

APRIL 25, 2012

**** WORKSHOP AGENDA ****

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:
 - Formal Introduction - Gerry Ricciardi of JCP&L
 - Consideration of Statement of Support for the N.J./N.Y. Clean Ocean Zone
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:30 P.M.

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

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

Discussion Items:

Formal Introduction – Gerry Ricciardi of JCP&L:

- Gerry Ricciardi Area Manager of JCP&L addressed Mayor and Council of his availability to the Borough of Englishtown, Police Department and Administration in the event of emergencies, disasters, or any question that may arise.

Consideration of Statement of Support for the N.J./N.Y. Clean Ocean Zone:

- Mayor and Council support this statement and a resolution will be added to this evening's agenda.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Rucker. Passed unanimously. The time being 6:40 P.M.

Mayor Reynolds calls for a brief recess.

**** AGENDA ****

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. Proclamation: Proclaiming May 13-19 “National Police Week”
5. Approval of Minutes
 - March 28, 2012
 - March 28, 2012 Executive Session Minutes
6. Committee Reports
7. Correspondence
8. Republican Candidate Interviews
9. 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.
10. Old Business:
 - A. Ordinance No. 2012-03 – Public Hearing & Adoption
Ordinance To Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)
11. New Business:
 - A. Bond Ordinance No. 2012-04 – First Reading & Introduction
Refunding Bond Ordinance Authorizing the Issuance of Not to Exceed \$85,000 Aggregate Principal Amount of Refunding Bonds by The Borough of Englishtown, in the County of Monmouth, State of New Jersey for the Purpose of Paying Amounts Owing to a Taxpayer for Taxes Levied in the Borough and Appropriating the Proceeds of Such Refunding Bonds to Such Purpose
 - B. Resolution No. 2012-079
N.J.L.M. Municipal Enlistment in the Military Initiative

- C. Resolution No. 2012-080
Allowing Aerial Spraying of Pesticides by Monmouth County
Mosquito Extermination Commission
 - D. Resolution No. 2012-081
Authorizing Execution of a Second Amendment to Access
Agreement for Sovereign Bank Monitoring Well
 - E. Resolution No. 2012-082
Temporary Capital Budget
 - F. Resolution No. 2012-083
Emergency Temporary Appropriations
 - G. Resolution No. 2012-084
Authorization of Purchases
 - H. Resolution No. 2012-085
Authorization of Purchases
 - I. Resolution No. 2012-086
Authorization of Services
 - J. Resolution No. 2012-087
Resolution To Pursue CDBG Grant Program 2013 Project
 - K. Resolution No. 2012-088
Authorizing Payment of Borough Bills
 - L. Resolution No. 2012-089
Making Application to the Local Finance Board Pursuant to
N.J.S.A. 40A:2-51 and N.J.S.A. 40A:2-55 in Connection with
The Issuance of Not to Exceed \$85,000 Aggregate Principal
Amount of Refunding Bonds, Series 2012
- 12. Tax Collector's Report – March 2012
 - 13. 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.
 - 14. Executive Session
 - 15. Adjournment

The meeting was called to order by Mayor Reynolds at 6:47 P.M.

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

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

Proclamations

At this time Mayor Reynolds reads aloud proclamations:

- Proclaiming May 13 – 19 “National Police Week”

Approval of Minutes –

There being no corrections, deletions or additions, a motion to approve the March 28, 2012 meeting minutes was offered by C/Robilotti and seconded by C/Cooke. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the March 28, 2012 Executive Session minutes was offered by C/Robilotti and seconded by C/Cooke. Passed on the following roll call:

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

Committee Reports

Public Utilities

Councilwoman Krawiec is absent; no report this evening.

