

**** AGENDA ****

June 27, 2007

7:30 P.M.

**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. Committee Reports
5. Correspondence
6. 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.
7. Public Hearing – 2007 Budget Amendment
8. Old Business
 - A. Ordinance No. 2007-08 – Public Hearing & Adoption
Amending Chapter 1.33, Entitled “Police Department”
9. New Business
 - A. Ordinance No. 2007-09 – First Reading & Introduction
Amending Chapter 2.89, Entitled “Littering”
 - B. Resolution No. 2007-115
Adoption of 2007 Municipal Budget
 - C. Resolution No. 2007-116
Authorizing Approval of Department Requisitions
 - D. Resolution No. 2007-117

Authorizing Payment of Borough Bills

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

The meeting was called to order by Mayor Reynolds at 7:34PM

Roll Call: Present: C/Soden, C/Simon, C/Carr, C/Robilotti, C/Cooke, C/Leonardis
Absent: None

Also present were Peter Gorbatuk, Acting Municipal Clerk, Laurie Finger, Borough Administrator and Stuart J. Moskovitz, Borough Attorney.

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

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

Committee Reports

C/Leonardis

- Committee reports were emailed to Mayor Reynolds and Council; copies are available for the public.

C/Cooke

- October 6th 2007 Fall Festival applications are located on desk if anyone is interested. Response this year has not been as good as in previous years due to other Municipalities having events scheduled for the same day. If anyone has any ideas let us know.

C/Robilotti

- Attended mandated National Incident Management System Class #402 for elected officials last night. This is something the Federal Government is mandating if we want to apply for any grants. Peter Cooke, OEM officer will need to attend these

classes and finish program. Registration needs to be done on line before end of July; I have the website. Council will need to pass Resolution making us eligible so that we are NIMS compliant.

- Attended Dedication of Historical Mural today at the Post Office.
- We had our second Personnel Policy meeting; we accomplished a lot and should be completed in one or two more meetings.

C/Soden

- There was no Planning Board Meeting last night.
- Department of Environmental Protection mandates how much water you can take out of the ground and if you exceed that amount you are fined \$5,000 a day. So last Wednesday we started buying 80,000 gallons of water a day so that we don't exceed that amount. By the end of this month we will see if we can go back to just using our water again.

C/Carr

- Police Activity report total calls were 397 which 162 were motor vehicle stops. Thanks to Police Officer Cooke's quick response to a call on English club Drive where he had to use the defibrillator, the gentlemen who was suffering a heart attack is back to work on light duty.
- Chief Niziolek provided list of grants that came in through the Police Department.
- As of today the court has brought in \$62,405.97.
- Received email from AIA; they are in the process of locating a manager for our location. First meeting will be schedule sometime in late September.
- When will Utility Pole be replaced?

Peter Gorbatuk

- I will have an update for you during our correspondence.

C/Simon

- Pet Licensing expires due June 30th. Please get pets licensed.

Correspondence

Peter Gorbatuk, Acting Municipal Clerk

- Utility pole repair was pushed up a week due to July 4th holiday.
- We have scheduled a meeting with the Department of Community Affairs for the week of July 9th to go over hours of operation for the Construction Department.
- Received letter from Stuart Moskowitz, Borough Attorney that is to be inserted with all Borough liquor license renewals re: license conditions, as discussed at last Council meeting.
- Received voice mail this evening from Congressman Rush Holt's office; they are trying to put together a press event for Friday at 11:00am at the Fire Department for presentation of Fire Department Grant they are receiving in the amount of \$76,000.00. If anyone is interested in attending please let me know.

- Assemblywoman Beck would like to attend our July 11th Council meeting and give a 10-20 minute presentation regarding state budget.

Mayor Reynolds and Council continue discussion regarding Assemblywomen Beck attending Council meeting.

C/Robilotti

- Just wanted to mention that Police Officer Daniel Chernavsky stopped two motorcyclists traveling 95 miles per hour at 2AM with no incidence.

Laurie Finger, Chief Financial Officer

- Received request from Tom Herits, Borough Engineer regarding DOT Grant Application for fiscal year 2008. He is asking for suggestions from Mayor Reynolds and Council as to what roads they would like reconstructed; application needs to be filed by August. He is also requesting Council to authorize him to go out and bid for two projects; one is Main Street void grouting and the other is for modification to the water treatment plant for lime feed.

Discussion continued between Mayor Reynolds and Council.

- Received memo from Sharon Hartman, Tax Assessor informing us that she will be having her first meeting with revaluation company on Monday, July 2nd.

