Outside		$ -		
DEFINED CONTRIBUTION RETIREMENT PROGRAM	OE	6,500	$ 3,000.00		3,000.00
MUNICIPAL COURT					
SALARIES & WAGES	S&W	110,600	$ 40,000.00		40,000.00
OTHER EXPENSES	O/E	15,350	$ 4,000.00		6,000.00
FIRE DISTRICT INTERLOCAL					
SALARIES & WAGES	S&W	30,000	$ 8,000.00	2,000.00	12,500.00
OTHER EXPENSES	O/E	2,760	$ 300.00		300.00

BOROUGH OF ENGLISHTOWN
TEMPORARY APPROPRIATION 2021

		2020 Last year's Budget	Temporary Appropriation January	Temporary Emergency APRIL	Total Temporary Appropriation
PUBLIC WORKS MANAGER INTERLOCAL					
SALARIES & WAGES	S&W		$ -		
COST OF TAX APPEALS					
OTHER EXPENSES	O/E	6,000	$ -		
RECYCLING TAX	O/E	3,300	$ 1,500.00		2,000.00
CAPITAL IMPROVEMENT:	OE	15,000			
BOND INTEREST	O/E	65,300	$ 30,400.00		30,400.00
BOND PRINCIPAL	O/E	90,000	$ -		
BAN PAYMENT	O/E	140,000	$ -		
NOTE INTEREST	O/E	8,600	$ -		
OTHER EXPENSES		153,000.00	$ -		
Total Current Fund			**635,599.00**	**8,350.00**	**1,020,499.00**
		2,594,420.00	30,400.00		
			605,199.00		**Temporary**
WATER OPERATING FUND					
WATER UTILITY					
OPERATING:					
SALARIES & WAGES		89,000	24,000.00		38,000.00
OTHER EXPENSES		270,200	67,306.00	4,000.00	141,306.00
PUBLIC EMPLOYEES' RETIREMENT SYSTEM		7,200	-		8,600.00
SOCIAL SECURITY(O.A.S.I.)		8,000	2,000.00		3,000.00
CAPITAL OUTLAY		84,500	5,000.00		40,000.00
CAPITAL IMPROVEMENT FUND		10,000			
UNEMPLOYMENT & DISABILITY INSURANCE		100			
DEBT SERVICE-BOND INTEREST		17,800	8,000.00		8,000.00
DEBT SERVICE-BOND PRINCIPAL		35,000			
DEBT SERVICE-NOTE INTEREST & PRINCIPAL					
OTHER EXPENSES					
TOTAL WATER OPERATING FUND			**$ 106,306.00**	**4,000.00**	**238,906.00**
		521,800	$ 8,000.00		
			$ 98,306.00		**Temporary**
SEWER UTILITY			-		
SALARIES & WAGES		62,000	18,000.00		28,000.00
OTHER EXPENSES		417,100	108,037.00	4,000.00	212,037.00
PUBLIC EMPLOYEES' RETIREMENT SYSTEM		2,900			3,500.00
SOCIAL SECURITY(O.A.S.I.)		4,900	1,800.00		2,300.00
UNEMPLOYMENT COMPENSATION INSURANCE		100			
CAPITAL OUTLAY		10,000	-		
CAPITAL IMPROVEMENT FUND		10,000			
DEBT SERVICE-BOND INTEREST			-		
DEBT SERVICE-BOND PRINCIPAL					
OTHER EXPENSES					
TOTAL SEWER OPERATING FUND			**$ 127,837.00**	**4,000.00**	**245,837.00**
		507,000	-		
			$ 127,837.00		**Temporary**
Increased Temporary: Current Fund, Water & Sewer			**$ 831,342.00**	16,350.00	**1,505,242.00**
Total Temporary: Current Fund, Water & Sewer				1,466,842.00	To Date

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-082

RESOLUTION ADOPTING THE MONMOUTH COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Borough of Englishtown NJ, has experienced natural hazards that result in public safety hazards and damages to private and public property and;

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offer the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks and;

WHEREAS, the New Jersey Office of Emergency Management has provided federal mitigation funds to support development of an updated mitigation plan and;

WHEREAS, a Multi-Jurisdictional Hazard Mitigation Plan has been developed by the County Office of Emergency Management and Mitigation Planning Committee and;

WHEREAS, the Multi-Jurisdictional Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time will help minimize and reduce safety threats and damage to private and public property and;

WHEREAS, the draft plan was provided to each participating jurisdiction through a website hosted by Michael Baker International, the contracted vendor assisting with the planning process. Links were links also posted on the Emergency Management and Division of Planning websites so as to introduce the planning concept and to solicit questions and comments and to present the Plan and request comments, as required by law and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown:

1. The Monmouth County Multi-Jurisdictional Hazard Mitigation Plan, as submitted on June 23, 2020 by the Monmouth County Office of Emergency Management to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency and subsequently approved by both agencies on August 27, 2020, be and is hereby adopted as an official plan of the County or Monmouth; with the required yearly updates and minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.

2. The Borough of Englishtown departments identified in the Plan are hereby directed to further pursue potential or suggested implementation of the recommended high priority activities that are assigned to their departments.

3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Borough of Englishtown , and this resolution shall not be interpreted so an to mandate any such appropriation.

4. The Borough of Englishtown Emergency Management Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the New Jersey Office of Emergency Management. The status reports shall be submitted on a yearly basis by a predetermined date agree upon by all stakeholders.

BE IT FURHER RESOLVED that the Deputy Municipal Clerk forward a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator, Police Chief Peter Cooke (OEM) and Sylvia Eryan-Hawileh, CFO.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

PASSED by the Mayor and Council of the Borough of Englishtown, on this 28th day of April, 2021

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-083

AUTHORIZING REFUND OF TAX PAYMENT ON TAX EXEMPT PROPERITIES

WHEREAS, the Borough of Englishtown Tax Assessor has exempt a 100% Totally Disabled Veteran Exemption of Taxes effective date of June 10th , 2020 for the owner who resides at Block 6, Lot 14.12 Qualifier C12 located at 12 Oxford Court and the owner who resides at Block 2, Lot12.012 located at 4 Lasatta Avenue; and

WHEREAS, payment of taxes was received from Corelogic Tax Service in error on February 3, 2021 for 2020/ 2021 in the amount $1,455.65 for Block 6, Lot 14.12 Qualifier C12 located at 12 Oxford Court and payment of taxes for 2020/2021 in the amount of $2,984.89 for Block 2, Lot 12.012 located at 4 Lasatta Avenue causing an overpayment on the accounts;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of $4,440.54 to Corelogic Refunds Dept., 3001 Hackberry Road, Irving, TX 75063.

BE IT FURTHER RESOLVED that a certified true copy of this Resolution be forwarded to the Borough's Tax Collector and Chief Financial Officer.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

Englishtown Borough
Tax Collection Dept.

Memo

To: Slyvia Eryan-Hawileh, CMFO
Peter Gorbatuk, Municipal Clerk

From: Consetta Ellison, Tax Collector

Date: 3/24/2021

Re: **Resolution for Refund**

Please prepare a resolution for refund due to payment to Tax Exempt properties

CoreLogic Refunds Dept.
3001 Hackberry Road,
Irving, TX 75063

Re: Block # 2 Lot# 12.012 Refund at $1,455.65
Re: Block# 6 Lot# 14.32 Qualifier: C12 Refund at $2,984.89

Total $4,440.54

See paper work attached.

Please give check to Tax Collector.

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-084

AUTHORIZATION OF PURCHASES

WHEREAS, the Borough of Englishtown Council requires that purchases and services over $2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Water Department – Calcium Hypochlorite Briquette - $3,126.00

Services From:

G.P. Jager & Associates, Inc.
P O Box 50
Boonton, N.J. 07005

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered by:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021

_____
Laurie Finger, Deputy Municipal Clerk

ENGLISHTOWN BOROUGH

15 MAIN STREET
ENGLISHTOWN, NJ 07726
TEL (732)446-9235 FAX (732)446-4979

REQUISITION
NO. R2100101

SHIP TO	BOROUGH OF ENGLISHTOWN 15 MAIN STREET ENGLISHTOWN, NJ 07726
VENDOR	VENDOR #: GPJ500 G.P. JAGER INC. P.O. BOX 50 BOONTON, NJ 07005

ORDER DATE: 04/13/21
DELIVERY DATE: 04/13/21
STATE CONTRACT:
F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
24.00	CALCIUM HYPOCHLORITE BRIQUETTE	1-05-55-502-031 Chemicals & Gases-Water	130.2500	3,126.00
			TOTAL	3,126.00

4/13/21

REQUESTING DEPARTMENT DATE

COUNCIL APPROVAL DATE

JAGER, INC.
PO BOX 50
BOONTON, NJ 07005
USA

Voice: 973-750-1180
Fax: 973-750-1181

GP Jager Inc.

QUOTATION

Quote Number: 9974-041221
Quote Date: Apr 12, 2021
Page: 1
Lead time: 1 WEEK ARO

Bill To:	Ship To:
BOROUGH OF ENGLISHTOWN 15 MAIN STREET ENGLISHTOWN, NJ 07726 USA	BOROUGH OF ENGLISHTOWN 15 MAIN STREET ENGLISHTOWN, NJ 07726 USA

Customer ID	Good Thru	Payment Terms	Manufacturer
9974	5/12/21	Net 30 Days	LONZA

A 3% FEE WILL APPLY FOR CREDIT CARD TRANSACTIONS.

Qty	Item	Description	Unit Price	Amount	Project #
24.00	71630	CONSTANT CHLOR PLUS BRIQUETTES (REPLACES PN 71629) FREIGHT INCLUDED QUOTED BY JANELLE SANZ	130.25	3,126.00	

Subtotal	3,126.00
Freight	
TOTAL	**3,126.00**

WE ACCEPT ACH PAYMENTS &
ALL MAJOR CREDIT CARDS.

