

AUGUST 22, 2012

**** PUBLIC HEARING ****

6:00 P.M.

1. Public Hearing: Monmouth County Municipal Open Space Grant Program
Application to obtain County Open Space Trust Funds to fund the Municipal
Parking Lot Project, 17 Main Street Block: 25, Lot: 20

The public hearing was called to order by Mayor Reynolds at 6:08 P.M.

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

Also present were Peter Gorbatuk, Municipal Clerk, Laurie Finger, Borough Administrator and Tom Herits, Borough Engineer.

Public Hearing

Tom Herits, Borough Engineer explains the contents and purpose of the Grant Application being submitted to the Monmouth County Municipal Open Space Grant Program.

Mayor Reynolds opened the floor to the public for questions or comments on the application to obtain County Open Space Trust Funds to fund the land acquisition at 17 Main Street Block:25, Lot: 20:

Kathy Bien resident of 7 Main Street asks why have parking for Weamaconk Lake, and Sanford Park, is it necessary? What is going on in Sanford Park that we need parking?

C/Cooke responds Sanford Park is used regularly for softball, football, soccer and other recreational activities. Parking is limited with the overflow cars parking on the residential streets. The walk would be minimal to get to Sanford Park or Weamaconk Lake since 17 Main Street is central to each location.

Kathy Bien says the town needs a plan for holding events and if no plan, why do you need additional parking?

C/Cooke says if we had the parking we would be able to hold different events and have adequate parking for both the park and the lake and I am looking forward to additional activities at the Park and Lake.

Mayor Reynolds says this is a land acquisition and we have a deadline to submit the application for the Grant. We are hoping to get the Grant to offset the cost of the land acquisition. We would have to use the Grant within two years of the award for its intended purpose.

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

**** 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:
 - Tracy Station Water Connection
 - Review of Municipal Building & Water Plant Roof Bids
 - 2013 DOT Grant Recommendations
 - Recycling Contract –Cardboard/High Grade Paper Pick up List Clarification
3. Adjournment

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

Roll Call: Present: C/Cooke, C/Rucker, C/Sarti, C/Wojyn
Absent: C/Krawiec, * C/Robilotti (arrives at 7:10)

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

Discussion Items:

Tracy Station Water Connection:

Jim Mastrokalos Water and Sewer Superintendent states due to the poor water quality at Tracy Station and the Borough pipe is present due to the interconnection with Gordon's Corner Water, there would be no expense for these connections to the Borough. This would also increase the flow of the water throughout the pipe. There is no other location in the Borough that can service any other outside residents.

Review of Municipal Building & Water Plant Roof Bids:

Borough Engineer Tom Herits informed Council the bids for the Municipal Building and Water Plant roofs that were received on August 10, 2012 came in higher than expected. B/A Finger stated due to insufficient funding an amendment to the Bond Ordinance is needed in the amount of \$106,000. Recommendation is to reject all bids this evening and rebid after funds are available.

2013 DOT Grant Recommendations:

Engineer Tom Herits offered the following roads for submission of a grant to DOT for 2013 as follows: 1. Hospitality Way 2. Pine Street 3. West Dey Street 4. Carriage Lane.

Also he will submit the Safe Sidewalks for Park Avenue and Conover Street.

Council agrees this will be on the September 24th meeting as a resolution.

Recycling Contract –Cardboard/High Grade Paper Pick up List Clarification:

Municipal Clerk asked the Governing Body what businesses are included in the Bid Specs for recycling concerning Commercial Cardboard & High Grade Paper? Discussion to include all businesses, eliminate all businesses and or include a commercial surcharge. Mayor directed the Municipal Clerk to review which businesses are not currently listed and find out how they dispose of their recycling and cost. To be finalized at the September 24th meeting.

Engineer Tom Herits asks about the street name for Jewel Ridge. The developer has Erica Court however the Council has the right to name the street. C/Cooke recommends Matlosz Court. Council agrees.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Rucker, seconded by C/Sarti. Passed unanimously. The time being 7:25 P.M.