Public Portion – Agenda Items

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

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

Public Hearing – 2007 Budget Amendments

Mayor Reynolds opens the floor to the public for discussion on the budget amendments.

Laurie Finger, Chief Financial Officer

- The only amendment to the budget was the inclusion of Clean Communities money of \$4,000.00 we received. We had to remove \$70,000.00 for revaluation and treat as an emergency after the budget is adopted; it cannot be put into the budget.

C/Carr

- Why can't it be put into the budget?

Laurie Finger, Chief Financial Officer

- It is done as an emergency appropriation because we are raising the money over five fiscal years; so we only have to appropriate \$14,000.00 of the \$70,000.00 this year otherwise we have to appropriate \$70,000.00 and pay for it in full.

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

Old Business

**BOROUGH OF ENGLISHTOWN PUBLIC HEARING & ADOPTION
ORDINANCE NO. 2007-08**

**AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN AMENDING
CHAPTER 1.33, ENTITLED “POLICE DEPARTMENT”**

WHEREAS, the governing body of the Borough of Englishtown has determined that it is required to establish the procedures and charges for the utilization of Borough Police Department members for private security; and

WHEREAS, the contract with the PBA requires that the charges for police department member services is to be set forth by ordinance; and:

WHEREAS, certain terminology within the existing ordinance is internally inconsistent and needs to be corrected, and certain portions of the ordinance are inconsistent with the Council’s intent and similarly need to be corrected:

I. NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Englishtown that **Chapter 1.33, entitled “POLICE DEPARTMENT”** of the Code of the Borough of Englishtown is hereby amended as follows:

A. Section 1.33.12, Salaries and compensation shall be amended by changing the phrase “special policemen” in the title of Section B and in each of the first three sentences to “special officers.”

B. Section 1.33.14, entitled Leaves of absence generally, shall be amended as follows:

Leaves of absence, without pay, may be granted at the discretion of the Police Chief and the Police Commissioner.

C. Section 1.33.16, entitled Vacations and holidays shall be replaced in its entirety by the following:

Vacations will be granted pursuant to the language set forth in the Contract between the Borough and the bargaining agent for the Police Department members.

Holidays shall be as set forth in said Contract.

D. Section 1.33.37, entitled Special Duty Assignments shall be amended as follows:

Paragraph 5 shall substitute the following for the sentence “The charges for such services shall be set forth annually in a resolution adopted by the governing body”:

The charges for such services shall be \$60.00 per hour, including a rate of \$50.00 per hour for the officer, and \$10.00 administrative fee to be retained by the Borough. Commencing January 1, 2008, the charges for such services shall be \$65.00 per hour, including a rate of \$55.00 per hour for the officer, and \$10.00 administrative fee to be retained by the Borough.

II. BE IT FURTHER ORDAINED THAT:

- A. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.
- B. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
- C. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

Public Hearing

Mayor Reynolds opened the floor to the public for questions or comments on the above titled ordinance.

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

Adoption

A motion to adopt Ordinance No.2007-08, above titled, was offered by C/Carr and Seconded by C/Robilotti. Passed on the following roll call:

Offered By: C/Carr

Seconded By: C/Simon

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

New Business

BOROUGH OF ENGLISHTOWN First Reading and Introduction
ORDINANCE NO. 2007-09

**AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN AMENDING
CHAPTER 2.89, ENTITLED "LITTERING"**

WHEREAS, the governing body of the Borough of Englishtown has determined that it is becoming increasingly unsightly for residents to continually receive unsolicited printed materials which tend to remain at the curb or blow around the community; and

WHEREAS, it is a matter of civic pride to limit the amount of waste material that is deposited in our community as litter;

I. NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Englishtown that **Chapter 2.89, entitled "LITTERING"** of the Code of the Borough of Englishtown is hereby amended as follows:

A. Section 2.89.02, Definitions shall include at the end of the current definition of Litter, in section "a", the following:

Littering shall also be defined as any printed material that is unsolicited and deposited on or around the premises of any residential property, including, but not limited to menus, newspapers, advertisement circulars, magazines, coupon books, and political advertisements, regardless of content. Excluded from the definition of Littering shall be the following:

1. Newspapers or magazines that are being distributed by paid subscription, or by a request in writing signed by the owner or occupant of the residential property.
2. Any printed material that is delivered by U.S. Mail, or an independent courier, such as Fedex, UPS, etc., or other service in the business of charging to deliver materials or product on behalf of unrelated businesses or persons.
3. Goods specifically ordered by the owner or occupant of the residential property.
4. Legal documents such as summonses, subpoena, court orders, official notices of violations, etc.