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-085

AUTHORIZATION OF PURCHASES OVER $2625.00

WHEREAS, the Borough of Englishtown Council requires that purchases and services over $2,625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

WHEREAS, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

WHEREAS, the Chief Financial Officer certifies that appropriate funds are available for the following:

Police Dept. –Education & Training Account - $2,750.00
Sergeants Exam

Services From:

NJSACOP
751 Route 73 North
Suite 12
Marlton, NJ 08053

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

ENGLISHTOWN BOROUGH

15 MAIN STREET
ENGLISHTOWN, NJ 07726
TEL (732)446-9235 FAX (732)446-4979

REQUISITION
NO. R2100092

SHIP TO	ENGLISHTOWN POLICE DEPARTMENT 15 MAIN STREET ENGLISHTOWN, N.J. 07726 ATTN: CHIEF PETER S. COOKE,JR.
VENDOR	VENDOR #: NJA333 NJSACOP 751 ROUTE 73 NORTH SUITE 12 MARLTON, NJ 08053

ORDER DATE: 04/06/21
DELIVERY DATE: 04/06/21
STATE CONTRACT:
F.O.B. TERMS:

QTY/UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	TOTAL COST
1.00	SERGEANTS EXAM 2ND ATTEMPT	1-01-25-240-042 Education & Training-Police	2,750.0000	2,750.00
			TOTAL	2,750.00

Chief Peter S. Cooke Jr. 4/6/21

REQUESTING DEPARTMENT DATE

COUNCIL APPROVAL DATE

INCORPORATED 1912

New Jersey State Association of Chiefs of Police

751 Route 73 North, Suite 12 — Marlton, NJ 08053
www.njsacop.org

Mitchell C. Sklar, Esq., CAE, Executive Director

Tel # (856) 334-8943
Fax # (856) 334-8947
E-mail: njsacop@njsacop.org

President
Chief Louis J. Bordi
Voorhees Police Department
(856) 882-1113

Officers 2020-2021

1st Vice President
Chief John Zebrowski
Sayreville Police Dept.

2nd Vice President
Chief Thomas Dellane
Stafford Twp. Police Dept.

3rd Vice President
Chief Edward Kerr, Jr.
Spring Lake Police Dept.

4th Vice President
Chief John Russo
Rutherford Police Dept.

Vice President At-Large
Chief Matthew Geist
Middlesex Boro Police Dept.

Treasurer
Chief Joseph Madden
Park Ridge Police Dept.

Immediate Past President
Chief Christopher Leusner
Middle Twp. Police Dept.

Sergeant-at-Arms
Northern Region
Chief Richard McAuliffe
Hawthorne Police Dept.

Central Region
Chief Brett Bartman
High Bridge Police Dept.

Southern Region
Chief Michael DiBella
Lacey Twp. Police Dept.

Parliamentarian
Chief Mark Spitzer, Retired
Mt. Olive Twp. Police Dept.

March 30, 2021

Chief Peter Cooke
Englishtown Police Department
15 Main Street
Englishtown NJ 07726

Dear Chief Cooke:

Enclosed please find an invoice for the Police Sergeant's Written Promotional Examination completed recently.

Should you need anything further, please do not hesitate to contact me.

Sincerely,

Melissa J. Gaines
Office Manager

/mjg

Enclosure

New Jersey State Association of Chiefs of Police
751 Route 73 North
Suite 12
Marlton NJ 08053
Tax ID 22-2055622

Phone # 856/334-8943 Fax #856/334-8947

Invoice

Date	Invoice #
3/29/2021	IN-9698

Bill To:

Borough of Englishtown PD
15 Main Street
Englishtown NJ 07726

Memo:	PO#
Examinations	

Quantity	Description/Attendees/Program Date(s)	Price Per	Amount
1	Preparation & Administration of Written Promotional Examinations for the rank of Sergeant - 2 candidates	2,750.00	2,750.00

Your payment is not tax deductible as a charitable contribution.

Total: $2,750.00

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-086

RESOLUTION OF THE MAYOR AND COUNCIL BOROUGH OF ENGLISHTOWN TERMINATING ACTING SERGEANT POSITION

WHEREAS, By Resolution adopted on January 24, 2018 the position of Acting Sergeant was established within the Borough Police Department; and

WHEREAS, The Police Commission established certain guidelines for the position of Acting Sergeant specifying that the appointment(s) shall be on an as needed and temporary basis; and

WHEREAS, Resolution No. 2018-042 provided that said appointment(s) shall terminate upon a determination by the Police Commission that such appointment is no longer necessary or upon the establishment of permanent promotional list for the rank of Sergeant: and

WHEREAS, Said Resolution also provided that once the position of Acting Sergeant is terminated officers holding said temporary rank shall automatically return to their previous rank: and

WHEREAS, The Police Commission authorized the administration of a test for the office of Sergeant to create a permanent promotional list for the rank of Sergeant; and

WHEREAS, Borough Officers took the Sergeant's exam on March 29, 2021 and failed to attain minimum passing grades; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the appointments of Acting Sergeants are hereby rescinded effective 5/1/2021 and that all Acting Sergeants are returned to their former ranks

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-087

SALARY RESOLUTION
PUBLIC WORKS PART TIME LABORER WILLIAM T. MURPHY

WHEREAS, William T. Murphy of Lakewood, NJ holds the position of Public Works Part Time Laborer for the Borough of Englishtown since October 3, 2016; and

WHEREAS, William T. Murphy is currently receiving an hourly rate of $13.00 for said position and it is the recommendation of the Public Works Chairperson to promote William T, Murphy to DPW – Level 1 with an the hourly rate of $15.00 per hour effective April 1, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that William T. Murphy, DPW – Level 1 receive an hourly rate of $15.00 for the year 2021 effective April 1, 2021.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-088

OFFERING OF EMPLOYMENT TO ROBERT SMITH, III FOR EMERGENCY WATER REPAIRS

WHEREAS, Robert Smith, III of Manalapan, NJ tendered his resignation as Public Works Foreman with Borough of Englishtown on January 30, 2021; and

WHEREAS, Robert Smith, III is familiar with the Public Works and Water/Sewer Departments of the Borough; and

WHEREAS, there may be a need to have an experienced person respond to emergency water repairs within the Borough and Robert Smith III is qualified to respond and perform certain repairs;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that Robert Smith, III is hereby appointed as a Part Time DPW Laborer to receive an hourly rate of $16.23 effective May 1, 2021.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-089

SALARY RESOLUTION
PUBLIC WORKS PART TIME LABORER EDWARD WALKER

WHEREAS, Edward Walker of Manalapan, NJ holds the position of Public Works Part Time Laborer for the Borough of Englishtown since June 17, 2019; and

WHEREAS, Edward Walker is currently receiving an hourly rate of $12.24 for said position and it is the recommendation of the Public Works Chairperson to promote William T, Murphy to DPW – Level 1 with an the hourly rate of $14.00 per hour effective May 1, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that William T. Murphy, DPW – Level 1 receive an hourly rate of $14.00 for the year 2021 effective May 1, 2021.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021

_____
Laurie Finger, Deputy Municipal Clerk

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-090

AUTHORIZING REFUND OF TAX SALE CERTIFICATE & REFUND OF PREMIUM PAID AT TAX SALE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to Trystone Capital Assets, LLC:

Tax Sale Certificate No. 20-00007
Block 19, Lot 4
5 Lakeside Drive
in the amount of $1,586.55

WHEREAS, Trystone Capital Assets, LLC also paid $0.00 as a premium to obtain Tax Sale Certificate; and

WHEREAS, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund of the premium paid to obtain said certificate for a total refund amount of $1,586.55

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of $1,586.55 to Trystone Capital Assets, LLC, P.O. Box 1030, Brick, NJ 08723.

BE IT FURTHER RESOLVED that a certified true copy of this Resolution be forwarded to the Borough's Tax Collector and Chief Financial Officer.

Offered By:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

Borough of Englishtown
Tax Collector
15 Main Street
Englishtown, N.J. 07726
732-446-9235 x28

Date: April 20, 2021

To: Peter Gorbatuk, Borough Clerk

Cc: Slyvia Eryan-Hewileh, CMFO

From: Consetta Ellison, Tax Department

Subject: FOR COUNCIL MEETING April 28, 2021
Resolution for Redemption of Tax Sale Certificate #20-00007
In the amount of $ 1,586.55

Total to lienholder $ 1,586.55

Paid on April 12, 2021
By Clara Kamieniarz
Property Owner

Block #19 Lot# 4
5 Lakeside Dr.

Make Check Payable to Lienholder:
Trystone Capital Assets, LLC
P.O. Box 1030
Brick, NJ 08723

Tax ID #47-5486171

Total Current Fund: $ 1,586.55

Please give check to Tax Collector to mail when certificate and voucher are returned.

Certificate: 20-00007
Prop Loc: 5 LAKESIDE DRIVE

Owner: KAMIENIARZ, MIROSLAW & CLARA
Address: 5 LAKESIDE DRIVE
ENGLISHTOWN, NJ 07726

Type of Lien: Outside
Interest Rate:18.00
Apr 2: N
Premium: 0.00

Block/Lot/Qual: 19. 4.
Sale Date: 12/17/20
Redemption Calculation Date: 04/28/21
Include Current Charges: N

Holder Name: TRYSTONE CAPITAL ASSETS, LLC
Address: P.O. BOX 1030
BRICK, NJ 08723

Holder Id: TRYSTONE

TAX SALE CERTIFICATE:

Balance Type	Principal	Interest	Total
Tax	1,082.32	11.06	1,093.38

Cost:	71.87	
Total Certificate:		1,165.25
#Days: 131 Per Diem: 0.582625 Int on Cert:		76.32
Redemption Penalty (2.00 %):		23.31
Total:		1,264.88

RECEIVED
APR 12 2021
BY:

SUBSEQUENT CHARGES:

Balance Type	Year	Prd	Date	Prin/Penalty	Interest Rate	Per Diem	#Days	Interest	Total
Sewer	2020	3	03/09/21	136.29	8.00	0.030287	49	1.48	137.77
Sewer	2020	4	03/09/21	130.48	8.00	0.028996	49	1.42	131.90
			Total:	266.77				2.90	269.67

BALANCE TYPE SUMMARY:

	Certificate Total & Subseq. Prin/Penalty	Interest	Total
Certificate Tax	1,093.38	71.62	1,165.00
Total Tax	1,093.38	71.62	1,165.00
Subseq Sewer	266.77	2.90	269.67
Total Sewer	266.77	2.90	269.67
Certificate Cost	71.87	4.70	76.57

LIEN REDEMPTION:

Principal:	1,432.02
Redemption Penalty (2.00 %):	23.31
Interest:	79.22
Recording Fees:	40.00
Other Fees:	12.00
TOTAL REDEMPTION:	1,586.55

Total Per Diem: 0.641907

BOROUGH OF ENGLISHTOWN TAX REPORT
RECEIPTS AND DISBURSEMENTS

LADIES & GENTLEMEN:

I HEREWITH SUBMIT TO YOU MY REPORT OF RECEIPTS AND DISBURSEMENTS FOR

PERIOD ENDING: 3/31/2020

DATED: 4/6/2020

Tax Collector

COLLECTIONS:		**TAXES**
Taxes Year	2022	$ -
Taxes Year	2021	$ 25,901.92
Taxes Year	2020	$ -
Taxes In Lieu		$ -
Tax Sale Premium		$ -
Property Redeemed-Municipal Lien		$ -
Outside Lien Redemption		$ -
YEP		$ -
Interest		$ 120.09
Cost of Sale		$ -
Search Fee		$ -
Dupllicate Bill Fee		$ -
Return Check Fee		$ -
Miscellaneo		$ -
MUA Tax Sale		$ -