Code Enforcement, Public Health, Welfare & Public Events

Councilwoman Cooke reports:

- Thanks all the volunteers who helped with the Easter Egg Hunt and a special thank you to Matt Molinaro, a DJ from Staten Island, who volunteered his time and saved the Borough \$200. He did a great job!
- On April 27th, Novelist David Salkin will be the guest speaker at the Village Inn.
- On May 5th and May 6th, the Village Inn will participate in the “Weekend in Old Monmouth”. Most of the Historical sites in Monmouth County open their doors for visitors. A tour book can be downloaded at: visitmonmouth.com
- The Memorial Day parade will be held Monday, May 28th at 2:00 PM beginning at Manalapan Municipal Building and ending at the American Legion on Sanford Street.

Administration, Finance & Personnel

Councilman Wojyn reports:

- Reads aloud Clerk and Administrator reports. Important Items as Follows:
- Financial Disclosure Statements are due to the Clerk by 4/27/12
- Public Hearing on budget will be held at the May 23, 2012 regular meeting.
- Report in its entirety available for viewing in the Clerk’s office.

Public Safety

Councilwoman Robilotti reports:

- Reads aloud police activity report for March. Available for public viewing in the Clerk’s office.

Legislative, Insurance & Licenses

No report this evening.

Public Buildings & Grounds

Councilman Rucker reports:

- Reads aloud DPW Activity Report for April. Important Items as Follows:
- NJ Health Department conducted a surprise inspection of the recycling facilities. No fines were issued, but were required to barricade recycle bins. Also installed signage indicating hours of operation (M – F, 7am – 3pm)
- Recycling tonnage report submitted to Tom Herits for his approval and submission to the state.
- DPW repaired panic button alarm wiring in Court Room. (Cost savings of \$575 – quoted estimate received to repair).
- Due to a mild winter with minimal sanding and salting, DPW will be cleaning the streets instead of contracting a street sweeper. (Cost savings of \$800)
- Thank you to Mr. Caponetta, Oxford Crossing resident for donating a Refrigerator for the Municipal Building kitchen.
- Our two water towers were inspected at a cost savings of \$3,000. Thanks to Jim Mastrokalos Water Supervisor for finding this vendor.
- After heavy rain last week, the municipal building roof had leaked into the kitchen. Would like to move forward and have engineer obtain bids for new roof.

Mayor and Council agree. Resolution will be added to agenda.

Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- April 28th is Operation Take Back N.J. - turn in your unused and expired medications in the Police Station from 10:00 AM – 2:00 PM.
- Reads aloud Tax Collector's Annual Report of Uncollectable Taxes for 2012. At the time of the report, there are no properties believed to be uncollectable.
- Greater Monmouth Chamber of Commerce in conjunction with Brunswick Bank and Trust is holding a "Meet and Greet" on April 30th from 5:30 – 7:30 at the Knights of Columbus Hall on LaSatta Avenue. Previously changed from April 17th.
- Last reminder the Turning 180 Domestic Violence organization is participating in "Denim Day" April 26th. For a donation of \$5.00 you wear jeans in support of this great cause. The Administrative staff will be participating and anyone else interested please see me.
- Thank you to Sue Newman of Bailey Court for donating 2 park quality baby swings to the Borough. DPW Department has installed them in Sanford Park.

Republican Candidate Interviews

Mayor Reynolds asks Republican Committee recommended candidates Elizabeth Klein and Lou Sarti Jr. (Russell L. Armine not in attendance) to give a brief introduction and answer any questions council may have. Elizabeth Klein and Lou Sarti Jr. introduce themselves. There were no questions.

Mayor Reynolds calls for a brief executive session at this time.

Executive Session

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

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

1. Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records or personal material including health records, legal defense, insurance, etc;
4. Any collective bargaining agreement or terms and conditions related thereto;
5. Any matter involving the purchase, lease or acquisition of real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required;

8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee, employed or appointed by the public body;
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit; and

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

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 8 of N.J.S.A. 10:4-12b is required to discuss candidates recommended from the Republican Committee to fill vacant council seat.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 25th day of April, 2012 pursuant to Section 8 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/Cooke

Seconded By: C/Robilotti

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

Nays: None

Abstain: None

Absent: C/Krawiec

The time being 7:10 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/Wojyn. Passed unanimously.