**** 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. Approval of Minutes
 - July 25, 2012
 - July 25, 2012 Executive Session Minutes
5. Committee Reports
6. Correspondence
7. 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. Old Business:
 - A. Ordinance No. 2012-10 – Public Hearing & Adoption
Amending & Supplementing Title 2 “General Legislation” of the Code of the Borough of Englishtown Adding New Chapter 2.135 “Precious Metals and Gems”
 - B. Ordinance No. 2012-11 – Public Hearing & Adoption
Amending & Supplementing Chapter 2.66 Entitled “Curfew” of the Code of the Borough of Englishtown Adding New Section Entitled “Halloween Curfew”
10. New Business:
 - A. Resolution No. 2012-114
Resolution in Support of Appealing Decision of New Jersey Tax Court Appellate Division - Verizon
 - B. Resolution No. 2012-115
Authorizing the Borough of Englishtown to Advertise & Solicit Proposals for Garbage Collection Purposes

- C. Resolution No. 2012-116
Authorizing the Borough of Englishtown to Advertise & Solicit Proposals for Recycling Collection Purposes
 - D. Resolution No. 2012-117
Rejection of Bids for the Replacement of the Municipal Building & Water Treatment Plant Roofs
 - E. Resolution No. 2012-118
Granting Approval for Raffle Application No. RA 2012-01-
Knights of Columbus
 - F. Resolution No. 2012-119
Authorizing Refund of Property Taxes Due to Tax Court Judgment
 - G. Resolution No. 2012-120
Authorizing Refund of Property Taxes Due to Tax Court Judgment
 - H. Resolution No. 2012-121
Authorizing Refund of Property Taxes Due to Tax Court Judgment
 - I. Resolution No. 2012-122
Authorizing Redemption of Municipal Tax Sale Certificate
 - J. Resolution No. 2012-123
Authorizing Refund of Property Taxes Due to Duplicate Payment
 - K. Resolution No. 2012-124
Awarding Contract for Reconstruction of LaSatta Ave. & Mt. Vernon Rd.
 - L. Resolution No. 2012-125
Authorizing Payment of Borough Bills
- 11. Tax Collector's Report – July 2012
 - 12. Public Portion
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
 - 13. Executive Session
 - 14. Adjournment

The meeting was called to order by Mayor Reynolds at 7:30 P.M.

Roll Call: Present: C/Cooke, C/Robilotti, C/Rucker, C/Sarti, 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.

Approval of Minutes –

There being no corrections, deletions or additions, a motion to approve the July 25, 2012 meeting minutes was offered by C/ Robilotti and seconded by C/Wojyn. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the July 25, 2012 Executive Session minutes was offered by C/Robilotti and seconded by C/Wojyn. Passed on the following roll call:

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

- September 11th 2012 Patriots Day Memorial Service will be at 7:00 PM at the Englishtown Fire House, 3 South Main Street.

Administration, Finance & Personnel

Councilman Wojyn reports:

- Administration is presently looking for a better phone service contract to reduce expenses.

Public Safety

Councilwoman Robilotti has nothing to report at this time.

Legislative, Insurance & Licenses

Councilman Sarti has nothing to report at this time.

Public Buildings & Grounds

Councilman Rucker reports:

- Reads DPW Activity report for August. Available for public viewing in the Clerk's office.
- Asked Mayor and Council for approval for two pine trees next to Weamaconk Lake to be cut down. The trees are owned by the Borough and are hanging over the adjacent property, 18 Park Avenue. The owner of the property will pay for the removal of the trees. Council agrees, resolution to be added to this evening's agenda.

Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- Monmouth County Health Department has scheduled the FLU shot clinic for September 27, 2012 at 10:00 AM – 11:00 AM. \$25.00 if no insurance. Will provide a list of acceptable insurances at a later date. Medicare is covered however you must have your Medicare Card.
- County Freeholder Meeting will be tomorrow at 7:00 PM in our Council Chambers. All are invited to attend.