NET RECEIPTS

Paid to Treasurer

TOTAL DISBURSEMENTS	$	26,022.01
CASH ON HAND	$	-
NET DISBURSEMENTS	**$**	**26,022.01**

MARCH 2021

BOROUGH OF ENGLISHTOWN TAX DEPARTMENT - CASH BOOK

Batch	Date	Amount Received	Pre-Paid 2022	Taxes 2021	Taxes 2020	Interest	Tax Sale Premium	Outside Lien Redemption	Search Fee	DUP Bill Fee	NSF Fee	Misc
TAX0305	3/5/2021	**$66.90**		$ 66.83		$ 0.07						
TAX0309	3/9/2021	**$805.27**		$ 790.26		$ 15.01						
TAX0312	3/12/2021	**$162.72**		$ 162.71		$ 0.01						
WIPP0315	3/15/2021	**$4,362.12**		$ 4,286.15		$ 75.97						
TAX0316	3/16/2021	**$3,097.08**		$ 3,097.08								
TAX0319	3/19/2021	**$5,254.57**		$ 5,254.57								
TAX0323	3/23/2021	**$4,359.83**		$ 4,330.80		$ 29.03						
TAX0326	3/26/2021	**$4,997.20**		$ 4,997.20								
TAX0329	3/29/2021	**$2,916.32**		$ 2,916.32								
The Bank total		$26,022.01	$0.00	$25,901.92	$0.00	$120.09	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Totals		**$26,022.01**	**$0.00**	**$25,901.92**	**$0.00**	**$120.09**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**

ENGLISHTOWN BOROUGH
Cash Receipts Totals from 03/01/21 to 03/31/21

Range: Block: First to Last
Lot:
Qual:
Range of Util Accounts: First to Last
Range of Codes: First to Last
Range of Years: First to 2022 Range of Periods: 1 to 12
Range of Batch Ids: First to Last
Range of Dates: 03/01/21 to 03/31/21
Range of Sections: First to Last
Name to Print: Bill To
Range of Spec Tax Codes: First to Last
Print Ref Num: N Print Utility w/Block/Lot/Qual: N
Payment Type Includes: Tax: Y Sp Charges: Y Lien: N Sp Assmnt: N Water: N Sewer: N
Voucher Agency: N Animal: N Misc: Y
Payment Method Includes: Cash: Y Check: Y Credit: Y Voucher: N
Range of Installment Due Dates: First to Last
Print Miscellaneous w/Block/Lot/Qual: N
Print Only Miscellaneous w/Block/Lot/Qual: N

Code	Description	Count	Principal Arrears/Other	Principal 2020	Principal 2021	Principal 2022	Interest	Total
001	TAX PAYMENT	21	0.00	0.00	25,111.66	0.00	105.08	25,216.74
003	SUBSEQUENT TAX PAY	1	0.00	0.00	790.26	0.00	15.01	805.27
	Tax Payments	22	0.00	0.00	25,901.92	0.00	120.09	26,022.01
	Payments Total:	22	0.00	0.00	25,901.92	0.00	120.09	26,022.01
	Cash O/S Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
	NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
	Total:	22	0.00	0.00	25,901.92	0.00	120.09	26,022.01

Total Cash: 0.00

Total Check: 26,022.01

Total Credit: 0.00

2020

Range: Block: First to Last
Lot:
Qual:

Property Class Range: First to Last
Bill Year Range: 2020 to 2020
Bill Period Range: 1 to 4

Date Range: 03/01/21 to 03/31/21
Assessed Values Year: 2020

BALANCE AS OF 02/28/21				6,170.22-
BILLING				
Taxes Billed			0.00	
Bill Adjustments				
TOTAL BILLED				0.00
COLLECTIONS				
TOTAL COLLECTIONS			0.00	
NSF REVERSALS				
TOTAL NSF REVERSALS			0.00	
TOTAL COLLECTIONS less NSF REVERSALS				(0.00)
BALANCE ADJUSTMENTS	Debit	Credit	Net	
	0.00	0.00	0.00	
TOTAL BALANCE ADJUSTMENTS				0.00
BALANCE AS OF 03/31/21				6,170.22-

2021

Range: Block: First to Last
Lot:
Qual:

Property Class Range: First to Last
Bill Year Range: 2021 to 2021
Bill Period Range: 1 to 4

Date Range: 03/01/21 to 03/31/21
Assessed Values Year: 2021

BALANCE AS OF 02/28/21				1,557,226.16
BILLING				
Taxes Billed			0.00	
Bill Adjustments				
HB HOMESTEAD BENEFIT			36,975.66-	
TOTAL BILLED				36,975.66-
COLLECTIONS				
001 TAX PAYMENT		25,111.66		
003 SUBSEQUENT TAX PAY		790.26		
TOTAL COLLECTIONS			25,901.92	
NSF REVERSALS				
TOTAL NSF REVERSALS			0.00	
TOTAL COLLECTIONS less NSF REVERSALS				(25,901.92)
BALANCE ADJUSTMENTS	Debit	Credit	Net	
063 Transfer Overpayment	0.00	1,939.52-	1,939.52-	
	0.00	1,939.52-	1,939.52-	
TOTAL BALANCE ADJUSTMENTS				1,939.52-
BALANCE AS OF 03/31/21				1,492,409.06

Range: Block: First to Last
Lot:
Qual:

Include Lien Type: Municipal: Y Outside: N Assign Full: N Assign < Cert: N
Include Lien Status: Open: Y Redeemed: N Foreclosed: N Canceled: N
Sale Dates: 01/01/68 to 03/31/21 Include Fees: Y
Transaction Dates: 03/01/21 to 03/31/21 Include Costs: Y

Include Charge Type: Tax: Y Water: Y Sewer: Y Electric: Y Utility: Y
Sp. Assmnt: Y Misc: Y Board Up: Y Demolition: Y

For Liens with Sale Date and/or Assign Date in the Transaction Date Range:
Municipal, Outside & 'Assign for < Cert' Prin Balances = Certificate + Adjustments + all Fees - Redemption Payments Principal.
'Assignment for Full Amount' Prin Balance = Assigment Payments (prin & interest) + Adjustments (after assignment) + all Fees - Redemption Payments Principal.
For Municipal, Outside & 'Assign for < Cert' Liens with Sale Date before the low Transaction Date Range and for 'Assign for Full Amount' Liens with Assignment Date before the low Transaction Date Range:
Prin Balances = Previous Balance + Adjustments + all Fees - Redemption Payments Principal.

Block / Lot / Qual / Cert Num / Lien Hldr Id	Owner Name / Street Address / City, St / Property Location / Name	Trans: Balance Type	Sale Date / Held By / Zip / Tax Years / Date	Status / Yr	Status Date / Check Cleared Date / Qtr	Certificate % / Amounts In Sale / Premium / Code / Balance Type Description	Principal	Interest	Total / Prin Balance
26.03	LACINA HOMES @ JEWEL RIDGE, LLC		12/18/17	Open				18.00 %	0.00
8.08	65 HOFFMAN ROAD		Municipal						
	MONROE, NJ		08831	2017					
17-00008	MATLOSZ COURT					Tax	24.53	0.98	25.51
MUNI	BOROUGH OF ENGLISHTOWN					Cost	15.00	0.00	15.00
						Total In Sale:			40.51
						Record Fee:	11.00		
						Balance as of 02/28/21:			154.36

Lien Type	Count	Prev Bal Rec Fee	Certificate Transfers Other Fee	Assignment Payments Principal Interest Assign Pay Fees	Mun Adj Assign Fee	Redemption Payments Principal Interest Foreclose Fee	Municipal Bal
Tax	1	139.36	0.00		0.00		139.36
			0.00	0.00 0.00		0.00 0.00	
		0.00	0.00	0.00	0.00	0.00	
Cost	1	15.00	0.00		0.00		15.00
			0.00	0.00 0.00		0.00 0.00	
		0.00	0.00	0.00	0.00	0.00	
Lien Totals	2	154.36	0.00		0.00		154.36
			0.00	0.00 0.00		0.00 0.00	
		0.00	0.00	0.00	0.00	0.00	

Total Certs: 1

Total Install Accts:	0	Loan Principal Payments:	0.00	Loan Principal Balance:	0.00
Loan Prev Balance:	0.00	Loan Interest Payments:	0.00	Installment Interest Due:	0.00
New Loan Amounts:	0.00	Loan Adjustments:	0.00	Loan Prin + Instl Intr Due:	0.00
Total Municipal Install Accts:	0	Loan Principal Payments:	0.00	Loan Principal Balance:	0.00
Loan Prev Balance:	0.00	Loan Interest Payments:	0.00	Installment Interest Due:	0.00
New Loan Amounts:	0.00	Loan Adjustments:	0.00	Loan Prin + Instl Intr Due:	0.00

SALE DATE: 01/01/1968 to 03/31/2021

BALANCE AS OF 02/28/21				154.36
TAX SALE				
Tax			0.00	
Cost			0.00	
Interest			0.00	
TOTAL TAX SALE				0.00
RECORDING FEE				0.00
OTHER FEE				0.00
FORECLOSURE FEE				0.00
TRANSFERS TO LIEN				
Tax			0.00	
TOTAL TRANSFERS TO LIEN				0.00
ASSIGNMENT PAYMENTS (Principal & Interest)				
Tax			0.00	
Cost			0.00	
TOTAL ASSIGNMENT PAYMENTS				0.00
NSF REVERSALS OF ASSIGNMENT PAYMENTS (Principal & Interest)				
Tax			0.00	
Cost			0.00	
TOTAL NSF REVERSALS OF ASSIGNMENT PAYMENTS				0.00
FEES PRIOR TO ASSIGNMENT				0.00
ASSIGNMENT FEES				0.00
INSTALLMENT PLANS				0.00
COLLECTIONS (Lien Redemption)				
Tax			0.00	
Cost			0.00	
TOTAL COLLECTIONS				(0.00)
NSF REVERSALS (Lien Redemption)				
Tax			0.00	
Cost			0.00	
TOTAL NSF REVERSALS (Lien Redemption)				0.00
COLLECTOR ADJUSTMENTS	Debit	Credit	Net	
	0.00	0.00	0.00	
TOTAL ADJUSTMENTS				0.00
MUNICIPAL LIEN BALANCE AS OF 03/31/21				
Tax			139.36	
Cost			15.00	
Installment Principal			0.00	
TOTAL MUNICIPAL LIEN BALANCE				154.36

Report Type: Totals Only
Range: Block: First to Last
Lot:
Qual:
Include: Installment Plans: Y
Balance Types: Tax: Y Sp Assmnt: Y

Bill Year Range: First to 2021
Bill Period Range: 1 to 4
Date Range: 03/01/21 to 03/31/21
Status: Active
Lien Installment Plans: Y
Water: Y Sewer: Y Bankruptcy: Y
Misc: Y Board Up: Y Demolition: Y

Include Zero Bals: N
Include Debit Bals: Y
Include Credit Bals: N
Include Prior Year/Prd in Bal: Y
Other Sp.Charges: Y
Electric: Y Utility: Y

Sp Charges Type	Count	Prev Bal Adjustments	Loan Amt Misc Adjust	Trnsfr Prn Misc Pay Prn	Trnsfr Pnlty Pay Prn	Pay Pnlty Pay Int	Pay Instl Int Misc Pay Int	Prin Bal
Property Taxes	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Water	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Sewer	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Electric	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Utility	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Sp Assmnt	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Misc	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Board Up	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Demolition	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00
Total	0	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00 0.00	0.00

Year Balance

BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2021-091

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 $756,257.13 are hereby authorized to be paid on April 28, 2021

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:

Seconded By:

Roll Call: Ayes:
Nays:
Abstain:
Absent:

I do hereby certify the above to be a true copy of a resolution adopted by the Governing Body of the Borough of Englishtown at a regular meeting held April 28, 2021.

