

FEBRUARY 22, 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:
 - C/Robilotti - Precious Gems and Metals Ordinance
 - C/Wojyn – Mandatory Fluoridation Bill
 - Foreman Job Description
 - Request for storm sewer investigation – Englishtown Commons
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:35 P.M.

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

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

Discussion Items:

Precious Gems and Metals Ordinance:

- Discussion on this topic comes to an agreement by Council to pursue an Ordinance on “Precious Gems and Metals” to be written by Attorney Youssouf for the March 28th Council Meeting. One main point - to stipulate a 30-day waiting period before the melting down of any precious metals.

Mandatory Fluoridation Bill:

- C/Wojyn defers this discussion to C/Krawiec, as she is the Department Chair. C/Krawiec says a mandatory fluoridation bill is in the State Senate to have municipalities add fluoride to all municipal water. C/Krawiec, and Water Superintendent Jim Mastrokalos will contact other small towns with a Water Utility to see what they are doing. Perhaps a joint Resolution voicing the objections.

Foreman Job Description:

- Position of Foreman with set compensation needs to be created due to not having a Certified Public Works Manager (CPWM). This will be discussed in Executive Session.

Request for storm sewer investigation – Englishtown Commons:

- Letter is being addressed by Engineer Tom Herits, regarding storm water drainage. Monmouth County road department has alleviated the problem by the cleaning of MN 30A Bridge with good results. Our DPW has also addressed issues, which can attribute to a high water table at Englishtown Commons detention basin. The Mosquito Commission has been contacted and they will be cleaning up and down stream from the bridge. A letter is being sent to Englishtown Commons to maintain their detention basin.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Wojyn. Passed unanimously. The time being 7:00 P.M.

Mayor Reynolds calls for a brief recess.

FEBRUARY 22, 2012

**** 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 February 29, 2012 as Rare Disease Day
Proclaiming March as Developmental Disabilities Awareness Month
5. Approval of Minutes
 - January 25, 2012
 - January 25, 2012 Executive Session Minutes
6. Committee Reports
7. Correspondence
8. Open Public Portion/Limited to Agenda Items Only
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
9. New Business:
 - A. Ordinance No. 2012-01
Amending & Supplementing Chapter 2.73 "Fire Prevention"
 - B. Resolution No. 2012-058
Appointment of Animal Control Officer
 - C. Resolution No. 2012-059
Authorizing Filing of Recycling Tonnage Grant
 - D. Resolution No. 2012-060
Authorizing Signing of Professional Contracts
 - E. Resolution No. 2012-061
Appropriation Reserve Transfer

- F. Resolution No. 2012-062
2012 Temporary Operating Budget
 - G. Resolution No. 2012-063
Authorizing Payment of Borough Bills
10. Tax Collector's Report – January 2012
 11. Public Portion
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
 12. Executive Session
 13. Adjournment

The meeting was called to order by Mayor Reynolds at 7:12 P.M.

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

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

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

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

Proclamations

At this time Mayor Reynolds reads aloud proclamations:

- Proclaiming February 29, 2012 as "Rare Disease Day"
- Proclaiming March as "Developmental Disabilities Awareness Month"

Approval of Minutes –

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

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

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

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

Committee Reports

Public Utilities

Councilwoman Krawiec reports:

- Continuing to train DPW on Operations & Maintenance (O&M) regarding water distribution and sewer collection procedures. Nice progress being made.
- Interconnect w/Gordon's Corner is operating as expected. Remote monitoring of flow will be installed with data acquisition equipment in the treatment plant.
- Data acquisition project in the water plant (previously approved project to support compliance and reporting) is in progress and should be completed by end of March.
- New regulations regarding groundwater treatment require more comprehensive O&M manuals for treatment plant and storage tanks. Some additional focus on storage tank internal inspections. We will need to have tanks internally inspected by remote operated vehicle before March. Quotes are presently being solicited. O&M manuals are being revamped prior to sanitary sewer survey, which is scheduled to be completed by end of March.
- Water Dept/DPW inspecting all manholes before end of month to define the areas with the greatest need for cleaning. Jet cleaning will be contracted thereafter and coordinated with Englishtown PD for roadwork.
- 10 marks outs for water/sewer – 1 emergency mark out in English Club due to gas leak
- 32 meters were installed in Stamford Square; 1 new meter installed at interconnect
- 1 water leak at Woodruff Court
- Purchased locks for electronic recycling bins. Electronics will be picked up curbside.