CFO Report

Laurie Finger, CFO reports:

- The Refunding Bond for the Tax Appeal Refund to BAL was sold to the Borough of Englishtown Water Utility on July 30th in the amount of \$85,000 at an interest rate of 0%. This bond matures on February 15th with Principal Payments being made in 2013, 2014 and 2015 in the amount of \$28,333 each year.

Public Portion – Agenda Items

Mayor Reynolds opens the floor to the public for discussion limited to agenda items only. Offered by C/Cooke and seconded by C/Sarti.

Lt. Peter Cooke reads police activity report for July. Available for public viewing in the Clerk's office. Would also like Council to consider a conditional resolution for the hiring of a Special Police Officer.

Wayne Krawiec asks if the five houses on LaSatta Avenue will be notified of the available water hook ups before paving due to the five year moratorium after paving. Mayor Reynolds says letters will be sent out to notify the residents involved.

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

Old Business

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2012-10**

PUBLIC HEARING & ADOPTION

AN ORDINANCE AMENDING AND SUPPLEMENTING TITLE 2 “GENERAL LEGISLATION” OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ADDING NEW CHAPTER 2.135 “PRECIOUS METALS AND GEMS”

Be it Hereby Ordained by the Mayor and Council of the Borough of Englishtown That TITLE 2 GENERAL LEGISLATION is hereby amended to include Chapter 2.135 “Precious Metals and Gems” as follows:

ARTICLE I

Section 2.135-1 License Required: No individual person, partnership or corporation shall engage in the business of purchasing precious metals and gems and all forms of previously owned jewelry without first obtaining a license from the Borough Clerk.

Section 2.135-2 Advertising: Advertising in any print or electronic media or by sign that precious metals and/or gems are being bought in any location within the Borough of Englishtown shall constitute engaging in business for the purposes of this ordinance. No person shall place or cause to be placed any advertisement for the purchase of precious metals, gems or previously owned jewelry without stating in such advertisement the license number issued by the Borough Clerk. Failure to state or indicate the license number shall be a violation of this ordinance.

Section 2.135.3 Identification of Sellers: All licensees shall require of each person selling precious gems and/or metals suitable identification as to the seller. All licensees shall issue to each seller a serially numbered receipt setting forth the following information:

- (a) A description of the items, including the price at which it is being purchased.
- (b) A statement of any identifying marks such as inscriptions, serial numbers, series numbers or any other information appearing calculated to set apart the particular object from others of like kind.
- (c) If the item is purchased by weight, the troy ounce weight of the item.
- (d) The name of the clerk or employee of the licensee making the transaction.
- (e) The name, address, sex, date of birth, social security number or driver’s license of the seller.
- (f) A receipt book shall be maintained in the regular course of business of the licensee.

Section 2.135.4 Time limit for disposal of merchandise: No person regulated by this Ordinance shall sell, melt down or otherwise dispose of any merchandise covered by this Ordinance, purchased by such person, until after the expiration of 30 days from the filing of a

report pursuant to this ordinance, provided however, that no such waiting period shall be required if the merchandise is purchased from a person regularly engaged in the business of buying and selling precious metals and licensed and regulated pursuant to an ordinance of another municipality similar to this ordinance requiring a similar waiting period

Section 2.135.5 Maintenance of records; display of license: Each licensee shall maintain duplicate copies of all seller receipts issued pursuant to this ordinance in legible form, for a period of at least two (2) years from the date of the transaction. This license shall be posted in a conspicuous location at the place of business. Within 36 hours of any purchase, the licensee shall deliver to the Borough Police Department a list of all items purchased. Said list shall contain a description of each item, any identifying numbers or inscriptions, the time and date of purchase and the name and address of the seller.