_____
Laurie Finger, Deputy Municipal Clerk

Borough of Englishtown
Preliminary Bill List
Submitted to Borough Council
for Approval at Meeting of
April 28, 2021

Fund		Amount
1 Current Fund Budget	$	359,055.75
Tax Refund	$	-
Man/Eng School Taxes	$	227,757.10
Freehold Reg H.S. School Taxes	$	91,094.00
County Taxes	$	-
Marriage License Fees	$	-
Fire District Taxes	$	-
Tax redemption lien	$	-
Tax Appeal Refund	$	-
Petty Cash	$	-
Accounts Payable	$	-
2 Grant Fund	$	160.01
4 General Capital	$	1,152.00
5 Water Utility Fund	$	62,255.36
6 Water Capital Fund	$	-
7 Sewer Utility Fund	$	11,621.27
8 Sewer Capital Fund	$	-
12 Regular Trust Fund	$	1,410.44
13 Unemployment Trust	$	-
14 Community Development	$	-
15 Escrow Funds	$	750.00
17 Dog Trust Fund	$	1,001.20
20 Payroll Deduction Fund	$	-
30 Special Events Fund	$	-
	$	-
Total Bill List	$	756,257.13

This is to certify that funds are available to pay bills and payroll as listed on the attached Bill List.

Sylvia Eryan-Hawileh

Sylvia Eryan-Hawileh
Chief Financial Officer

P.O. Type: All
Range: First to Last
Format: Detail with Line Item Notes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
ACE555	ACERBO'S AUTO TRIM & LETTERING									
21-00228	03/27/21 CAR #6 (ACCIDENT)									
1	CAR #6 (ACCIDENT)	500.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		9895	N
	Vendor Total:	500.00								
AFE500	A.FERNANDES PLUMBING & HEATING									
21-00206	03/23/21 REPAIR TOILET IN POLICE DEPT									
1	REPAIR TOILET IN POLICE DEPT CHANGE OUT SLOAN FLUSHING DIAPHRAM ON TOILET. TURN WATER BACK ON.	210.00	1-01-26-310-024	B Maint of Build-Building Gds	R	03/23/21	04/21/21			N
	Vendor Total:	210.00								
ALE500	ALEXANDER DINICOLA									
21-00202	03/22/21 REIMBURSE PRISONERS MEAL									
1	REIMBURSE PRISONERS MEAL 3/21/21	6.98	1-01-25-240-058	B Other Equip & Supplies-Police	R	03/22/21	04/21/21		REIMBURSEMENT	N
	Vendor Total:	6.98								
ALL498	ALLIED METER SERVICE INC									
21-00267	04/10/21 SPARLING O-RING PACKING 4" ML									
1	SPARLING O-RING PACKAING 4" ML	450.00	1-05-55-502-062	B Meter Calibration-Water	R	04/10/21	04/21/21		2021-270	N
	Vendor Total:	450.00								
AME750	AMERICAN WEAR INC									
21-00247	04/02/21 MARCH UNIFORM RENTALS									
1	MARCH UNIFORM RENTALS	152.08	1-01-26-310-032	B Clothing & Uniforms-Building Gds	R	04/02/21	04/21/21		641000	N

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
AME750	AMERICAN WEAR INC	Continued								
21-00247	04/02/21 MARCH UNIFORM RENTALS	Continued								
2	MARCH FLOORMAT RENTAL	15.00	1-01-26-310-024	B Maint of Build-Building Gds	R	04/02/21	04/21/21		641000	N
		167.08								
	Vendor Total:	167.08								
ASB666	ASBURY PARK PRESS									
21-00262	04/08/21 LEGAL ADVERTISMENTS									
1	ORDINANCE 2021-01 INTRO AD # 0004666580	47.70	1-01-20-120-021	B Legal Advertising-Clerk	R	04/08/21	04/21/21		30778	N
2	ORDINANCE 2021-02 INTRO AD# 0004666609	120.60	1-01-20-120-021	B Legal Advertising-Clerk	R	04/08/21	04/21/21		30778	N
		168.30								
	Vendor Total:	168.30								
BWC500	B&W CONSTRUCTION CO OF NJ INC									
21-00238	03/29/21 REPAIR BROKEN WATER MAIN									
1	REPAIR BROKEN WATER MAIN WOOD AVENUE NEAR HOSPITALITY WAY 2/11/21 & 2/12/21	30,037.62	1-05-55-511-500	B CAPITAL OUTLAY-Water	R	03/29/21	04/21/21		01-021	N
	Vendor Total:	30,037.62								
CAB250	OPTIMUM									
21-00291	04/20/21 POLICE IP ADDRESS 4/8-5/7/21									
1	POLICE IP ADDRESS 4/8-5/7/21	146.18	1-01-20-140-085	B Wireless Communication-Data Proccessing	R	04/20/21	04/21/21		07864166034011	N
	Vendor Total:	146.18								
CEL500	CELIA HECHT									
21-00205	03/23/21 ZOOM REIMBURSEMENT									
1	ZOOM REIMBURSEMENT ZOOM LICENSE FOR PLANNING BOARD MEETINGS.	9.95	1-01-21-180-058	B Other Equip & Supplies-Plannin	R	03/23/21	04/21/21			N

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
CEL500	CELIA HECHT	Continued								
21-00285	04/16/21 ZOOM REIMBURSEMENT									
1	ZOOM REIMBURSEMENT ZOOM LICENSE FOR PLANNING BOARD MEETINGS.	9.95	1-01-21-180-058	B Other Equip & Supplies-Plannin	R	04/16/21	04/21/21			N
	Vendor Total:	19.90								
CEN875	CENTRAL JERSEY HEALTH INSURANC									
21-00298	04/20/21 DENTAL INSURANCE 5/2021									
1	DENTAL INSURANCE 5/2021	655.05	1-01-23-220-021	B Group Insurance-Insurance	R	04/20/21	04/21/21			N
2	DENTAL INSURANCE 5/2021	139.86	1-05-55-502-092	B Medical Insurance-Water	R	04/20/21	04/21/21			N
3	DENTAL INSURANCE 5/2021	132.09	1-07-55-502-092	B Medical Insurance-Sewer	R	04/20/21	04/21/21			N
		927.00								
	Vendor Total:	927.00								
DRI500	DRIVERS LICENSE GUIDE CO.									
21-00218	03/27/21 INTERNATIONAL GUIDE 2021-2022									
1	INTERNATIONAL GUIDE 2021-2022	462.00	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		784724	N
2	PRIOR BUYER 20% DISCOUNT	92.40-	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		784724	N
3	SHIPPING AND HANDLING	24.00	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		784724	N
		393.60								
21-00224	03/27/21 US ID Checking Guide - 2021									
1	US ID Checking Guide - 2021	246.00	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		784723	N
2	Shipping	6.00	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		784723	N
		252.00								
	Vendor Total:	645.60								
EDM500	EDMUNDS & ASSOCIATES									
21-00246	04/02/21 RECEIPT VALIDATOR/PERVASIVE SQ									
1	EPSON RECEIPT/VALIDATOR	75.00	1-01-20-140-082	B Edmunds-Data Proccessing	R	04/02/21	04/21/21		21-01098	N
2	EPSON RECEIPT/VALIDATOR	75.00	1-05-55-502-036	B Office Supplies-Water	R	04/02/21	04/21/21		21-01098	N
3	EPSON RECEIPT/VALIDATOR	75.00	1-07-55-502-036	B Office Supplies-Sewer	R	04/02/21	04/21/21		21-01098	N

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EDM500 EDMUNDS & ASSOCIATES	Continued								
21-00246 04/02/21 RECEIPT VALIDATOR/PERVASIVE SQ	Continued								
4 2021 MAINT H/W PERVASIVE SQL I	180.00	1-01-20-140-082	B Edmunds-Data Proccessing	R	04/02/21	04/21/21		21-01098	N
	405.00								
Vendor Total:	405.00								
ENG142 ENGLISHTOWN AUTOMOTIVE, INC.									
21-00137 02/20/21 CAR REPAIRS 1/20/21									
1 CAR REPAIRS 1/20/21	1,077.12	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	02/20/21	04/21/21		28711	N
2012 CHEVROLET TAHOE									
ALTERNATOR									
BATTERY									
CHARGING SYSTEM									
21-00138 02/20/21 CAR REPAIRS 2/11/21									
1 CAR REPAIRS 2/11/21	98.60	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	02/20/21	04/21/21		28753	N
2019 DODGE CHARGER									
ALTERNATOR									
CHANGE OIL AND FILTER									
CHECK FLUID LEVELS									
CHECK AIR PRESSURE IN TIRES									
TOP OFF WASHER FLUID									
21-00219 03/27/21 CAR REPAIRS 3/3/21									
1 CAR REPAIRS 3/3/21	375.05	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		28802	N
2017 DODGE CHARGER									
COOLANT RECOVERY TANK-REMOVE/REPLACE									
ANTI FREEZE									
PRESSURE TEST COOLANT SYSTEM									
21-00254 04/06/21 2014 DODGE 41136 MILES									
1 LARGE HOSE CLAMP	1.98	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
2 RADIATOR	260.25	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
3 BATTERY	189.78	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
4 OIL	68.60	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
5 LABOR CHARGING SYSTEM	95.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N