Code Enforcement, Public Health, Welfare & Public Events

Councilwoman Cooke reports:

- Fire budget passed. Transition of Fire Bureau will soon take place.
- Transition from Qualcare to Aetna so far has gone smoothly.

Administration, Finance & Personnel

Councilman Wojyn reports:

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

- Mayor Reynolds, C/Rucker, C/Cooke, C/Robilotti and C/Krawiec attended the 2/15/12 Employment Practices Training for Elected Officials Session. C/Wojyn scheduled to attend the 2/23/12 session. For each council member that attends, the Borough receives a \$250.00 credit towards our insurance premium.

Public Safety

Councilwoman Robilotti reports:

- Reads aloud police activity report for January. Available for public viewing in the Clerk's office.
- Mentions the need for a meeting with the owner of Declarations due to recent Police activity. Council agrees. Municipal Clerk to arrange for the owner to be present at the March 28th council meeting.

Legislative, Insurance & Licenses -

Councilwoman Carr is absent; no report this evening.

Public Buildings & Grounds

Councilman Rucker reports:

- Reads aloud DPW activity report for February. Available for public viewing in the Clerk's office.

Correspondence

Peter Gorbatuk, Municipal Clerk has no report this evening.

Public Portion – Agenda Items

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

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

New Business

**BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION
ORDINANCE NO. 2012-01**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2.73, OF THE
CODE OF THE BOROUGH OF ENGLISHTOWN
ENTITLED "FIRE PREVENTION"**

A motion to introduce the above ordinance by title only was offered by C/Robilotti and seconded by C/Cooke. Passed on the following roll call:

Offered by: C/Robilotti

Seconded by: C/Cooke

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

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2012-01 will be held at the March 28, 2012 council meeting.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-058**

APPOINTMENT OF ANIMAL CONTROL OFFICER

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

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

1. Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J. is a certified animal control officer who will perform all duties required of the position and outlined in the contract.
2. The Mayor and Municipal Clerk are authorized to execute a 1-year agreement between Jan E. Bilyk (d/b/a Whisper Acres) and the Borough of Englishtown for Animal Control Services for a one-year period commencing March 1, 2012 through February 28, 2013 at an annual compensation of twelve hundred dollars (\$1200.00).

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Englishtown, County of Monmouth, State of New Jersey, hereby authorizes the Mayor and Borough Clerk to execute the contract with Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J for Animal Control Services.

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

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-059**

AUTHORIZING THE FILING OF A RECYCLING TONNAGE GRANT

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, C.102, has established a recycling fund from which tonnage grants may be made to Municipalities in order to encourage local source separation and recycling programs;

WHEREAS, it is the intent and spirit of the Mandatory Source Separation And Recycling Act to use the tonnage grants to develop new Municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on Municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the Municipality; and

WHEREAS, such a Resolution should designate Thomas Herits the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englishtown that Englishtown hereby endorses the submission of a Municipal recycling tonnage grant application to the New Jersey Department Of Environmental Protection, Office Of Recycling.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Carr

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-060**

AUTHORIZING SIGNING OF PROFESSIONAL CONTRACTS

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

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

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

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Englishtown, County of Monmouth, State of New Jersey, hereby authorizes the Mayor and Borough Clerk to execute the contracts for professional services for:

Bond Counsel	John M. Cantalupo of Wilentz, Goldman & Spitzer P.A.
Prosecutor	Richard Kelly
Auditor	Eugene M. Farrell of Hutchins, Farrell, Meyers & Allison P.A.
Engineer	Thomas J. Herits of Maser Consulting
Attorney	Joseph Youssouf, Esquire

Offered By: C/Robilotti

Seconded By: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-061**

APPROPRIATION RESERVE TRANSFER

WHEREAS, N.J.S.A.40A:59 provides for appropriation transfers during the first three months of any fiscal year when the amount of any appropriation reserve for the immediately preceding fiscal year insufficient to pay the claims authorized or incurred during said preceding year which were chargeable to said appropriation, and there is excess in any appropriation reserves over and above the amount deemed to be necessary to fulfill its purpose of such appropriation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$1,200.00 (One Thousand Two Hundred Dollars) be made in the 2011 budget.