The time being 7:21 P.M.

NOMINATION TO FILL VACANT COUNCIL SEAT: LOU SARTI JR

Motion to nominate Lou Sarti, Jr. was offered by C/Cooke and seconded by C/Robilotti. No other nominations were made.

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

At this time Attorney Youssouf administers Oath of Office to Councilman Lou Sarti, Jr.

Public Portion – Agenda Items

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

Kathy Bien – Main Street regarding the CDBG Grant Application, does Englishtown meet all the requirements to apply? Engineer Tom Herits to explain.

Kathy Bien – in regard to the new computers being installed, will they have restrictions for employee activity. C/Wojyn answers yes.

Tom Herits – Borough Engineer in regard to the CDBG Grant, explains the Borough of Englishtown is only qualified for ADA (Americans with Disability Act) compliant projects like crosswalks, and ADA compliant playground equipment which we can apply for in the future when new equipment is needed.

Lt. Cooke (Englishtown Police Department) had mentioned to the Municipal Clerk and the Borough Engineer the need for ADA compliant crosswalks due to two residents that have been struck by automobiles in the past couple of years on the heavily traveled Borough Streets. Intersections have been identified and submitted to the Municipal Clerk and Borough Engineer.

Tom Herits also feels this project will help all who use them as they will be fully ADA compliant with ADA compliant ramps being properly marked and having proper signage approaching them from both directions.

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

Old Business

**BOROUGH OF ENGLISHTOWN PUBLIC HEARING & ADOPTION
ORDINANCE NO. 2012-03**

**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 2.5% 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 2012 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 3.5% increase in the budget for said year, amounting to \$54,373.00 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 2012 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 \$54,373.00 and that the CY 2012 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,

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

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2012-04 will be held at the May 23, 2012 council meeting.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-079**

**RESOLUTION OF N.J.L.M. FOR MUNICIPAL ENLISTMENT
IN THE MILITARY INITIATIVE**

WHEREAS, on Tuesday, January 24, the Commander-in-Chief of our Armed Forces reminded all Americans that, “Above all, our freedom endures because of the men and women in uniform who defend it,” and that “... this generation of heroes has made the United States safer and more respected around the world.”; and

WHEREAS, the President, further, promised, “As they come home, we must serve them as well as they’ve served us. That includes giving them the care and the benefits they have earned ... And it means enlisting our veterans in the work of rebuilding our nation.”; and

WHEREAS, National Guard and Reserve forces today total over 1 million service members and represent 48 percent of our total military force; while every day around the globe, thousands of men and women in uniform, including dedicated members of the National Guard and Reserves, risk their lives and make great sacrifices to defend our national interests, serving extended tours away from their homes, families and jobs; and

WHEREAS, at the same time, we are now seeing unprecedented levels of unemployment and underemployment among members of the Guard and Reserve, as up to 22 percent of Guard and Reserve members face unemployment; and

WHEREAS, in this time of economic uncertainty, the Employer Support Guard and Reserve (ESGR) is focusing on connecting employers with the talented pool of service members and their spouses, with the intent of facilitating meaningful employment opportunities; and

WHEREAS, to further this goal, the New Jersey ESGR has launched an Employment Initiative Program (EIP), which is a collaborative effort with federal agencies including the Department of Labor (Veterans Affairs), the Department of Veterans, the Small Business Administration and the Office of Personnel Management; and

WHEREAS, the goal is to enhance the employment process and serve as an effective resource for service members and employers. ESGR is also partnering with Employer Partnership of the Armed Forces (EPAF) through EIP with a high-tech and high-touch approach; and