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ENG142 ENGLISHTOWN AUTOMOTIVE, INC. Continued									
21-00254 04/06/21 2014 DODGE 41136 MILES Continued									
6 LABOR RADIATOR	480.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
7 LABOR LOF	30.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28864	N
	1,125.61								
21-00255 04/06/21 LOF 2020 (19) DODGE 5884 MILES									
1 OIL	68.60	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28867	N
2 LABOR LOF	30.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28867	N
	98.60								
21-00256 04/06/21 LOF 12 CHEVY TAHOE 31531 MILES									
1 LOF 6 QTS OIL	43.95	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28874	N
21-00257 04/06/21 LOF 2012 DODGE 65248 MILES									
1 OIL	68.60	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28875	N
2 LABOR LOF	30.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	04/06/21	04/21/21		28875	N
	98.60								
Vendor Total:	2,917.53								
ENG710 ENGLISHTOWN SEWER DEPT									
21-00280 04/15/21 SEWER CHARGES DUE 5/17/21									
1 SEWER CHARGES FOR BORO HALL	129.00	1-01-31-445-000	B WATER/SEWER	R	04/15/21	04/21/21		561-0	N
2 SEWER CHARGES FOR DPW GARAGE	129.00	1-01-31-445-000	B WATER/SEWER	R	04/15/21	04/21/21		562-0	N
3 SEWER CHARGES FOR WATER PLANT	129.00	1-05-55-502-078	B Water/Sewer Charges-Water	R	04/15/21	04/21/21		561-1	N
	387.00								
Vendor Total:	387.00								
ENG852 ENGLISHTOWN WATER DEPT									
21-00279 04/15/21 WATER CHARGES DUE 5/17/21									
1 WATER CHARGES - BORO HALL	480.00	1-01-31-445-000	B WATER/SEWER	R	04/15/21	04/21/21		561-0	N

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ENG852	ENGLISHTOWN WATER DEPT	Continued								
21-00279	04/15/21 WATER CHARGES DUE 5/17/21	Continued								
2	WATER CHARGES - DPW GARAGE	65.00	1-01-31-445-000	B WATER/SEWER	R	04/15/21	04/21/21		562-0	N
		545.00								
	Vendor Total:	545.00								
FED333	FEDEX									
21-00209	03/24/21 PACKAGE TO DRAEGER SAFETY									
1	PACKAGE TO DRAEGER SAFETY	94.35	1-01-25-240-058	B Other Equip & Supplies-Police	R	03/24/21	04/21/21		1928-3125-3	N
	Vendor Total:	94.35								
FRH500	FREEHOLD REGIONAL HIGH SCHOOL									
21-00251	04/06/21 SCHOOL TAX PAYMENT 4/2021									
1	SCHOOL TAX PAYMENT 4/2021	91,094.00	1-01-55-999-005	B FREEHOLD REGIONAL SCHOOL TAX	R	04/06/21	04/21/21		APRIL 2021	N
	Vendor Total:	91,094.00								
GOR500	GORDON'S CORNER WATER CO.									
21-00249	04/06/21 BULK WATER USAGE MARCH 2021									
1	BULK WATER USAGE MARCH 2021	2,399.70	1-05-55-502-069	B Purchase Water-Water	R	04/06/21	04/21/21		990006920	N
	Vendor Total:	2,399.70								
HOM250	HOME DEPOT/GECF									
21-00284	04/15/21 SAKRETE BLACTOP PATCH									
1	SAKRETE BLACKTOP PATCH	243.40	1-01-26-290-030	B Material & Supplies-Roads	R	04/15/21	04/21/21		603532264901918	N
	Vendor Total:	243.40								
HUT555	HUTCHINSON MECHANICAL SERVICES									
21-00174	03/09/21 SERVICE CALL 2/10/21									
1	SERVICE CALL 2/10/21	190.00	1-01-26-310-026	B Maint of Equip-Building Gds	R	03/09/21	04/21/21		1479746	N
	FOUND THE INDUCER MOTOR BEARINGS TIGHT AND GRINDING AND PLAY IN THE MOTOR SHAFT.									

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HUT555	HUTCHINSON MECHANICAL SERVICES	Continued								
21-00174	03/09/21 SERVICE CALL 2/10/21 RECOMMEND REPLACING THE MOTOR.		Continued							
	Vendor Total:	190.00								
JCP500	JCP&L									
21-00293	04/20/21 STREET LIGHTING 3/19-4/19/21									
1	STREET LIGHTING 3/19-4/19/21	2,150.37	1-01-31-435-000	B STREET LIGHTING	R	04/20/21	04/21/21		100011338785	N
21-00294	04/20/21 MASTER ELECTRIC 2/26-3/26/21									
1	MASTER ELECTRIC 2/26-3/26/21	506.55-	1-01-31-430-000	B ELECTRICITY	R	04/20/21	04/21/21		200000022893	N
2	MASTER ELECTRIC 1/27-2/25/21	1,769.85	1-05-55-502-071	B Electricity-Water	R	04/20/21	04/21/21			N
		1,263.30								
	Vendor Total:	3,413.67								
JRH500	J.R. HENDERSON LABS, INC									
21-00232	03/27/21 MONTHLY LAB TEST 3/21									
1	MONTHLY LAB TEST 3/21	144.00	1-05-55-502-067	B Lab Reports-Water	R	03/27/21	04/21/21		57500	N
	Vendor Total:	144.00								
LAN300	LANGUAGE SERVICES ASSOCIATES									
21-00292	04/20/21 INTERPRETING SERVICES 3/21									
1	INTERPRETING SERVICES 3/21	6.30	1-01-43-490-102	B Court Interpreter-Court	R	04/20/21	04/21/21		0330600	N
	Vendor Total:	6.30								
MAN142	MANALAPAN/ENGLISHTOWN REG. SCH									
21-00250	04/06/21 SCHOOL TAX PAYMENT 4/2021									
1	SCHOOL TAX PAYMENT 4/2021	227,757.10	1-01-55-999-010	B MAN-ENG SCHOOL TAX	R	04/06/21	04/21/21		APRIL 2021	N
	Vendor Total:	227,757.10								
MAN710	MANALAPAN/ENGLISHTOWN BD OF ED									
21-00158	03/08/21 GASOLINE 1/2021									
1	GASOLINE 1/2021	980.71	1-01-31-447-000	B GASOLINE	R	03/08/21	04/21/21		21-38	N

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MAN710	MANALAPAN/ENGLISHTOWN BD OF ED Continued									
21-00278	04/13/21 GASOLINE 2/2021									
1	GASOLINE 2/2021	1,340.34	1-01-31-447-000	B GASOLINE	R	04/13/21	04/21/21		21-44	N
	Vendor Total:	2,321.05								
MAN750	MANALAPAN HARDWARE									
21-00185	03/13/21 NITRILE GLOVES									
1	NITRILE GLOVES	22.99	1-01-26-310-035	B Janitorial Supplies-Building Gds	R	03/13/21	04/21/21		B322531	N
21-00197	03/16/21 GLOVES/DISINFECTANT SPRAY									
1	GLOVE/DISINFECTANT SPRAY	65.79	1-01-26-310-035	B Janitorial Supplies-Building Gds	R	03/16/21	04/21/21		B325153/B323312	N
21-00239	03/29/21 VARIOUS SUPPLIES									
1	VARIOUS SUPPLIES	10.97	1-01-26-310-024	B Maint of Build-Building Gds	R	03/29/21	04/21/21		B326518	N
21-00258	04/06/21 GREY CONNECTOR WIRE									
1	GREY CONNECTOR WIRE	1.69	1-01-26-310-024	B Maint of Build-Building Gds	R	04/06/21	04/21/21		B327027	N
	Vendor Total:	101.44								
MAS500	COLLIERS ENG & DESIGN, INC									
20-00162	02/29/20 2020 CPWM SERVICES		B							
13	CPWM DECEMBER 2020 SERVICES	765.00	0-01-26-310-028	B Professional Services-Building Gds	R	07/03/20	04/21/21		630574	N
20-00820	11/12/20 ENG DESIGN HAMILTON/HERITAGE		B							
13	ENG DESIGN/INSP HAMILTON ST AS OF 3/17/21 100% CONSTRUCTION PLAN COMPLETED 7% CONSTRUCTION INSPECTION COMPLETED	472.32	C-04-55-193-100	B HAMILTON STREET IMPROV-CY 2020	R	11/12/20	04/21/21		645471	N
14	ENG DESIGN/INSP HERITAGE DRIVE AS OF 3/17/21 100% CONSTRUCTION PLAN COMPLETED 7% CONSTRUCTION INSPECTION COMPLETED	679.68	C-04-55-194-100	B HERITAGE DR IMPROV-CY 2020	R	11/12/20	04/21/21		645471	N
		1,152.00								
21-00064	01/22/21 2021 CPWM SERVICES		B							
4	2021 CPWM SERVICES 2/2021	765.00	1-01-26-310-028	B Professional Services-Building Gds	R	01/22/21	04/21/21		645455	N

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MAS500	COLLIERS ENG & DESIGN, INC Continued									
21-00259	04/07/21 PROFESSIONAL SERVICES 3/7/21									
1	PROFESSIONAL SERVICES ELT001	675.00	1-01-26-310-028	B Professional Services-Building Gds	R	04/07/21	04/21/21			N
	STORMWATER POLUUTION PREVENTION PLAN. REVIEW COUNTY WEAMCONK LAKE DAM REPORT. ENGLISHTOWN DAM-CALL IN WITH COUNTY REVIEW INFO FROM COUNTY ENG RE: MAINTENANCE RDS									
21-00261	04/08/21 PLAN ESC-AMBE HOLDING 3/7/21									
1	PLAN ESC-AMBE HOLDING 3/7/21	750.00	T-15-56-853-705	B PLAN ESC-AMBE HOLDING, LLC (52841)	R	04/08/21	04/21/21		645468	N
	Vendor Total:	4,107.00								
MGL500	MGL PRINTING SOLUTIONS									
21-00135	02/17/21 WATER/SEWER POSTCARDS									
1	WATER/SEWER BILLS	322.50	1-05-55-502-023	B Printing & Binding-Water	R	02/17/21	04/21/21		179605	N
2	WATER/SEWER BILLS	322.50	1-07-55-502-023	B Printing & Binding-Sewer	R	02/17/21	04/21/21		179605	N
3	SHIPPING	58.00	1-07-55-502-023	B Printing & Binding-Sewer	R	02/17/21	04/21/21		179605	N
		703.00								
	Vendor Total:	703.00								
MON200	MONMOUTH CNTY POLICE CHIEFS									
21-00054	01/19/21 2021 DUES									
1	2021 DUES	150.00	1-01-25-240-044	B Professional Assoc Dues-Police	R	01/19/21	04/21/21		21-007	N
	Vendor Total:	150.00								
MON250	COUNTY OF MONMOUTH									
21-00217	03/27/21 TIRES									
1	TWO TIRES	284.72	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		ENGPD 02-21-09	N
21-00220	03/27/21 VEHICLE REPAIR - VEHICLE #3									
1	TIRE - VEHICLE #3	123.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		ENGGPD 01-21-09	N
2	BALANCE, VALVE, WEIGHTS CAR 3	4.00	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		ENGGPD 01-21-09	N
3	LABOR CAR 3	22.94	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		ENGGPD 01-21-09	N