Current Fund:

<u>From:</u>	Legal Service Other Expense	\$1,200.00	
<u>To:</u>	Planning Board Other Expense	\$1,200.00	legal fees

Offered By: C/Robilotti

Seconded By: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-062**

2012 TEMPORARY OPERATING BUDGET

WHEREAS, Section 40A:4-19 of the revised Statutes of the State of New Jersey provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2012 Municipal Budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the Director of the Division of Local Government Services authorized in Local Finance Notice 2011-37 dated December 12, 2011 that the Governing Body may, by resolution, adopt by Feb. 29, 2012 to increase it's temporary budget by 1/12th; and

WHEREAS, the total appropriations in the 2011 Municipal Budget, exclusive of any appropriations made for interest and debt redemption charges, Capital Improvement Fund, Public Assistance, is \$2,710,355.35 and

WHEREAS, 1/12th of the total appropriations in the 2011 Municipal Budget, exclusive of any appropriations made for interest and debt redemption charges, Capital Improvement Fund, Public Assistance, in said 2011 Municipal Budget is \$225,862.16; and

WHEREAS, the 2012 temporary operating budget was adopted by Resolution Number 2012-015, adopted on January 3, 2012 in the amount of \$711,468.28;

NOW, THEREFORE BE IT RESOLVED, that the total 2012 temporary operating budget be increased to the amount of \$937,330.44 and attached appropriations be made.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Chief Financial Officer for her records.

Offered By: C/Robilotti

Seconded By: C/Rucker

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-063**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE PAYMENT OF BOROUGH BILLS**

WHEREAS, the Mayor and Council have carefully examined all vouchers presented to the Borough for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Mayor and Council have approved payment of same.

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

1. The said approved vouchers amounting to the sum of \$660,125.41 are hereby authorized to be paid on February 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/Krawiec

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

Nays: None

Abstain: None

Absent: C/Carr

Tax Collector's Report

January 2012

2011 Taxes	\$370,271.06
<u>Duplicate Bill Fee</u>	<u>10.00</u>
Net Receipts	\$370,281.06

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.

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 5, 6, 7 and 8 of N.J.S.A. 10:4-12b is required to discuss Property Acquisition – 17 Main Street, re-zoning request, Verizon Water Tower Lease Agreement and Public Works Foreman Position.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 22nd day of February, 2012 pursuant to Section 5, 6, 7 and 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/Krawiec, C/Robilotti, C/Rucker, C/Wojyn

Nays: None

Abstain: None

Absent: C/Carr

The time being 7:35 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/Rucker. Passed unanimously.

The time being 8:15 P.M.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-064**

**RESOLUTION ESTABLISHING A JOB DESCRIPTION
FOR THE POSITION OF DPW FOREMAN**

WHEREAS, the Mayor and Borough Council wish to establish a job description for the position of DPW Foreman.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth and State of New Jersey, that the job description for the position of DPW Foreman is hereby established as follows:

TITLE: DPW FOREMAN

DESCRIPTION OF DUTIES

The Public Works Foreman is a working Foreman who oversees those DPW employees under him. He shall work within the parameters of his job title. The Foreman shall remain under the direction of the Department Head and shall exercise independent judgment in coordinating and supervising the functions of Roads, Public Utilities, Buildings and Grounds, and Parks.

RESPONSIBILITIES

- Assigns, and oversees under the direction of the CPWM the DPW employees engaged in the maintenance of Roads, Public Utilities, Buildings and grounds.
- Arranges for the use of private and Borough equipment, and for the delivery of materials, supplies and equipment.