B. There shall be a new **Section 2.89.04**, entitled, “**Placement**”:

All items delivered to the premises meeting the exclusions of Section 2.89.02.a. shall be placed only within a permanently installed appurtenance to the premises designed and designated for the receipt of such printed matter or, if there is none, on the ground or floor at a point beneath the place where such premises receives its mail or within a three-foot radius of that point or the front door of the premises.

C. There shall be a new **Section 2.89.05**, entitled, “**Rejection of Materials**”:

In the event an owner or occupant who subscribed to or agreed to the delivery of materials in the past notifies the sender in writing that they no longer wish to receive such materials, it shall be unlawful to continue delivering the material to that residence.

D. The existing **Section 2.89.05**, entitled **Penalties**, shall be renumbered to **Section 2.89.07**, and the language of such section shall be replaced in its entirety by the following:

a. In the case of unsolicited printed material placed on properties with the intention that it be read by the owner or occupant of the premises, any person found to be in violation of this Ordinance shall be subject to a fine not to exceed \$50.00 for each item deposited. It shall be deemed to be a separate violation of this ordinance for each residence at which the offending material is deposited, and each time it is so deposited.

b. In the case of all other forms of litter, including unsolicited printed material that is merely discarded, as opposed to deposited with the intention that it be read, the violation shall be subject to a fine not to exceed \$500.00 or imprisonment in the County Jail for a period not exceeding ninety (90) days, or both.

E. Existing **Sections 2.89.06** entitled “**Severability**” and **2.89.07** entitled “**Effective Date**” is deleted in its entirety.

F. **Section 2.89.04** of the existing **Chapter 2.89** shall be renumbered to **2.89.06**.

II. BE IT FURTHER ORDAINED THAT:

A. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.

B. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

- C. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

A motion to introduce the above titled Ordinance was offered by C/Robilotti and seconded by C/Simon. Passed on the following roll call:

Offered By: C/Robilotti

Seconded By: C/Simon

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

Peter Gorbatuk, Acting Municipal Clerk states the Public Hearing and Adoption on Ordinance No.2007-09 is scheduled for the July 11, 2007 Council Meeting, 7:30 p.m. at Borough Hall.

**Borough of Englishtown
Resolution No. 2007-115**

Adoption of 2007 Municipal Budget

Now, Therefore, Be It Resolved by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Budget herein before 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 \$799,236.38 to be raised for municipal purposes.

Summary of Revenues

1. General Revenues	
Surplus Anticipated	\$ 525,000.00
Miscellaneous Revenues Anticipated	572,818.76
Receipts From Delinquent Taxes	53,000.00
2. Amount To Be Raised By Taxation	
For Municipal Purposes	<u>799,236.38</u>

Total Revenues **\$1,950,055.14**

Summary Of Appropriations

5. General Appropriations:

 Within "Caps"

Operations Including Contingent	\$1,429,072.00
Deferred Charges & Statutory	
Expenditures - Municipal	27,500.00

Excluded From "Caps"

Operations - Total Operations Excluded	
From "Caps"	\$ 199,999.77
Capital Improvements	24,600.00
Municipal Debt Service	53,500.00
Deferred Charges - Municipal Clerk	39,000.00
Reserve For Uncollected Taxes	<u>176,383.37</u>

Total Appropriations \$1,950,055.14

Offered By: C/Robilotti

Seconded By: C/Soden

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

**Borough of Englishtown
Resolution No. 2007-116**

**Resolution of the Borough of Englishtown,
County of Monmouth, State of New Jersey
Authorizing the Approval of Department Requisitions**

Whereas, the Mayor and Council have carefully examined all requisitions presented to the Borough for the processing into purchase orders; and

Whereas, after due consideration of the said requisitions, the Mayor and Council have approved processing 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 requisitions amounting to the sum of \$1,838.22 are hereby authorized to be processed into purchase orders on June 27, 2007.
2. The Borough Clerk be and is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said requisitions hereby authorized to be processed into purchase orders.