WHEREAS, for almost a year, now, the United States Chamber of Commerce has also endeavored to find employment for our returning veterans and the spouses of those who continue to serve, at home and abroad, with its Hiring Our Heroes program; and

WHEREAS, the Hiring Our Heroes program is a nationwide effort to help veterans and military spouses find meaningful employment, in partnership with the Department of Labor Veterans Employment and Training Service (DOL VETS), to improve public-private sector coordination in local communities, where veterans and their families are returning every day; and

WHEREAS, despite those efforts, the unemployment rate for veterans of our Armed Forces in our Nation and in our State continues to exceed the over-all rate; and

WHEREAS, in order to take the lead on advancing the EIP to the next level, the New Jersey ESGR has enlisted strong and positive support from corporate leaders, the New Jersey State Chamber of Commerce, US Dept. of Labor/VETS and the New Jersey League of Municipalities; and

WHEREAS, it is incumbent on all of us to prove that New Jersey cares for the men and women in uniform who risk their lives and make great sacrifices to defend our national interests; and

WHEREAS, this employment initiative can be New Jersey's way of saying thank you to the men and women who made great sacrifices to protect our nation's freedom; and

WHEREAS, local officials throughout the State of New Jersey, working together through the League of Municipalities, and with the New Jersey ESGR, their local and State Chambers of Commerce, and local business leaders can help to advance basic fairness to our vets and their families by pursuing one simple goal: to allow America's over one million unemployed veterans and military spouses to follow their dreams, instead of spending their lives just trying to catch up;

NOW, THEREFORE, BE IT RESOLVED, on this 25TH day of April, that the Mayor and Council of the Borough of Englishtown recognizes that we will never be able to repay the debt we owe to all members of our armed forces; and

BE IT FURTHER RESOLVED, that in gratitude, the Borough of Englishtown pledges its enthusiastic and unqualified support for the Employment Initiative Program of the New Jersey Employer Support Guard and Reserves; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the New Jersey State League of Municipalities and to our neighboring municipalities.

Offered by: C/Robilotti

Seconded by: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-080**

**AUTHORIZATION ALLOWING AERIAL SPRAYING OF PESTICIDES
BY MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION**

WHEREAS, the Governing Body of the Borough of Englishtown in the County of Monmouth, State of New Jersey, a municipal corporation, does hereby authorize the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Englishtown; and

WHEREAS, we understand that all pesticides used are registered with the NJDEP for aerial application by the State and the USEPA.

WHEREAS, it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Englishtown that this approval is subject to the Monmouth County Mosquito Extermination Commission notifying the local police department prior to each and every application.

Offered by: C/Robilotti

Seconded by: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-081**

**AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO ACCESS
AGREEMENT FOR SOVEREIGN BANK MONITORING WELL**

WHEREAS, in 2008, Environmental Liability Management, Inc. requested permission from the Borough of Englishtown to enter the premises at 15 Main Street for the purpose of installing a second monitoring well to be located in the grass covered area in front of the Englishtown Municipal Building; and

WHEREAS, the Borough of Englishtown and Sovereign entered into an Access Agreement dated April 24, 2008 – April 24, 2010, granting Sovereign a license to enter onto the premises owned by the Borough of Englishtown to perform a specific scope of work as defined in the Agreement

WHEREAS, on February 24, 2010, a first amendment to the access agreement was executed, authorizing an extension through April 24, 2012; and

WHEREAS, Sovereign desires to once again amend the terms of the agreement to extend the term of the Agreement and the license created to enable Sovereign to continue its efforts to achieve a Response Action Outcome (RAO) for the petroleum or petroleum-related substances in groundwater beneath the former Sovereign Bank branch at 14 Main Street, Englishtown, N.J.; and

WHEREAS, the term of the Agreement and the License created thereby shall be extended for one term of two years beginning on April 24, 2012 and ending April 24, 2014.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown that the Mayor and Municipal Clerk shall be authorized to execute the second amendment to the access agreement