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MON250	COUNTY OF MONMOUTH	Continued								
21-00220	03/27/21 VEHICLE REPAIR - VEHICLE #3	Continued								
4	SUPERVISOR REVIEW CAR 3	16.06	1-01-25-240-025	B Maint of Motor Vehicles-Police	R	03/27/21	04/21/21		ENGGPD 01-21-09	N
		166.00								
	Vendor Total:	450.72								
MON400	MONMOUTH CNTY ASSESSORS ASSOC									
21-00231	03/27/21 MEMBERSHIP DUES 2021									
1	MEMBERSHIP DUES 2021 COUNTY & STATE MARK FITZPATRICK, CTA	150.00	1-01-20-150-044	B Professional Assoc Dues-Tax As	R	03/27/21	04/21/21			N
	Vendor Total:	150.00								
MUN150	MUNICIPAL CAPITAL FINANCE									
21-00264	04/09/21 COPIER LEASE 4/1/21-4/30/21									
1	COPIER LEASE 4/1-4/30/21	63.01	1-01-20-120-030	B Photocopy & Supplies-Clerk	R	04/09/21	04/21/21		2286	N
2	COPIER LEASE 4/1-4/30/21	31.52	1-05-55-502-030	B Photocopy & Supplies-Water	R	04/09/21	04/21/21		2286	N
3	COPIER LEASE 4/1/21-4/30/21	31.50	1-07-55-502-030	B Photocopy & Supplies-Sewer	R	04/09/21	04/21/21		2286	N
		126.03								
	Vendor Total:	126.03								
NAT800	NAT'L PUBLIC SAFETY INF BUREAU									
21-00222	03/27/21 2021 LAW ENF ADMIN DIRECTORY									
1	2021 LAW ENF ADMIN DIRECTORY	174.00	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		0107624	N
2	2021 Discount	25.00-	1-01-25-240-033	B Books & Publications-Police	R	03/27/21	04/21/21		0107624	N
		149.00								
	Vendor Total:	149.00								
NEW800	NEWSPAPER MEDIA GROUP, LLC									
21-00248	04/02/21 CLASSIFIED HELP WANTED ADS									
1	CLASSIFIED HELP FT WANTED AD DPW WORKER FULL TIME	431.25	1-01-20-120-021	B Legal Advertising-Clerk	R	04/02/21	04/21/21		00054611	N

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NEW800	NEWSPAPER MEDIA GROUP, LLC Continued									
21-00248	04/02/21 CLASSIFIED HELP WANTED ADS Continued									
2	CLASSIFIED HELP PT WANTED AD	243.75	1-01-20-120-021	B Legal Advertising-Clerk	R	04/02/21	04/21/21		00054611	N
		675.00								
	Vendor Total:	675.00								
NJA333	NJSACOP									
20-00901	12/22/20 SERGEANTS EXAM 3 CANDIDATES									
1	SERGEANTS EXAM 3 CANDIDATES	2,750.00	0-01-25-240-042	B Education & Training-Police	R	12/22/20	04/21/21		IN-8020	N
21-00227	03/27/21 2021 DUES									
1	2021 Dues and Initiation	275.00	1-01-25-240-044	B Professional Assoc Dues-Police	R	03/27/21	04/21/21			N
	Vendor Total:	3,025.00								
NJG333	NJ NATURAL GAS CO.									
21-00286	04/16/21 NATURAL GAS 3/4/21-4/1/21									
1	NATURAL GAS 3/4/21-4/1/21	275.89	1-01-31-446-000	B NATURAL GAS	R	04/16/21	04/21/21		10344841305Y	N
21-00287	04/16/21 NATURAL GAS 3/4/21-4/1/21									
1	NATURAL GAS 3/4/21-4/1/21	45.34	1-05-55-502-083	B Natural Gas-Water	R	04/16/21	04/21/21		220018044757	N
21-00288	04/16/21 NATURAL GAS 3/4/21-4/1/21									
1	NATURAL GAS 3/4/21-4/1/21	162.52	1-05-55-502-083	B Natural Gas-Water	R	04/16/21	04/21/21		220006345632	N
21-00289	04/16/21 NATURAL GAS 3/4/21-4/1/21									
1	NATURAL GAS 3/4/21-4/1/21	379.16	1-01-31-446-000	B NATURAL GAS	R	04/16/21	04/21/21		22000634564Y	N
	Vendor Total:	862.91								
NJH333	NJ DEPT OF HEALTH									
21-00265	04/09/21 DOG LICENSE REPORT 3/21									
1	DOG LICENSE REPORT 3/21	1.20	T-17-56-855-001	B Due to State - Lic Fee	R	04/09/21	04/21/21		MARCH 2021	N
	Vendor Total:	1.20								

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NJR500	NJ REGISTRARS' ASSOCIATION									
21-00042	01/17/21 2021 DUES									
1	2021 DUES	50.00	1-01-20-120-044	B Professional Assoc Dues-Clerk	R	01/17/21	04/21/21			N
	PETER GORBATUK REGISTRAR									
	JEANNE KEEVINS DEPUTY REGISTRAR									
	Vendor Total:	50.00								
ONE250	ONE CALL CONCEPTS, INC.									
21-00266	04/09/21 ONE CALL MESSAGES MAR 2021									
1	ONE CALL MESSAGES MAR 2021	2.86	1-05-55-502-029	B Contractual Services-Water	R	04/09/21	04/21/21		1035071	N
2	ONE CALL MESSAGES MAR 2021	2.86	1-07-55-502-029	B Contractual Services-Sewer	R	04/09/21	04/21/21		1035071	N
		5.72								
	Vendor Total:	5.72								
PER500	PENSION % PAYROLL DEDUCTION									
21-00211	03/24/21 2021 ANNUAL EMPLOYER PENSION									
1	2021 ANNUAL EMPLOYER PENSION	45,022.89	1-01-36-471-000	B PERS	H	03/24/21	04/20/21			N
2	2021 ANNUAL EMPLOYER PENSION	8,548.65	1-05-55-540-500	B PERS-Water	H	03/24/21	04/20/21			N
3	2021 ANNUAL EMPLOYER PENSION	3,419.46	1-07-55-540-500	B PERS-Sewer	H	03/24/21	04/20/21			N
	DUE BY 4/30/2020									
		56,991.00								
21-00212	03/24/21 2021 ANNUAL EMPLOYER PENSION									
1	2021 ANNUAL EMPLOYER PENSION	149,593.00	1-01-36-475-000	B PFRS	H	03/24/21	04/21/21			N
	DUE BY 4/30/2019									
	Vendor Total:	206,584.00								
STA450	STAPLES BUSINESS ADVANTAGE									
21-00237	03/29/21 OFFICE SUPPLIES									
1	SCOTCH TAPE	6.44	1-01-20-120-036	B Office Supplies-Clerk	R	03/29/21	04/21/21		3473273840	N
2	WINDOW ENVELOPES	24.26	1-01-20-120-036	B Office Supplies-Clerk	R	03/29/21	04/21/21		3473273840	N
3	LAMINATING POUCHES	14.89	1-01-20-120-036	B Office Supplies-Clerk	R	03/29/21	04/21/21		3473273840	N
4	MEDIUM BINDER CLIPS	4.46	1-01-20-120-036	B Office Supplies-Clerk	R	03/29/21	04/21/21		3473273840	N

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
STA450	STAPLES BUSINESS ADVANTAGE	Continued								
21-00237	03/29/21 OFFICE SUPPLIES		Continued							
5	SMALL BINDER CLIPS	3.40	1-01-20-120-036	B Office Supplies-Clerk	R	03/29/21	04/21/21		3473273840	N
		53.45								
21-00260	04/07/21 OFFICE SUPPLIES									
1	SMALL BINDER CLIPS	3.40	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
2	MEDIUM BINDER CLIPS	4.46	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
3	POST IT NOTES	14.99	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
4	3 TAB FILE FOLDERS	21.90	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
6	CDR SILVER	14.11	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
7	CDR SLEEVES	9.50	1-01-43-490-036	B Office Supplies-Court	R	04/07/21	04/21/21		3474294574	N
		68.36								
	Vendor Total:	121.81								
STA710	STATE OF NJ-PWT									
21-00290	04/20/21 PUBLIC WATER TAX 1ST QTR 2021									
1	PUBLIC WATER TAX 1ST QTR 2021	120.63	1-05-55-502-061	B Water Tax-Water	R	04/20/21	04/21/21		1ST QTR 2021	N
	Vendor Total:	120.63								
SUB500	SUBURBAN DISPOSAL INC.									
21-00268	04/10/21 GARBAGE COLLECTION 3/2021									
1	GARBAGE COLLECTION 3/2021	5,212.33	1-01-26-305-078	B Disposal Costs-Solid Waste	R	04/10/21	04/21/21		7574	N
2	TONNAGE 3/1/21-3/21/21	6,769.07	1-01-26-305-078	B Disposal Costs-Solid Waste	R	04/10/21	04/21/21		7574	N
3	TONNAGE 3/1/21- 3/31/21	245.85	1-01-32-465-000	B RECYCING TAX (NJSA 13:1E-96.5)	R	04/10/21	04/21/21		7574	N
4	RECYCLING COLLECTION 3/2021	1,677.10	1-01-26-307-078	B Disposal Costs-Recycling	R	04/10/21	04/21/21		7574	N
5	BULKY COLLECTION 3/2021	77.86	1-01-26-305-078	B Disposal Costs-Solid Waste	R	04/10/21	04/21/21		7574	N
6	FIRE DEPT 3/2021	122.00	1-01-26-307-078	B Disposal Costs-Recycling	R	04/10/21	04/21/21		7574	N
		14,104.21								
	Vendor Total:	14,104.21								
TCT500	TCTA OF NJ									
21-00169	03/09/21 2021 TAX COLL MEMBERSHIP DUES									
1	2021 MEMBERSHIP DUES	100.00	1-01-20-145-044	B Professional Assoc Dues-Tax Co	R	03/09/21	04/21/21			N
	Tracking Id: DUES MEMBERSHIP DUES									