Offered By: C/Robilotti

Seconded By: C/Simon

Roll Call: Ayes: C/Soden, C/Simon, C/Carr, C/Robilotti, C/Cooke, C/Leonardis

Nays: None

Abstain: None

Absent: None

**Borough of Englishtown
Resolution No. 2007-117**

**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 \$78,025.76 are hereby authorized to be paid on June 27, 2007.
3. 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/Simon

Roll Call: Ayes: C/Soden, C/Simon, C/Carr, C/Robilotti, C/Cooke, C/Leonardis

Nays: None

Abstain: None

Absent: None

**Borough of Englishtown
Resolution No. 2007-118**

**Resolution Authorizing the Borough Engineer to Prepare,
Advertise and Receive Bids For Void Grouting**

Whereas, the Borough of Englishtown desires to pressure grout a void underneath the intersection of Main Street and Water Street; and,

Whereas, the Mayor and Council has authorized the Borough Engineer to prepare bid documents for the Project.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Englishtown, County of Monmouth, and State of New Jersey that the Borough Engineer is hereby authorized to prepare, advertise and receive bids for the Project; and

Be It Further Resolved, that engineering fees for this process are not to exceed \$2,500.00.

Offered By: C/Soden

Seconded By: C/Robilotti

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

**Borough of Englishtown
Resolution No. 2007-119**

**Resolution Authorizing the Borough Engineer to
Prepare, Advertise and Receive Bids For Upgrades Of Lime Tanks**

Whereas, the Borough of Englishtown desires to upgrade the lime tanks in the water plant; and,

Whereas, the Mayor and Council has authorized the Borough Engineer to prepare bid documents for the Project.

Now, Therefore, Be It Resolved by the Mayor and Council of the Borough of Englishtown, County of Monmouth, and State of New Jersey that the Borough Engineer is hereby authorized to prepare, advertise and receive bids for the Project; and

Be It Further Resolved, that engineering fees for this process are not to exceed \$3,500.00.

Offered By: C/Soden

Seconded By: C/Robilotti

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

**Borough of Englishtown
Resolution No. 2007-120**

Appointment of Clean Communities Summer Help

Whereas, the Borough of Englishtown has received a grant for the purpose of promoting the Clean Communities Program;

Whereas, said funds were appropriated for summer employment for this program; and

Whereas, Justin Sabatino has been recommended to fill said position by the Department of Public Works Supervisor and Public Buildings and Grounds Chairperson.

Now, Therefore, Be It Resolved by the Governing Body of the Borough of Englishtown, County of Monmouth, State of New Jersey as follows:

1. Justin Sabatino of Freehold, NJ is hereby appointed as summer help under the Clean Communities Program effective July 2, 2007 until August 31, 2001.
2. That said employee shall be under the direction of Richard Guffanti.
3. That said employment is subject to a background check and approval by the Englishtown Police Department.
4. That said employment is temporary and shall be paid \$8.50 an hour, payable bi-weekly in accordance with the salary Ordinance.
5. That a certified true copy of this Resolution be forwarded to the Borough's Chief Financial Officer and Justin Sabatino.

Offered By: C/Carr

Seconded By: C/Robilotti

Mayor Reynolds requests a motion to amend above Resolution to read Justin Sabatino cannot start until a full background check is completed.

Motion to amend above Resolution was offered by C/Carr and seconded by C/Leonardis. Passed unanimously.

Mayor Reynolds requests a motion to approve above amended Resolution.

Motion to approve above Resolution was offered by C/Carr and seconded by C/Leonardis.

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

Public Portion

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

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

Executive Session

Mayor Reynolds stated pursuant to N.J.S.A. 10 4-12B be it resolved by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey as follows whereas N.J.S.A. 10 4-12B of the Open Public Meetings Act of the State of New Jersey permits exclusion of the public from those portions of the meetings in which matters authorized to be discussed in Executive Session under the cited statute will be reviewed and discussed; and

Whereas, the Governing Body concludes that the public must be excluded from the discussion of the following matters of personnel, contracts, public safety; and

Therefore, be it resolved by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, as follows, 1) Hereby authorizes Executive Session for the purpose of discussing above matters with N.J.S.A. 10 4-12B, 2) Anticipated at this time that the matters to be discussed in Executive Session will be discussed in Public not earlier than the next regular meeting of the Governing Body, 3) It is anticipated that the Executive Session last not longer than one-half hour, 4) There exists the possibility that action may be taken upon conclusion of the Executive Session when the meeting returns to open.

Offered By: C/Simon

Seconded By: C/Robilotti

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

The time being 8:06 P.M.

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

The time being 8:29 P.M.

Adjournment

There being no further business a motion to adjourn was offered by C/Soden, seconded by C/Carr. Passed unanimously.

The time being 8:30 P.M.

August 8, 2007
Approved by Governing Body

Acting Municipal Clerk