Offered by: C/Robilotti

Seconded by: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-082**

TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough Council of the Borough of Englishtown desires to establish a 2012 Temporary Capital Budget of said municipality by inserting or correcting therein:

Refunding Bond Ordinance
Tax Appeal Settlement

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

SECTION 1. The 2012 Temporary Capital Budget of the Borough of Englishtown is hereby established by the adoption of a schedule to read as follows:

Temporary Capital Budget of the Borough of Englishtown
County of Monmouth, New Jersey

Projects Scheduled for 2012
Tax Appeal Settlement

Method of Financing

Project No.	Estimated Total Cost	Capital Impr. Fund	Grants In Aid and Other Funds	General Bond
06	85,000	0.00	0.00	85,000

SECTION 2. The Clerk is authorized and directed to file a certified copy of this resolution with the Borough Chief Financial Officer, Borough Auditor and two (2) certified copies to the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2012 Temporary Capital Budget, to be included in the 2012 Permanent Capital Budget as adopted.

Offered By: C/Robilotti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-083**

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to the need for various operating expenses prior to the adoption of the 2012 Budget and no adequate provision has been made in the 2012 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 2012 pursuant to the provisions of Chapter 96, P.L.1951 (N.J.S.A.40A:4-20) including this resolution total \$304,500.00

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 \$73,919.00 as per attached sheet.
2. Said emergency temporary appropriations will be provided for in the 2012 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/Rucker

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

Nays: None

Abstain: None

Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-084**

AUTHORIZATION OF PURCHASES OVER \$2625.00

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:

2011 LOSAP Obligation (32 eligible members) - \$3,200.00

Services From:

Lincoln Financial Advisors
395 W. Passaic Street
4th Floor
Rochelle Park, N.J. 07662-3016

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/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-085**

AUTHORIZATION OF PURCHASES OVER \$2625.00

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 Projects – Totaling \$30,227.00

Breakdown:

Chlorine Feed Upgrades	\$5,477.00
Lime Feeder Overhall	\$5,000.00
Plant Facility Painting	\$8,500.00
Plant Building Painting	\$3,750.00
WT Plant Electrical Safety	\$7,500.00

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/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-086**

AUTHORIZATION OF PURCHASES OVER \$2625.00

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 Dept. - Internal/External Water Tank Inspections - \$3,980.00

Services From:

Acuren Inspections, Inc.
455 Main Street
Bldg 1 Suite A
Deep River, CT 06417

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/Wojyn

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

Nays: None

Abstain: None

Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-087**

**RESOLUTION TO PURSUE CDBG (COMMUNITY DEVELOPMENT BLOCK)
GRANT PROGRAM FOR 2013 PROJECT**

WHEREAS; a citizen participation group meeting and public hearing was held on April 25th at 6:00 PM in the Municipal Building 15 Main Street; and

WHEREAS; ideas were requested of those in attendance; and

WHEREAS; Lt. Peter Cooke and Engineer Tom Herits are requesting ADA (Americans with Disability Act) accessible crosswalks at eight locations in the Borough for the safety of pedestrians.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey agrees this recommendation be pursued through the Community Development Block Grant Program for 2013 projects.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Englishtown, that the Borough Engineer is hereby authorized to prepare and submit said CDBG application on behalf of the Borough of Englishtown.

Offered By: C/Robilotti

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-088**

**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 \$613,094.20 are hereby authorized to be paid on April 25, 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/Cooke

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

Nays: None

Abstain: C/Sarti

Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-089**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN,
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. 40A:2-51 AND N.J.S.A. 40A:2-55 IN
CONNECTION WITH THE ISSUANCE OF NOT TO EXCEED \$85,000
AGGREGATE PRINCIPAL AMOUNT OF REFUNDING BONDS,
SERIES 2012**