Section 2.135.6 Bond required: Within ten days of the issuance of a license, each licensee shall deliver a bond to the Borough Clerk executed by the applicant as principal, with a surety company authorized to do business in the State of New Jersey as surety. The bond, to be approved by the Borough Attorney, shall be in the penal sum of \$10,000.00 continued for the due and proper observance of and compliance with the provisions and requirements of this ordinance and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the licensee licensed under this ordinance by reason of any damage sustained by any such person as a result of the operations of the licensee under this ordinance, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: *“The obligation of this bond shall, in addition to the Borough of Englishtown, be and remain for the benefit of any person who shall obtain a judgment against the obligor as a result of damage sustained in operation pursuant to any license granted under Borough Ordinance.”* Said bond shall be kept in force for a minimum period of one year from the date of issuance of the license and must be renewed annually along with the license.

Section 2.135.7 License fee, renewal of licenses: The fee for initial application and license shall be \$100.00, nonrefundable. Each annual renewal fee shall be \$25.00, nonrefundable. Each license issued hereunder shall remain valid for a period of one year from the date of its initial issuance.

Section 2.135.8 Violations and penalties: Any person, partnership, business entity or corporation found in violation of the terms and provisions of this ordinance shall be subject to a fine not to exceed \$500.00, and imprisonment not to exceed 30 days, or both in the discretion of the court.

ARTICLE II

SEVERABILITY

Should a court of competent jurisdiction hold any portion, section or subsection of this ordinance invalid or unconstitutional, 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 III

EFFECTIVE DATE

This ordinance amendment shall take effect upon final passage and after publication as required 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/Rucker and seconded by C/Sarti. Passed unanimously.

Adoption

A motion to adopt Ordinance No. 2012-10 above titled, was offered by C/Rucker and seconded by C/Cooke. Passed on the following roll call:

Offered By: C/Rucker

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
ORDINANCE NO. 2012-11**

PUBLIC HEARING & ADOPTION

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.66 ENTITLED
“CURFEW” OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ADDING NEW
SECTION ENTITLED “HALLOWEEN CURFEW”**

Be it Hereby Ordained by the Mayor and Council of the Borough of Englishtown that Chapter 2.66 is hereby amended to include Article II “Halloween Curfew” as follows:

**[New] ARTICLE II
“Halloween Curfew”**

[New Section] 2.66.08 “Curfew”:

No person under the age of eighteen (18) years shall be upon any of the public streets, parks or other public places in the Borough of Englishtown, either on foot or in or upon any type of conveyance, unless such person is accompanied by his or her parent, guardian or legal custodian, between the hours of 8:00 p.m. and 6:00 a.m. on October 30th and October 31st.

[New Section] 2.66.09 “Trick or Treating Curfew”:

Trick or Treating is limited to October 31st, terminating at 8:00 p.m. No person, regardless of age, shall participate in the traditional Halloween activity of trick-or-treating within the Borough of Englishtown after 8:00 p.m.

[New Section] 2.66.10 “Exceptions”:

The provisions of this article shall not be applicable to any person under the age of eighteen (18) years during the time necessarily required for such person to travel from:

- A. A place of employment at which such person may be gainfully employed; or
- B. A school or place of instruction at which such person may be in bona fide attendance; or
- C. A place at which a function may be held that shall be or had been sponsored by a religious, school, civic or other properly supervised event or program; or
- D. A place at which a bona fide, supervised, social meeting, gathering or assemblage is being held at a person’s residence.

[New Section] 2.66.11 “Parental Approval”:

Any parent, guardian, or legal custodian, who permits, consents to, approves or allows any person under eighteen (18) years of age to violate any provisions of this article shall likewise be guilty of a violation of this article.

[New Section] 2.66.12 “Violations and Penalties”:

Violators shall be required to perform community service and may be subject to a fine of up to one thousand dollars (\$1,000.00). If a juvenile and the juvenile’s parent, guardian, or legal custodian violates this article, they both shall be subject to a fine of up to one thousand dollars (\$1,000.00), and shall be required to perform community service together.

SEVERABILITY

Should a court of competent jurisdiction hold any portion, section or subsection of this ordinance invalid or unconstitutional, 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.

