

Minutes, November 21, 2011
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**** WORKSHOP AGENDA ****

November 21, 2011

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:
 - Solar Panel Presentation
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:34 P.M.

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

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

Sun Blue Energy is not present at this time for the solar panel presentation.

At this time Mayor Reynolds updates council on the County Road Project re: Millhurst Road. The County is calling a meeting for December 1st to discuss final plans. There is a request to have a council representative present. C/Rucker volunteered to attend.

Mayor Reynolds calls a ten-minute recess to allow time for representatives from Sun Blue Energy to arrive for the presentation.

Following recess, representatives still not present; to continue with agenda.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Wojyn, seconded by C/Robilotti. Passed unanimously. The time being 6:50 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. Approval of Minutes – November 9, 2011
5. Committee Reports
6. Correspondence
7. Borough Administrator/CFO Report
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. Resolution No. 2011-169
Authorizing Change Order to Improvements to Victory Drive Project
 - B. Resolution No. 2011-170
Resolution Canceling Current Fund Balances
 - C. Resolution No. 2011-171
Authorizing Refund of Property Taxes Due to Duplicate Payment
 - D. Resolution No. 2011-172
Authorizing Refund of Property Taxes Due to County Tax Appeal
 - E. Resolution No. 2011-173
Resolution of the Mayor and Council Censuring Councilwoman Jayne L. Carr for Conduct Detrimental to the Orderly Conduct of Borough Governance and Violating Standards of Decorum and Debate of a Public Body
 - F. Resolution No. 2011-174
Authorizing Approval of Department Requisitions

G. Resolution No. 2011-175
Authorizing Payment of Borough Bills

10. Tax Collector's Report – October 2011
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 implied 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 6:51 P.M.

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

Also present were Peter Gorbatuk, Municipal Clerk, Laurie Finger, Borough Administrator and Joseph Youssouf, Borough Administrator.

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

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

Approval of Minutes –

There being no corrections, deletions or additions, a motion to approve the Minutes of November 9, 2011 was offered by C/Robilotti and seconded by C/Wojyn. Passed on the following roll call:

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

Committee Reports

Public Utilities

Councilwoman Krawiec has nothing to report this evening.

Code Enforcement, Public Health, Welfare & Public Events

Councilwoman Cooke is absent; no report this evening.

Administration, Finance & Personnel

Councilman Wojyn reports:

Reads aloud Clerk and Administrator reports. Important Items as Follows:

- Elections held successfully by Clerks Office.
- Dais in council room has been repaired prior to rug being installed. The quote for repair was \$300.00 and our DPW Supervisor Rick Guffanti was able to repair it for \$21.86.

Public Safety

Councilwoman Robilotti has nothing to report this evening.

Legislative, Insurance & Licenses -

Councilwoman Carr is absent; no report this evening.

Public Buildings & Grounds

Councilman Rucker reports:

- Leaf season has begun and the leaf truck needs repairs.

Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- Informs Mayor and Council of orientation course for newly elected, re-elected, or experienced municipal officials which is being offered on January 21, 2012 in Secaucus or January 28, 2012 in Mt. Laurel. Inform clerk's office if anyone would like to attend so we can register you.

Borough Administrator/CFO Report

Laurie Finger reports:

- Update on Snowflakes; it was found that we were erroneously billed by JCP&L last year so we will receive a credit. The funds will go towards the 2011-2012 Holiday lights.
- Letter received concerning C/Carr, but not read into record because it was not signed.

Public Portion – Agenda Items

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

Paula Kuchinski, Hamilton Street - questions regarding C/Carr, the censure resolution, and approval of executive minutes.

Addressed by Mayor Reynolds and Peter Gorbatuk, Municipal Clerk.

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

New Business

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-169**

**AUTHORIZING A CHANGE ORDER
TO THE IMPROVEMENTS TO VICTORY DRIVE PROJECT**

WHEREAS, the Borough of Englishtown had previously awarded a contract for the 2011 Improvements to Victory Drive project to F & P Contractors, Inc. in the total amount of \$379,726.00; and

WHEREAS, F & P Contractors, Inc. has submitted a change order #1 and Final resulting in an adjusted contract price of \$409,993.79 or an increase of \$27,267.79 over the original contract price; and

WHEREAS, the Local Public Contracts Law Rules, specifically N.J.A.C. 5:34-52, provided that the Governing Body may issue change orders, which do not increase or decrease the contract amount by more than 20%.