WHEREAS, THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (the "Borough") desires to make an application to the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs (the "Local Finance Board") for its approval of a refunding bond ordinance authorizing the payment of

tax appeal settlements with a taxpayer for taxes levied in the Borough through the issuance of not to exceed \$85,000 aggregate principal amount Refunding Bonds, Series 2012; and

WHEREAS, the Borough believes that:

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

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

Section 1. The application (the "Application") to the Local Finance Board is hereby approved, *nunc pro tunc*, and the Borough's Bond Counsel, Wilentz, Goldman & Spitzer, P.A. ("Bond Counsel"), along with other officials and representatives of the Borough are hereby authorized and directed to prepare and submit such Application, *nunc pro tunc*, and to represent the Borough in such matters pertaining thereto.

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

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

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

Section 5. This resolution shall take effect immediately.

Offered By: C/Robilotti

Seconded By: C/Cooke

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

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-090**

**STATEMENT OF SUPPORT FOR
THE NEW JERSEY/NEW YORK CLEAN OCEAN ZONE**

WHEREAS, the New York/New Jersey Bight is defined as the waters from Montauk Point, New York, to Cape May, New Jersey, offshore to the outer edge of the Continental Shelf (to depths of 1,000 fathoms), consisting of over 19,000 square miles of the Mid-Atlantic Ocean; and

WHEREAS, the diversity of life in the NY/NJ Bight is unique in the world; more than 300 species of fish, nearly 350 species of birds, 5 species of sea turtles, and many marine mammals (including over 20 species of whales and dolphins, 1 species of porpoise, and 4 species of seals) frequent this region and the habitat found in the NY/NJ Bight serves as an essential migratory pathway for many of these species; and

WHEREAS, this ecological richness depends on protecting the quality of the environment; and

WHEREAS, the NY/NJ Bight sustains the economy of the region through its bounty of natural resources and intrinsic values for millions of people through tourism and recreation and is home to the nation's largest commercial port on the east coast and the thousands of industries related to, and dependent on, tourism and trade; and

WHEREAS, recreational and commercial fisheries provide enormous economic benefits, both in food production and recreational activities, therefore the continued use of these renewable natural resources in accordance with existing laws must be supported and enhanced; and

WHEREAS, our waters were known as the "ocean-dumping capitol of the world" due to eight ocean dumpsites, including an area called the "dead sea" (a 20-mile area created by excessive sewage and toxic muck dumping), beaches were littered with garbage, medical waste, and sludge balls, and water quality was so poor that it was unsafe for swimming. These activities all caused an ecological and economic crisis; and

WHEREAS, organizations, businesses, and citizens rallying to defend these precious resources and working to improve and protect the waters of the NY/NJ Bight, resulted in an end to ocean dumping and dramatically improved water quality, proves that citizens can positively impact their quality of life; and

WHEREAS, the NY/NJ Bight is downstream of, and receives pollution from, the most densely populated, industrialized, and urbanized area in the country which spews

millions of gallons of contaminated wastewater and toxic sediments into the ecosystem each year threatening the vast ecological richness of the Bight and public health; and

WHEREAS, the NY/NJ Bight continues to be vulnerable to polluting and industrializing activities on a permit-by-permit basis, which is unproductive, and not sustainable. These destructive activities undermine the ecological and economic potentialities to sustain living marine resources in the NY/NJ Bight and must be prohibited; and

WHEREAS, current federal, state, and local laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from pollution and habitat-destroying activities, and our elected officials must strive harder to protect the NY/NJ Bight; and

WHEREAS, it is time to lock-in the tremendous path of progress which has led to far-reaching improvements in our ocean water quality and lock-out environmentally harmful activities, thereby ensuring the continued economic and ecological value of the ocean today and for future generations; and

WHEREAS, a logical and essential next step is to use federal and state regulatory and legislative opportunities to designate the NY/NJ Bight as the “**New Jersey/New York Clean Ocean Zone**,” which would:

REDUCE POLLUTION:

1. Prohibit new ocean dumpsites.
2. Mandate capping of the Historic Area Remediation Site (HARS) -- formerly the Mud Dump Site -- with progressively cleaner sediment to ensure the remediation of the HARS and to protect against adverse ecological effects.
3. Prohibit new point sources of pollution (under the federal Clean Water Act definition) and increases of discharge capacity (e.g., wastewater discharge outfalls, industrial discharges).