EFFECTIVE DATE

This ordinance amendment shall take effect upon final passage and after publication as required 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/Cooke and seconded by C/Wojyn. Passed unanimously.

Adoption

A motion to adopt Ordinance No. 2012-11 above titled, was offered by C/Robilotti and seconded by C/Rucker. Passed on the following roll call:

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

New Business

BOROUGH OF ENGLISHTOWN

RESOLUTION NO. 2012-114

**RESOLUTION IN SUPPORT OF APPEALING DECISION OF NEW JERSEY TAX
COURT APPELLATE DIVISION – VERIZON**

WHEREAS, Verizon has been successful in its case that was pending before the Honorable Gail Menyuk in the New Jersey tax court; and

WHEREAS, the success of Verizon adversely affects over 68 current municipalities in the State of New Jersey, including the Borough of Englishtown in that it eliminates certain properties from the tax rolls of the Borough of Englishtown and other small municipalities; and

WHEREAS, the League of Municipalities, on behalf of the Borough of Englishtown and other municipalities, is going to appeal the matter to the Superior Court of New Jersey, Appellate Division; and

WHEREAS, there has been a request that each municipality support the appeal and provide funding of \$220.00 for legal costs; and

WHEREAS, the Borough of Englishtown feels it is vital to the citizens of the Borough of Englishtown in order to protect their health, safety and welfare to participate in the appeal and to provide funding therefore in the amount of \$220.00.

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

1. The Borough Council supports the League of Municipalities' position in relation to the Hopewell case in appealing the decision of the Honorable Gail Menyuk of the New Jersey Tax Court to the New Jersey Superior Court, Appellate Division.
2. The Borough authorizes funding in the amount of \$220.00 to help offset legal fees in relation to the appeal in question.
3. The within resolution is subject to availability of funds as certified by the Chief Financial Officer.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Mr. Bill Dressel, Executive Director of the New Jersey State League of 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. 2012-115**

**RESOLUTION AUTHORIZING THE BOROUGH OF ENGLISHTOWN
TO ADVERTISE AND SOLICIT PROPOSALS FOR
GARBAGE COLLECTION PURPOSES**

WHEREAS, the Borough of Englishtown is a duly organized Municipal Corporation of the State of New Jersey; and

WHEREAS, the Borough of Englishtown and its residents are in need of garbage collection services; and

WHEREAS, prevailing New Jersey Law requires that prior to awarding a contract, the Borough advertise and solicit proposals from would-be contractors; and

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

1. That the Borough of Englishtown is hereby authorized to advertise and solicit standard and acceptable bids for garbage collection services.
2. That such advertising/soliciting shall conform with prevailing provisions of New Jersey Law.

3. That the Mayor, Clerk, Borough Engineer, Borough Attorney and any other appropriate representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution.
4. That within Resolution shall be effective immediately.

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. 2012-116**

**RESOLUTION AUTHORIZING THE BOROUGH OF ENGLISHTOWN
TO ADVERTISE AND SOLICIT PROPOSALS FOR
RECYCLING COLLECTION PURPOSES**

A motion to table Resolution No. 2012-116 until the September 24, 2012 council meeting was offered by C/Sarti and seconded by C/Cooke due to further clarification needed regarding commercial cardboard/high grade paper pick up. Passed on the following roll call:

Offered By: C/Sarti

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Krawiec

////////// TABLED \\\\\\\\\\\

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-117**

**RESOLUTION REJECTING BIDS FOR REPLACEMENT OF MUNICIPAL BUILDING
AND WATER TREATMENT PLANT ROOFS**

WHEREAS, The Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey received bids for the replacement of the Municipal Building and Water Treatment Plant Roofs on August 10, 2012; and

WHEREAS, the Borough received six (6) bids for the project, all of which substantially exceed the amount of funds appropriated; and

WHEREAS, the Local Public Contracts Law provides that a municipality may reject all bids when the lowest bid substantially exceeds the funds appropriated for the goods or services required.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, that all bids received for the replacement of the Municipal Building and Water Treatment Plant Roofs be and they are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2.