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Englishtown does hereby authorize Change Order #1 and Final increasing the original amount of the contract by \$27,267.79 to \$409,993.79 awarded to F & P Contractors, Inc. for the 2011 Improvements to Victory Drive project.

Offered By: C/Robilotti

Seconded By: C/Rucker

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

Nays: None

Abstain: None

Absent: C/Carr, C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-170**

RESOLUTION CANCELING CURRENT FUND BALANCES

WHEREAS, there exists a balance in certain General Ledger accounts in the Current Fund prior to 2006; and

WHEREAS, the funds creating these balances have been investigated by the Tax Collector and Chief Financial Officer of the Borough; and

WHEREAS, it has been determined that these balances are not a liability to the Borough and should be canceled;

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Englishtown that the following General Ledger balances, in the amount of \$182.69, within the Current Fund, be and same are hereby canceled:

Third Party Lien	\$	82.69
DCA Training Fees	\$	100.00

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided by the Borough Clerk to the Tax Collector and Chief Financial Officer.

Offered By: C/Rucker

Seconded By: C/Robilotti

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-171**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES
DUE TO DUPLICATE PAYMENT**

WHEREAS, the Borough of Englishtown Tax Collector has reported an overpayment in 2011 taxes that needs to be refunded due to a duplicate payment; and

WHEREAS, per the tax collector, an overpayment in the amount of \$2,779.83 on property Block 2, Lot 20.09 located in the Borough of Englishtown should be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that in accordance with the request of the Tax Collector, a total refund is hereby authorized in the amount of \$2,779.83 to BAC Tax Services Corporation – CA6-913-LB-01 - P.O. Box 10211 Van Nuys, CA 91499-6089; and

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

Offered By: C/Robilotti

Seconded By: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-172**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES
DUE TO COUNTY TAX APPEAL**

WHEREAS, the Borough of Englishtown Tax Collector has reported an overpayment in 2011 taxes that needs to be refunded due to a County Tax Appeal judgment, plus 5% statutory interest from the date of the overpayment; and

WHEREAS, per Tax Court Judgment Docket: 13-2011006L, an overpayment in the amount of \$1,227.35 plus \$13.13 in interest, on property Block 2, Lot 22.40 c40 located in the Borough of Englishtown should be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that in accordance with the request of the Tax Collector, a total refund is hereby authorized in the amount of \$1,240.48 to Cynthia & Napoleone Frankel – 54 Highland Avenue Emerson, N.J. 07630; and

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

Offered By: C/Robilotti

Seconded By: C/Wojyn

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

Nays: None

Abstain: None

Absent: C/Carr, C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-173**

**RESOLUTION OF THE MAYOR AND COUNCIL CENSURING
COUNCILWOMAN JAYNE L. CARR FOR CONDUCT DETRIMENTAL
TO THE ORDERLY CONDUCT OF BOROUGH GOVERNANCE AND
VIOLATING STANDARDS OF DECORUM AND DEBATE OF A PUBLIC BODY**

WHEREAS; A fundamental precept of governing legislative bodies is that elected officials have an ethical duty to conduct themselves in a manner that will not impugn the integrity of the body nor the integrity of other elected officials; and

WHEREAS; Vigorous debate of public issues and policy decisions is a necessary part of the democratic process but that process should not devolve into bitter acrimony and ad hominum attacks; and

WHEREAS; Councilwoman Jayne L. Carr has repeatedly violated these fundamental precepts and, by her actions has disrupted the orderly conduct of Borough business and called into question the integrity of the elected governing body of the Borough; and

WHEREAS; The acts here complained of include, but are not limited to:

1. On September 28, 2011 during a public meeting of the Borough Council, Councilwoman Carr claimed that she had conducted meetings of the Englishtown Development Committee about “six months ago” i.e. March/April of 2011 and “...last year” i.e. October of 2010. A careful review of Borough records revealed that, contrary to Councilwoman Carr’s public assertions, the Committee never met in 2010 nor 2011; that no public notices referencing the scheduling of a meeting of the Englishtown Development Committee were ever published or advertised by the Borough; that no entry of official minutes of the alleged meetings were ever filed with the Borough Clerk’s office. Additionally, four of the appointed members of Committee deny that they were ever notified of a meeting of the Committee or that they participated in such a meeting.