- Orders supplies as needed.
- Assigns, and oversees pothole filling, roadside clean up, salting of ice covered roadways, plowing of snow covered roadways.
- Works side by side with employees in performing all tasks assigned to the Public Works Department.
- PEOSHA, OSHA, Clean Communities reporting.
- Performs other duties as required.

WORK ACTIVITIES

SKILLS, KNOWLEDGE AND ABILITIES

- Knowledge of the hazards and necessary precautions of the work and of methods of promoting safety among subordinates.
- Knowledge of landscaping, planting and pruning of plants, trees and shrubs.
- Ability to establish and maintain effective relationships with the public and subordinates staff.
- Ability to plan, assign and coordinate under the direction of the CPWM the work of your subordinates.
- Ability to follow directions.
- Ability to keep records and make reports.
- Thorough knowledge of the materials, methods and techniques commonly used in the maintenance, repair and construction of Borough properties including but not limited to park and recreational facilities.
- Removes water meters from consumer's premises.
- Dismantles, assembles, and installs water meters.
- Takes meter readings. Maintains and makes repairs to streets, roads, and sewers.
- Performs work involved in sweeping streets and shoveling accumulations into containers and onto trucks. Loads, unloads, and applies sand and street repair materials.
- Cuts brush and mows grass, leaf pickup.
- Does cold patching of damaged streets and roads.
- Installs, paints, and maintains road and street signs.
- Operates, checks, services, and makes minor repairs to trucks, tractors, road graders, compressors, ground hogs, grass cutters, and other street and road equipment.

EDUCATION REQUIREMENTS

- Graduation from a standard high school or vocational school, or equivalent combination of training, experience and education.
- Must hold a valid New Jersey driver's license.
- It is desirable to hold a New Jersey Herbicide/Pesticide applicator's license.

SUPERVISION

Department Head

Borough Administrator

PHYSICAL DEMANDS

- Ability to meet approved minimal physical and medical standards.

BE IT FURTHER RESOLVED that the Borough of Englishtown DPW Forman position is hereby established.

Offered By: C/Rucker

Seconded By: C/Cooke

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

Nays: None

Abstain: C/Krawiec

Absent: C/Carr

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2012-065**

**AUTHORIZING MAYOR TO SIGN FIRST AMENDMENT TO VERIZON
WIRELESS SITE LEASE AGREEMENT**

WHEREAS, on or about May 26, 1993 the Borough of Englishtown and New York SMSA Limited Partnership d/b/a Verizon Wireless entered into a lease agreement to occupy space on an existing water tower located on Hamilton Street, for the operation of a mobile communications facility; and

WHEREAS, pursuant to the terms of the Lease Agreement, said Lease Agreement is scheduled to expire as of November 30, 2013; and

WHEREAS, the Borough of Englishtown and Verizon Wireless are mutually desirous of extending the terms of the Lease Agreement within the terms and conditions as set forth in the "First Amendment to Lease Agreement"; and

WHEREAS, commencing December 1, 2013 the Lease Agreement shall hereby be extended for a term of five (5) years ("Initial Extended Term") and thereafter shall be automatically extended for three (3) additional five (5) year terms (respectively "Second", "Third" and "Fourth" Extension Terms) unless Verizon Wireless terminates at the end of the then current term by giving the Borough of Englishtown written notice of the intent to terminate at least six (6) months prior to the end of the then current term; and

WHEREAS, the annual rent commencing on December 1, 2013 shall be Twenty-Four Thousand Dollars (\$24,000.00) and the annual rent shall increase on the anniversary date of December 1st for each year of the Term, commencing December 1, 2014, by an equal amount to three percent (3%) of the rent paid for the preceding year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Englishtown hereby authorizes the Mayor and Municipal Clerk to execute the First Amendment to Lease Agreement with Verizon Wireless.

BE IT FURTHER RESOLVED that a true certified copy of this resolution be forwarded to the Borough Administrator, Borough Attorney and Richard L. Schneider, Esq. representing Verizon Wireless.

Offered By: C/Rucker

Seconded By: C/Wojyn

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

Nays: None

Abstain: None

Absent: C/Carr

Adjournment

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

The time being 8:18 P.M.

March 28, 2012
Approved by Governing Body

Municipal Clerk