Offered By: C/Rucker

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. 2012-118**

**RESOLUTION OF THE MAYOR AND GOVERNING BODY
GRANTING APPROVAL FOR RAFFLE APPLICATION NO. RA 2012-01**

WHEREAS, the Knights of Columbus has applied to the Governing Body of the Borough of Englishtown for a raffle license for October 20, 2012; and

WHEREAS, the Knights of Columbus has paid all the proper fees to the Borough of Englishtown and submitted the proper fees to be forwarded to the Legalized Games of Chance Control Commission; and

WHEREAS, the Mayor and Governing Body of the Borough of Englishtown finds that the Knights of Columbus is a qualified applicant and the members of the Knights of Columbus are designated to conduct games of chance and are of good moral character and said members have never been convicted of a crime to the best of the Council's knowledge; and

WHEREAS, said games are to be conducted by the rules set forth by the Legalized Games of Chance Control Commission and the entire net proceeds are to be disposed of for a purpose permitted by the Raffle Licensing Law Act of 1954; and

WHEREAS, there is satisfactory proof that the Knights of Columbus will not make payment for the conducting of the game or assisting therein, except to the extent allowed by law; and

WHEREAS, The Knights of Columbus has stated that any rental to be paid for raffle equipment does conform to the schedule of authorized rentals prescribed by the rules of the Control Commission and the raffles equipment lessor, should there be one, has been approved by the Control Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that Raffle Application No. RA2012-01 for the Knights of Columbus be approved as required by N.J.A.C. 13:47-4.11 and forwarded to the Legal Games of Chance Control Commission as prescribed by N.J.A.C. 13:47-4.3 (b); and

BE IT FURTHER RESOLVED, that a copy of Raffle License RA2012-01 be forwarded by the Municipal Clerk to the Legalized Games of Chance Control Commission for their review and determination; and

BE IT FURTHER RESOLVED, on the fifteenth day after Raffle Application No. RA2012-01 has been forwarded to the Legalized Games of Chance Control Commission with no objections received, Raffle License No. RA2012-01 may be issued to the Knights of Columbus and copies of said license shall be distributed to the Licensee, the Municipal Clerk, and the Borough of Englishtown Police Dept.

Offered By: C/Rucker

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. 2012-119**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES
DUE TO TAX COURT JUDGEMENT**

WHEREAS, the Borough of Englishtown Tax Collector has reported an over-payment in 2010 taxes that needs to be refunded due to a County Tax Appeal judgment,; and

WHEREAS, per Tax Court Judgment Docket: 014636-2010, an overpayment in the amount of \$856.62, on property Block 21, Lot 10.03 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 \$856.62 to Michael I Schneck, Trust for Michael Sarcone 301 South Livingston Avenue Suite 105, Livingston, N.J. 07039; 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/Cooke, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-120**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES
DUE TO TAX COURT JUDGEMENT**

WHEREAS, the Borough of Englishtown Tax Collector has reported an over-payment in 2010 taxes that needs to be refunded due to a County Tax Appeal judgment,; and

WHEREAS, per Tax Court Judgment Docket: 014633-2010, an overpayment in the amount of \$1,453.37, on property Block 21, Lot 10 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 \$1,453.37 to Michael I Schneck, Trust for Michael Sarcone 301 South Livingston Avenue Suite 105, Livingston, N.J. 07039; 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/Rucker

Seconded By: C/Robilotti

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. 2012-121**

**RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES
DUE TO TAX COURT JUDGEMENT**

WHEREAS, the Borough of Englishtown Tax Collector has reported an over-payment in 2009, 2010, and 2011 taxes that needs to be refunded due to a County Tax Appeal judgment; and

WHEREAS, an overpayment in the amount of \$94,054.20, on property Block 1, Lot 1 – 49 Lasatta Avenue, Bal Governor’s Crossing, LLC located in the Borough of Englishtown should be refunded per the following Tax Court Judgments:

Tax Court Judgment Docket #	Overpayment Amount
000662-2009	\$18,576.62
001092-2010	\$31,285.11
000979-2011	\$44,192.47
Total Judgment	\$94,054.20

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 \$94,054.20 to Archer & Greiner, P.C. 700 Alexander Park Suite 102 Princeton, N.J. 08540; 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/Cooke

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. 2012-122**

AUTHORIZING REDEMPTION OF MUNICIPAL TAX SALE CERTIFICATE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has not been sold to an outside lien holder, therefore resulting in a municipal lien;

Tax Sale Certificate Number 11-00003
Block 26.02, Lot 8.01
1 Main Street
in the amount of \$28,426.25

WHEREAS, the above-mentioned certificate has been paid by Property owner Lucina Homes at Jewel Ridge, LLC in the amount of \$28,426.25, certified check # 2056539, on August 13, 2012.

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 the Mayor and Municipal Clerk to sign Tax Sale Certificate No. 11-00003 certifying cancellation of the record by the municipality and authorizing redemption of the municipal lien in the amount of \$28,426.25.

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/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. 2012-123**

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

WHEREAS, the Borough of Englishtown Tax Collector has reported an over-payment in 2012 taxes that needs to be refunded due to a duplicate payment; and

WHEREAS, per the tax collector, an overpayment in the amount of \$2,341.97 on property Block 26.02, Lot 2 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 \$2,341.97 to Adam & Judith Silver – 4 South Main Street, Englishtown, N.J; 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/Rucker

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. 2012-124**

**RESOLUTION AWARDING A CONTRACT FOR RECONSTRUCTION OF LASATTA
AVENUE & MT. VERNON ROAD**

WHEREAS, Englishtown Borough has received a grant from the NJDOT Trust Fund in the amount of \$235,000.00 for the project known as Reconstruction of LaSatta Avenue and Mt. Vernon Road; and

WHEREAS, the Borough advertised for bids, and received proposals on August 10, 2012 at 11:00 AM, in the Borough's offices, for the Project; and

WHEREAS, Earl Asphalt of Farmingdale, New Jersey is determined to be the lowest responsible bidder after careful review of all of the bids submitted, with a low bid of \$209,113.13; and

NOW THEREFORE BE IT RESOLVED, that the Borough Council awards a contract to Earl Asphalt of Farmingdale, New Jersey, in the amount of \$209,113.13, the total bid, for the reconstruction of LaSatta Avenue and Mt. Vernon Road.

BE IT FURTHER RESOLVED, that the award of the contract is conditioned upon the Borough Attorney's review and approval of the bid documents and contract, 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, Earl Asphalt, and the Borough's Chief Financial Officer.

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. 2012-125**

**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 \$1,101,555.09 are hereby authorized to be paid on August 22, 2012.
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/Cooke, C/Robilotti, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Krawiec

Tax Collector's Report

July 2012

2012 Taxes	\$190,101.39
2013 Taxes	277.25
<u>Interest</u>	<u>919.92</u>
Net Receipts	\$191,298.56

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/Sarti. Passed unanimously.

Executive Session

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

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

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

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

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

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 7 & 8 of N.J.S.A. 10:4-12b is required to discuss attorney-client privileged material and conditional employment of Special Police Officer.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 22nd day of August, 2012 pursuant to Section 7 & 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/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

The time being 7:56 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 8:05 P.M.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-126**

AUTHORIZATION TO CUT DOWN TREES - LAKE WEAMACONK

WHEREAS, there are two overgrown pine trees situated on Borough Property along Lake Weamaconk, Block 21, Lot 9 that are overhanging onto the adjacent home located at 18 Park Avenue, Englishtown, N.J. Block 21, Lot 8.02; and

WHEREAS, the owner of 18 Park Avenue, Mr. Leon Marter, concerned about the safety and welfare of his home and family, asked the Borough for permission to remove the overgrown trees located on Borough property at his expense.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, that Mr. Leon Marter of 18 Park Avenue, Englishtown is hereby authorized at his expense to remove the two (2) pine trees located on Borough property that overhang onto his property.