PROTECT MARINE ECOSYSTEMS:

4. Protect valuable sand and gravel resources by prohibiting industrial strip-mining, while allowing beach replenishment activities.
5. Prohibit industrial and non-renewable energy facilities and infrastructure, including oil and gas exploration, development, and production, and liquefied natural gas import/export facilities.
6. Require the development of responsible regulations for siting renewable energy facilities and ensure that any leases, easements, right-of-ways, or permits issued to establish a renewable energy facility do not unreasonably degrade or endanger human health or the marine environment individually or cumulatively.

SUPPORT MARINE RESOURCES & USES:

7. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions for recreational or commercial fishing.
8. Support approved federal and state artificial reefs, and support underwater scientific and historic research and exploration that does not adversely affect the ecosystem.
9. Support, celebrate, and sustain maritime activities that depend on a healthy and clean ocean, such as boating, underwater diving, fishing, surfing, swimming, and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

THEREFORE, BE IT RESOLVED that, on this date, April 25, 2012 the Mayor and Council of the Borough of Englishtown hereby supports the *New Jersey/New York Clean Ocean Zone* that would permanently protect the waters of the New York/New Jersey Bight from the aforementioned polluting and habitat-destructive activities, thereby safeguarding the waters in this region for present and future generations.

Offered By: C/Robilotti

Seconded By: C/Sarti

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-091**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER
TO PREPARE BID SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS
FOR REPLACEMENT OF MUNICIPAL BUILDING AND
WATER TREATMENT PLANT ROOFS**

WHEREAS, the Borough of Englishtown desires to replace the existing roof on the Municipal Building and 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, State of New Jersey that the Borough Engineer is hereby authorized to prepare bid specifications, advertise and receive bids for the roof replacement for the Municipal Building and Water Treatment Plant.

Offered By: C/Robilotti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-092**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF ENGLISHTOWN AMENDING RESOLUTION
NO. 2012-073 INTRODUCING THE MUNICIPAL BUDGET FOR
FISCAL YEAR 2012 AND SCHEDULING A PUBLIC HEARING
FOR THE BUDGET**

WHEREAS; On March 28, 2012 the Mayor and Council of the Borough of Englishtown introduced a proposed budget for fiscal year 2012 and stipulated that said budget be published in the April 12, 2012 edition of the Asbury Park Press; and

WHEREAS; The requisite publication of budget hearing did not appear in the April 12th edition of the Asbury Park Press; and

WHEREAS; N.J.S.A. 40A:4-6 requires that the municipal budget shall be advertised in the official newspaper of the municipality "...at least 10 days prior to the date fixed therefore..."; and

WHEREAS; Compliance with the requirements of N.J.S.A. 40A:4-6 is mandatory and not discretionary.

NOW, THEREFORE BE IT HEREBY RESOLVED that the budget hearing scheduled for April 25th is adjourned to May 23, 2012.

BE IT FURTHER RESOLVED that the notice of the adjourned date of the budget hearing be published in May 9, 2012 edition of the Asbury Park Press.

Offered by: C/Robilotti

Seconded by: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Krawiec

Tax Collector's Report

March 2012

2012 Taxes	\$27,947.28
2011 Taxes	500.00
Outside Lien Redemption	28,281.64
<u>Interest</u>	<u>378.14</u>
Net Receipts	\$57,107.06

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/Robilotti and seconded by C/Rucker. Passed unanimously.

Adjournment

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

The time being 7:50 P.M.

May 23, 2012
Approved by Governing Body

Municipal Clerk