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
TCT500	TCTA OF NJ	Continued								
21-00169	03/09/21 2021 TAX COLL MEMBERSHIP DUES	Continued								
	TAX COLLECTOR TCTANJ MEMBERSHIP DUES									
	Vendor Total:	100.00								
TRE664	TREASURER, STATE OF NJ									
21-00203	03/22/21 CLOSED LANDFILL ANNUAL FEE									
1	CLOSED LANDFILL ANNUAL FEE	500.00	1-01-26-306-063	B Fees & Permits-Landfill	R	03/22/21	04/21/21			N
	FY2021 ANNUAL FEE									
	Vendor Total:	500.00								
TRY500	TRYSTONE CAPITAL ASSETS, LLC									
21-00299	04/21/21 REDEMPTION CERT# 20-00007									
1	REDEMPTION CERT# 20-00007	1,586.55	1-01-55-999-055	B THIRD PARTY LIEN	R	04/21/21	04/21/21			N
	Tracking Id: 1099 INTEREST INCOME									
	BLOCK 195, LOT 43									
	5 LAKESIDE DR.									
	Vendor Total:	1,586.55								
USB500	U.S. BANK N.A.									
21-00253	04/06/21 BOND INTEREST PAYMENT 6/1/21									
1	BOND INTEREST GOB 6/1/21	23,634.38	1-01-45-930-000	B BOND INTEREST	R	04/06/21	04/21/21			N
2	BOND INTEREST RFG GOB 6/1/21	6,750.00	1-01-45-930-000	B BOND INTEREST	R	04/06/21	04/21/21			N
3	BOND INTEREST RFG GOB 6/1/21	8,000.00	1-05-55-522-500	B BOND INTEREST-Water	R	04/06/21	04/21/21			N
4	LESS: CURRENT AVAILABLE BAL	0.12-	1-01-45-930-000	B BOND INTEREST	R	04/06/21	04/21/21			N
	DUE 5/15/2020									
		38,384.26								
	Vendor Total:	38,384.26								
VER500	VERIZON WIRELESS									
21-00263	04/09/21 WATER PLANT WIRELESS 3/21									
1	WATER PLANT WIRELESS 3/21	40.01	1-05-55-502-076	B Telephone-Water	R	04/09/21	04/21/21		44227065600001	N
	Vendor Total:	40.01								

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
WES150	WESTERN MONMOUTH ACTIVE									
21-00226	03/27/21 ACTIVE SHOOTER TRAINING 2021									
1	ACTIVE SHOOTER TRAINING 2021	220.00	1-01-25-240-042	B Education & Training-Police	R	03/27/21	04/21/21		20-00930	N
	Vendor Total:	220.00								
WHI500	JAN E. BILYK									
21-00233	03/29/21 2021 ANIMAL CONTROL SERVICES									
1	2021 ANIMAL CONTROL SERVICES DUE APRIL 2020	1,000.00	T-17-56-855-000	B Animal Fund - Res for Exp	R	03/29/21	04/21/21			N
	Vendor Total:	1,000.00								
WIR450	WIRELESS ELECTRONICS, INC.									
20-00750	10/13/20 E-TICKETING AND GPS									
1	ESEEK BAR CODE READER & CABLE	876.00	0-01-25-240-081	B Computer Services & Maintenance-Police	R	10/13/20	04/21/21		Q51720BS0713100	N
2	HAVIS USB HUB	1,050.00	0-01-25-240-081	B Computer Services & Maintenance-Police	R	10/13/20	04/21/21		Q51720BS0713100	N
3	GPS ANTENANNAS	498.90	0-01-25-240-081	B Computer Services & Maintenance-Police	R	10/13/20	04/21/21		Q51720BS0713100	N
		2,424.90								
	Vendor Total:	2,424.90								
ZBO500	Z-BOROUGH OF ENGLISHTOWN									
21-00274	04/13/21 PAYROLL 4/15/21									
1	PAYROLL 4/15/21	2,052.36	1-01-20-120-011	B Full Time S&W-Clerk	H	04/13/21	04/21/21	4/15/21		N
2	PAYROLL 4/15/21	2,452.39	1-01-20-130-011	B Full Time S&W-Finance	H	04/13/21	04/21/21	4/15/21		N
3	PAYROLL 4/15/21	500.00	1-01-20-145-011	B Full Time S&W-Tax Collection	H	04/13/21	04/21/21	4/15/21		N
4	PAYROLL 4/15/21	516.16	1-01-20-150-011	B Full Time S&W-Tax Assessor	H	04/13/21	04/21/21	4/15/21		N
5	PAYROLL 4/15/21	166.66	1-01-21-180-011	B Full Time S&W-Planning Bd	H	04/13/21	04/21/21	4/15/21		N
6	PAYROLL 4/15/21	830.84	1-01-22-200-011	B Full Time S&W-Code Enforement	H	04/13/21	04/21/21	4/15/21		N
7	PAYROLL 4/15/21	25,924.65	1-01-25-240-011	B Full Time S&W-Police	H	04/13/21	04/21/21	4/15/21		N
8	PAYROLL 4/15/21	1,321.73	1-01-25-240-014	B Overtime-Police	H	04/13/21	04/21/21	4/15/21		N
9	PAYROLL 4/15/21	315.00	1-01-25-240-015	B Extra Hrs Special Officer-Police	H	04/13/21	04/21/21	4/15/21		N
10	PAYROLL 4/15/21	1,249.99	1-01-25-265-011	B Shared Service S&W-Fire Official	H	04/13/21	04/21/21	4/15/21		N
11	PAYROLL 4/15/21	637.13	1-01-26-290-011	B Full Time S&W-Roads	H	04/13/21	04/21/21	4/15/21		N
12	PAYROLL 4/15/21	343.06	1-01-26-310-011	B Full Time S&W-Building Gds	H	04/13/21	04/21/21	4/15/21		N
13	PAYROLL 4/15/21	25.91	1-01-21-190-011	B Full Time S&W-Affordable Housing	H	04/13/21	04/21/21	4/15/21		N
14	PAYROLL 4/15/21	3,115.26	1-01-43-490-011	B Full Time S&W-Court	H	04/13/21	04/21/21	4/15/21		N

Vendor # / PO # / Item	Name / PO Date / Description / Item Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
ZBO500	Z-BOROUGH OF ENGLISHTOWN	Continued								
21-00274	04/13/21 PAYROLL 4/15/21		Continued							
15	PAYROLL 4/15/21	350.00	1-01-25-275-011	B Full Time S&W-Prosecutor	H	04/13/21	04/21/21		4/15/21	N
16	PAYROLL 4/15/21	3,403.34	1-05-55-501-011	B Full Time S&W-Water	H	04/13/21	04/21/21		4/15/21	N
17	PAYROLL 4/15/21	2,528.88	1-07-55-501-011	B Full Time S&W-Sewer	H	04/13/21	04/21/21		4/15/21	N
18	PAYROLL 4/15/21	1,125.00	T-12-56-850-011	B Off Duty Police-Full Time S&W	H	04/13/21	04/21/21		4/15/21	N
19	PAYROLL 4/15/21	98.03	G-02-40-750-019	B Clean Community Program-2019	H	04/13/21	04/21/21		4/15/21	N
20	PAYROLL 4/15/21	1,545.00	1-01-25-240-012	B Special Officer-Police	H	04/13/21	04/21/21		4/15/21	N
		48,501.39								
21-00275	04/13/21 BORO SHARE OF TAXES 4/15/21									
1	BORO SHARE OF TAXES 4/15/21	1,519.89	1-01-36-472-000	B SOCIAL SECURITY	H	04/13/21	04/21/21		4/15/21	N
2	BORO SHARE OF TAXES 4/15/21	260.36	1-05-55-541-500	B SOCIAL SECURITY-Water	H	04/13/21	04/21/21		4/15/21	N
3	BORO SHARE OF TAXES 4/15/21	193.46	1-07-55-541-500	B SOCIAL SECURITY-Sewer	H	04/13/21	04/21/21		4/15/21	N
4	BORO SHARE OF TAXES 4/15/21	16.31	T-12-56-850-112	B Off Duty Police-Admin/Soc Sec	H	04/13/21	04/21/21		4/15/21	N
		1,990.02								
21-00276	04/13/21 DCRP 4/15/21									
1	DCRP 4/15/21	188.08	1-01-36-477-000	B DEFINED CONTRIBUTION RETIREMENT PROGRAM	H	04/13/21	04/21/21		DCRP 4/15/21	N
21-00277	04/13/21 EMPLOYER GTL & LTD 4/15/21									
1	EMPLOYER GTL & LTD 4/15/21	65.83	1-01-23-220-090	B Insurance & Surety Bonds-Insur	H	04/13/21	04/21/21		GTL/LTD 4/15/21	N
	Vendor Total:	50,745.32								

Total Purchase Orders: 79 Total P.O. Line Items: 155 Total List Amount: 691,685.47 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
2020 CURRENT FUND	0-01	5,939.90	0.00	5,939.90	0.00	0.00	5,939.90
2021 CURRENT FUND	1-01	381,020.69	237,735.83	618,756.52	0.00	0.00	618,756.52
2021 WATER OPERATING FUND	1-05	43,870.41	12,212.35	56,082.76	0.00	0.00	56,082.76
2021 SEWER OPERATING FUND	1-07	621.95	6,141.80	6,763.75	0.00	0.00	6,763.75
Year Total:		425,513.05	256,089.98	681,603.03	0.00	0.00	681,603.03
GENERAL CAPITAL TRUST FUND	C-04	1,152.00	0.00	1,152.00	0.00	0.00	1,152.00
GRANT FUND	G-02	0.00	98.03	98.03	0.00	0.00	98.03
REGULAR TRUST FUND	T-12	0.00	1,141.31	1,141.31	0.00	0.00	1,141.31
ESCROW TRUST FUND	T-15	750.00	0.00	750.00	0.00	0.00	750.00
ANIMAL CONTROL TRUST FUND	T-17	1,001.20	0.00	1,001.20	0.00	0.00	1,001.20
Year Total:		1,751.20	1,141.31	2,892.51	0.00	0.00	2,892.51
Total Of All Funds:		434,356.15	257,329.32	691,685.47	0.00	0.00	691,685.47