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to Mr. Leon Marter.

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. 2012-127**

**AUTHORIZING NAMING OF STREET IN JEWEL RIDGE DEVELOPMENT
MATLOSZ COURT IN MEMORY OF CHRISTOPHER MATLOSZ**

WHEREAS, there is a current development under construction named Jewel Ridge, Block 26, Lot 8.01 located in the Borough of Englishtown; and

WHEREAS, the final subdivision plat plan needs to be filed with the Monmouth County Planning Board indicating the name of the new street; and

WHEREAS, the developer prepared such plan with the street name of Erica Court; and

WHEREAS, it is the recommendation of the Mayor and Council of the Borough of Englishtown to name the street Matlosz Court in memory of a former Englishtown Police Officer, Christopher Matlosz, whose life tragically ended while in the line of duty on January 14, 2011.

NOW, THEREFORE, BE IT RESOLVED that the developer be notified that the street name for the Jewel Ridge development shall be Matlosz Court.

Offered By: C/Sarti

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. 2012-128**

AUTHORIZATION OF TRACY STATION ROAD WATER SERVICE CONNECTIONS

WHEREAS, Jim Mastrokalos, Water Superintendent has received a request for connection into the Borough Water Utility from 55, 56, 57, 60, and 62 Tracy Station Road in Manalapan; and

WHEREAS, as a result of poor ground water quality and the risk of adverse health effects to these properties which are located in the Township of Manalapan, part of the Gordons Corner Water Company Franchise Area, only the Borough of Englishtown maintains facilities to supply domestic water service to this area; and

WHEREAS, the referenced Englishtown Borough water facilities location is on Tracy Station Rd to provide emergency bulk water supply interconnection to Manalapan at the intersection of Tracy Station Rd and Heron Court west of the affected premises with no ability

for Manalapan or Gordons Corner Water Company to allocate or control water prior to the interconnection; and

WHEREAS, the Borough of Englishtown received a letter from Manalapan Township dated August 7, 2012, and an e-mail from Gordons Corner Water Company VP David Ern, acknowledging the need for public health and safety and approving the Borough of Englishtown's ability to provide water service to the same; and

WHEREAS, any homes defined above will be notified of the availability to connect to the Borough Water Utility and proceed prior to the upcoming Monmouth County paving project that would drive a 5 year moratorium of any roadwork; and

WHEREAS; these connections will conform with all regulations as they relate to water connection and services in the Borough of Englishtown Water Ordinance as well as the billing and rate structure for future services (use) provided.

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.

Offered By: C/Rucker

Seconded By: C/Sarti

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

Nays: C/Cooke

Abstain: None

Absent: C/Krawiec

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-129**

**CONDITIONAL OFFER OF EMPLOYMENT FOR SPECIAL LAW
ENFORCEMENT CLASS II OFFICER**

WHEREAS, it is the recommendation of Lt. Cooke and the Police Commission to make a conditional offer of employment to John Popaca of Mantoloking, N.J. for the position of Special Law Enforcement Class II Officer for the Englishtown Police Department; and

WHEREAS, that the following appointment is conditional upon the successful passing of a physical examination, psychological evaluation and fire arms qualification; and

WHEREAS, said appointments shall be in accordance with any existing laws or policies regulating said office; and

WHEREAS, the date of hire shall be determined by Lt. Cooke and the salary shall be at the rate of \$12.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that Lt. Cooke is authorized to offer a conditional offer of employment to John Popaca for the position of Special Law Enforcement Class II Officer and the following appointment is conditional upon successfully passing a physical examination, psychological evaluation and fire arms qualification.

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

Adjournment

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

The time being 8:08 P.M.

September 24, 2012

Approved by Governing Body

Municipal Clerk