2. On September 28, 2011 Councilwoman Carr publicly accused Councilman Gregory W. Wojyn of engaging in “...continuous behavior and unwanted contact...bordering on harassment and possibly stalking...” of a local Borough businessman. In a story published on September 29, 2011 by ManalapanPatch.com, the local businessman claimed to have been victimized by Councilman Wojyn unequivocally stated that Carr’s allegations were untrue and that Councilman Wojyn had never harassed or “stalked” him.

3. At the Borough Council meeting of September 28, 2011 Councilwoman Carr publicly accused Councilman Wojyn of “erasing” official minutes of the Borough related to the Englishtown Development Committee. According to the Borough Clerk’s office, no minutes of any meetings of the Englishtown Development Committee exist in Borough records since 2006. Councilwoman Jayne Carr submitted the last official minutes of that Committee in electronic form in 2006. Between 2007 and 2011 the Committee was annually reappointed but there is no record, whatsoever of any minutes, reports of meetings, records of action or recommendations of said Committee. The Borough Clerk’s office also avers that no member of Borough Council has access to Borough computers and could not, therefore, access any files for any purpose whatsoever.

4. At the Borough Council meeting of August 11, 2011 Councilwoman Carr alleged that the office of the Borough Clerk had failed to notify her of a scheduled special meeting of the Borough Council. A review of the Borough Clerk’s records reveals that Councilwoman Carr received the same advance notice as every other member of the Borough’s governing body and that public notice was posted and published in accordance with the requirements of the “Open Public Meetings Act”. Every other member of Borough Council received the notice of the special meeting. The claims of malfeasance or nonfeasance leveled against the office of the Borough Clerk were untrue, unfounded and improper.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Council of the Borough of Englishtown, that based upon the above specified unfounded public accusations of wrongdoing and conduct of Councilwoman Jayne Carr, the Governing Body of the Borough of Englishtown does formally **CENSURE AND REPRIMAND** Councilwoman Jayne L. Carr.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Carr, C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-174**

**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 \$1,353.46 are hereby authorized to be processed into purchase orders on November 21, 2011.
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 requisitions hereby authorized to be processed into purchase orders.

Offered By: C/Robilotti

Seconded By: C/Rucker

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

Nays: None

Abstain: None

Absent: C/Carr, C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2011-175**

**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 \$472,390.78 are hereby authorized to be paid on November 21, 2011.
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/Rucker

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

Nays: None

Abstain: None

Absent: C/Carr, C/Cooke

Tax Collector's Report

October 2011

2011 Taxes	\$418,626.53
2012 Taxes	828.13
Interest	780.68
<u>Duplicate Bill Fee</u>	<u>25.00</u>
Net Receipts	\$420,260.34

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.

Paula Kuchinski, Hamilton Street - asks if anyone on the Council can be censured for not doing their job? Wants C/Wojyn censured for his actions against C/Carr. She states that all meetings should be taped for accuracy.

Mayor Reynolds responds that we are not doing verbatim minutes, only action minutes.

Kathy Bien, Main Street - asks where are the Parking Lot signs? Mayor Reynolds responds not in the budget until January. Were the employee raises retroactive? Mayor Reynolds responds yes, together with the police increases.

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

At this time representatives from Sun Blue Energy arrive for the solar panel presentation. Mayor Reynolds calls for a five-minute recess.

Solar Panel Presentation

At this time Mayor Reynolds opens the floor for a Solar Panel presentation given by Chris Hals and Stan Fishbein of Sun Blue Energy. Mayor and Council present their questions and explain that funding is low. Sun Blue Energy to contact Laurie Finger, Borough Administrator with a plan that would work better for the Borough.

Paul Robilotti asks if the water department building doesn't get Solar Panels, will the presentation still work? Yes.

Executive Session

There is no executive session this evening.

Adjournment

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

The time being 8:03 P.M.

December 12, 2011
Approved by Governing Body

Municipal Clerk