P.O. Type: All
Range: First to Last
Format: Detail with Line Item Notes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # / PO # / Item	Description	Amount	Charge Account	Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
CEN875	CENTRAL JERSEY HEALTH INSURANC									
21-00252	04/06/21 DENTAL INSURANCE 3/2021									
1	DENTAL INSURANCE 4/2021	655.05	1-01-23-220-021	B Group Insurance-Insurance	R	04/06/21	04/06/21			N
2	DENTAL INSURANCE 4/2021	139.86	1-05-55-502-092	B Medical Insurance-Water	R	04/06/21	04/06/21			N
3	DENTAL INSURANCE 4/2021	132.09	1-07-55-502-092	B Medical Insurance-Sewer	R	04/06/21	04/06/21			N
		927.00								
	Vendor Total:	927.00								
JCP500	JCP&L									
21-00204	03/22/21 STREET LIGHTING 2/17-3/18/21									
1	STREET LIGHTING 2/17-3/18/21	2,141.80	1-01-31-435-000	B STREET LIGHTING	R	03/22/21	04/06/21		100011338785	N
21-00234	03/29/21 TENNENT AVE 2/24-3/25/21									
1	TENNENT AVE 2/24-3/25/21	4.03	1-05-55-502-071	B Electricity-Water	R	03/29/21	04/06/21		100107126235	N
21-00235	03/29/21 DPW ELECTRIC 2/24-3/25/21									
1	DPW ELECTRIC 2/24-3/25/21	240.35	1-01-31-430-000	B ELECTRICITY	R	03/29/21	04/06/21		100022994170	N
21-00241	04/01/21 GORDONS CORNER 2/25-3/26/21									
1	GORDONS CORNER 2/25-3/26/21	44.97	1-01-31-435-000	B STREET LIGHTING	R	04/01/21	04/06/21		100070320666	N
21-00242	04/01/21 SANFORD PARK 2/25-3/26/21									
1	SANFORD PARK 2/25-3/26/21	84.62	1-01-31-430-000	B ELECTRICITY	R	04/01/21	04/06/21		100109580363	N
	Vendor Total:	2,515.77								
NJSHBP	NJ STATE HEALTH BENEFITS PRGM									
21-00245	04/02/21 HEALTH INSURANCE 4/2021									
1	HEALTH INSURANCE 4/2021	9,141.17	1-01-23-220-021	B Group Insurance-Insurance	H	04/02/21	04/06/21		045000	N
2	HEALTH INSURANCE 4/2021	2,531.40	1-05-55-502-092	B Medical Insurance-Water	H	04/02/21	04/06/21		045000	N

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
NJSHBP	NJ STATE HEALTH BENEFITS PRGM Continued									
21-00245	04/02/21 HEALTH INSURANCE 4/2021		Continued							
3	HEALTH INSURANCE 4/2021	2,390.77	1-07-55-502-092	B Medical Insurance-Sewer	H	04/02/21	04/06/21		045000	N
		14,063.34								
	Vendor Total:	14,063.34								
SMS500	SMS TECH SOLUTIONS									
21-00059	01/19/21 SYMANTEC ANTIVIRUS RENEWAL '21									
1	SYMANTEC ANTIVIRUS RENEWAL '21	625.00	1-01-20-140-084	B Annual Contract Fees-Data Proccessing	R	01/19/21	04/06/21		S-9007624	N
	Vendor Total:	625.00								
SPE500	SPECTROTEL									
21-00236	03/29/21 TELEPHONE CIRCUITS MARCH 2021									
1	TELEPHONE CIRCUITS MARCH 2021	454.07	1-05-55-502-076	B Telephone-Water	R	03/29/21	04/06/21			N
		454.07	1-01-31-440-000	B TELEPHONE						
	ACCOUNT #136480									
		908.14								
	Vendor Total:	908.14								
TRE332	TREASURER, STATE OF NJ									
21-00240	03/31/21 MARRIAGE LICENSE 1ST QTR 2021									
1	MARRIAGE LICENSE 1ST QTR 2021	50.00	1-01-55-999-040	B STATE MARRIAGE LICENSE FEE	R	03/31/21	04/06/21		1ST QTR 2021	N
	Vendor Total:	50.00								
VER500	VERIZON WIRELESS									
21-00207	03/24/21 CODE WIRELESS 2/16-3/15/21									
1	CODE WIRELESS 2/16-3/15/21	38.01	1-01-20-140-085	B Wireless Communication-Data Proccessing	R	03/24/21	04/06/21		58259679300002	N
	Vendor Total:	38.01								

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
VER600	VERIZON WIRELESS PD									
21-00208	03/24/21 CDPD WIRELESS 2/16-3/15/21									
1	CDPD WIRELESS 2/16-3/15/21	266.23	1-01-20-140-085	B Wireless Communication-Data Proccessing	R	03/24/21	04/06/21		58259679300001	N
	Vendor Total:	266.23								

Total Purchase Orders: 12 Total P.O. Line Items: 16 Total List Amount: 19,393.49 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
2021 CURRENT FUND	1-01	4,600.10	9,141.17	13,741.27	0.00	0.00	13,741.27
2021 WATER OPERATING FUND	1-05	597.96	2,531.40	3,129.36	0.00	0.00	3,129.36
2021 SEWER OPERATING FUND	1-07	132.09	2,390.77	2,522.86	0.00	0.00	2,522.86
Total Of All Funds:		5,330.15	14,063.34	19,393.49	0.00	0.00	19,393.49

P.O. Type: All
Range: First to Last
Format: Detail without Line Item Notes

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor # / PO # / Item	Name / PO Date / Description	Amount	Contract / Charge Account	PO Type / Acct Type	Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
ZBO500	Z-BOROUGH OF ENGLISHTOWN										
21-00213	03/26/21 PAYROLL 3/30/21										
1	PAYROLL 3/30/21	1,892.36	1-01-20-120-011	B	Full Time S&W-Clerk	H	03/26/21	03/30/21		3/30/21	N
2	PAYROLL 3/30/21	2,452.39	1-01-20-130-011	B	Full Time S&W-Finance	H	03/26/21	03/30/21		3/30/21	N
3	PAYROLL 3/30/21	500.00	1-01-20-145-011	B	Full Time S&W-Tax Collection	H	03/26/21	03/30/21		3/30/21	N
4	PAYROLL 3/30/21	516.16	1-01-20-150-011	B	Full Time S&W-Tax Assessor	H	03/26/21	03/30/21		3/30/21	N
5	PAYROLL 3/30/21	166.66	1-01-21-180-011	B	Full Time S&W-Planning Bd	H	03/26/21	03/30/21		3/30/21	N
6	PAYROLL 3/30/21	761.99	1-01-22-200-011	B	Full Time S&W-Code Enforement	H	03/26/21	03/30/21		3/30/21	N
7	PAYROLL 3/30/21	20,829.84	1-01-25-240-011	B	Full Time S&W-Police	H	03/26/21	03/30/21		3/30/21	N
8	PAYROLL 3/30/21	1,560.00	1-01-25-240-012	B	Special Officer-Police	H	03/26/21	03/30/21		3/30/21	N
9	PAYROLL 3/30/21	2,740.60	1-01-25-240-014	B	Overtime-Police	H	03/26/21	03/30/21		3/30/21	N
10	PAYROLL 3/30/21	630.00	1-01-25-240-015	B	Extra Hrs Special Officer-Police	H	03/26/21	03/30/21		3/30/21	N
11	PAYROLL 3/30/21	1,249.99	1-01-25-265-011	B	Shared Service S&W-Fire Official	H	03/26/21	03/30/21		3/30/21	N
12	PAYROLL 3/30/21	402.91	1-01-26-290-011	B	Full Time S&W-Roads	H	03/26/21	03/30/21		3/30/21	N
13	PAYROLL 3/30/21	216.98	1-01-26-310-011	B	Full Time S&W-Building Gds	H	03/26/21	03/30/21		3/30/21	N
14	PAYROLL 3/30/21	25.91	1-01-21-190-011	B	Full Time S&W-Affordable Housing	H	03/26/21	03/30/21		3/30/21	N
15	PAYROLL 3/30/21	3,175.26	1-01-43-490-011	B	Full Time S&W-Court	H	03/26/21	03/30/21		3/30/21	N
16	PAYROLL 3/30/21	350.00	1-01-25-275-011	B	Full Time S&W-Prosecutor	H	03/26/21	03/30/21		3/30/21	N
17	PAYROLL 3/30/21	338.46	1-01-26-310-014	B	Overtime-Building Gds	H	03/26/21	03/30/21		3/30/21	N
18	PAYROLL 3/30/21	2,826.98	1-05-55-501-011	B	Full Time S&W-Water	H	03/26/21	03/30/21		3/30/21	N
19	PAYROLL 3/30/21	2,168.75	1-07-55-501-011	B	Full Time S&W-Sewer	H	03/26/21	03/30/21		3/30/21	N
20	PAYROLL 3/30/21	61.98	G-02-40-750-019	B	Clean Community Program-2019	H	03/26/21	03/30/21		3/30/21	N
21	PAYROLL 3/30/21	250.00	T-12-56-851-028	B	Public Defender - Prof Serv	H	03/26/21	03/30/21		3/30/21	N
		43,117.22									
21-00214	03/26/21 BORO SHARE OF TAXES 3/30/21										
1	BORO SHARE OF TAXES 3/30/21	1,440.95	1-01-36-472-000	B	SOCIAL SECURITY	H	03/26/21	03/30/21		3/30/21	N
2	BORO SHARE OF TAXES 3/30/21	216.26	1-05-55-541-500	B	SOCIAL SECURITY-Water	H	03/26/21	03/30/21		3/30/21	N
3	BORO SHARE OF TAXES 3/30/21	165.91	1-07-55-541-500	B	SOCIAL SECURITY-Sewer	H	03/26/21	03/30/21		3/30/21	N
4	BORO SHARE OF TAXES 3/30/21	19.13	T-12-56-851-028	B	Public Defender - Prof Serv	H	03/26/21	03/30/21		3/30/21	N
		1,842.25									
21-00215	03/26/21 DCRP 3/30/21										
1	DCRP 3/30/21	162.01	1-01-36-477-000	B	DEFINED CONTRIBUTION RETIREMENT PROGRAM	H	03/26/21	03/30/21		3/30/21	N

Vendor # / Name / PO # / PO Date / Description / Item Description	Amount	Contract / Charge Account	PO Type / Acct Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	1099 Excl
ZBO500 Z-BOROUGH OF ENGLISHTOWN Continued									
21-00216 03/26/21 EMPLOYER GTL & LTD 3/30/21									
1 EMPLOYER GTL & LTD 3/30/21	56.69	1-01-23-220-090	B Insurance & Surety Bonds-Insur	H	03/26/21	03/30/21		3/30/21	N
Vendor Total:	45,178.17								

Total Purchase Orders: 4 Total P.O. Line Items: 27 Total List Amount: 45,178.17 Total Void Amount: 0.00

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
2021 CURRENT FUND	1-01	0.00	39,469.16 ✓	39,469.16	0.00	0.00	39,469.16
2021 WATER OPERATING FUND	1-05	0.00	3,043.24 ✓	3,043.24	0.00	0.00	3,043.24
2021 SEWER OPERATING FUND	1-07	0.00	2,334.66 ✓	2,334.66	0.00	0.00	2,334.66
Year Total:		0.00	44,847.06	44,847.06	0.00	0.00	44,847.06
GRANT FUND	G-02	0.00	61.98 ✓	61.98	0.00	0.00	61.98
REGULAR TRUST FUND	T-12	0.00	269.13 ✓	269.13	0.00	0.00	269.13
Total Of All Funds:		0.00	45,178.17	45,178.17	0.00	0.00	45,178.17