

**** WORKSHOP AGENDA ****

April 24, 2013

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
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:32 P.M.

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

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

Discussion:

Attorney Youssouf explains the sequence of the unfit structure Resolution for 68 Main Street, which is presented for action at tonight's meeting. The Borough Code Enforcement Official will conduct a public hearing, advising the property owner of the intent of demolition including the removal of all storage bins from the property. The governing body will then have to authorize the Borough Engineer to prepare bid specifications for the demolition of buildings and regrading to property surface level. The expenses are to be paid from Bond Ordinance 2012-13 adopted on 12/17/12. Total cost of demolition, removal of debris, regrading of property and professional fees will be back charged to the property as a Municipal Lien.

Attorney Youssouf explains Resolution 2013-071A which will be added to the meeting tonight to assure we are in compliance to receive the CDBG Funding for the ADA intersection improvements.

Update on the Forestry Grant. C/Wojyn questions trees on Main Street. B/A Finger advised we can apply in 2014 for replacement of more acceptable trees / bushes for Main Street and include in the Grant application the replacement / repair of sidewalks through the Forestry Grant.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Sarti, seconded by C/Robilotti. Passed unanimously. The time being 6:51 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
 - March 18, 2013
 - March 18, 2013 Executive Session
5. Proclamations:
 - Proclaiming April “Child Abuse Prevention & Awareness Month”
 - Proclaiming April “Alcohol Awareness Month”
6. Committee Reports
7. Correspondence
8. Public Hearing: 2013 Municipal Budget
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. 2013-03 – 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)
 - B. Ordinance No. 2013-04 – Public Hearing & Adoption
Ordinance Amending Chapter 1.33 Entitled “Police Department”
11. New Business:
 - A. Resolution No. 2013-070
Authorization Allowing Aerial Spraying of Pesticides by Monmouth County Mosquito Extermination Commission
 - B. Resolution No. 2013-071
Authorizing Execution of a Commodity Resale Agreement with the County of Monmouth

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 March 18, 2013 meeting minutes was offered by C/Robilotti and seconded by C/Sarti. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the March 18, 2013 Executive Session minutes was offered by C/Robilotti and seconded by C/Sarti. Passed on the following roll call:

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

Proclamations

Mayor Reynolds reads aloud two proclamations - Proclaiming April “Child Abuse Prevention & Awareness Month” and Proclaiming April “Alcohol Awareness Month”

Committee Reports

Administration, Finance & Personnel

Councilwoman Cooke reports:

- Have not received confirmation from the State regarding the submitted budget. Will only hold the Public Hearing and will not adopt this evening.

Public Utilities

Councilwoman Robilotti reports:

- Reads aloud water/sewer activity report and buildings and grounds update in C/Rucker’s absence; on file in the Municipal Clerks Office for review.

Code Enforcement, Public Health, Welfare & Public Events

Councilman Wojyn reports:

- Ensured New Jersey Shade Tree Community Forestry Report for 2011 and 2012 has been filed to maintain the Boroughs eligibility for tree-related grants from the State of New Jersey.
- Received an inquiry from the owner of Naturale Cucina, 34 Main Street regarding the replacement of a few missing trees on Main Street. Will be addressed in 2014 Tree Grant application for 2014-2015 along with sidewalk replacement / repairs.
- Borough Council Members who wish to march in the 2013 Memorial Day Parade to contact him. In contact with Manalapan for 2013 Memorial Day Parade requirements.
- Awaiting statistics from Code Enforcement for first quarter of 2013.
- Formation of Shade Tree / Environmental Commission will need to adopt an Ordinance. Attorney Youssouf to create Ordinance.

Public Safety

Councilwoman Krawiec reports:

- Reads aloud Police activity report for March; on file in the Municipal Clerks Office for review.
- Reads a letter from resident Dot Laster thanking the Englishtown Police Department for their assistance, especially Officer Mike MacInnes, after the recent death of her husband Tony.
- Nixel is up and running in the Police Department. Nixel is a mass notification system to effectively pass information on to the residents and internal groups from community outreach to public relations to emergency management. Will notify residents to sign up through the web-site, outside board and future tax mailing.

Legislative, Insurance & Licenses -

Councilman Sarti reports:

- Liquor license renewal applications have been mailed for the 2013-2014 year.

Public Buildings & Grounds

Councilman Rucker is absent; report read by C/Robilotti. (On file in Clerks Office)

Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- New Jersey Department of Transportation will be replacing the railroad crossings at South Main, Station Street and Mr. Vernon over the next few weeks.
- Celia Hecht has asked if a food collection box can be placed in the Municipal Building lobby for the Samaritan Center, as they are in dire need of donations. No food will be stored in Boro Hall. Mayor and Council agree.
- Filing of the Annual Financial Disclosure Statements will be done on line this year. Directions have been passed out. If there are any questions to please contact the Municipal Clerks Office for assistance. Filing deadline has been extended until May 31st.

Public Hearing – 2013 Municipal Budget

Mayor Reynolds opened the floor to the public for questions or comments on the 2013 Municipal Budget.

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

Public Portion – Agenda Items

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

Wayne Krawiec 31 Lasatta Avenue informs Mayor and Council updated information about Councilman Rudy Rucker.

There being no further 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. 2013-03**

**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 2.0% 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 2013 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 \$55,606.18 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 2013 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 \$55,606.18 and that the CY 2013 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,

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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

Adoption

A motion to adopt Bond Ordinance No. 2013-03 above titled, was offered by C/Robilotti and seconded by C/Wojyn. Passed on the following roll call:

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2013-04**

PUBLIC HEARING & ADOPTION

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

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

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

Paragraph 5 shall read:

The charges for such services shall be \$80.00 per hour, including a rate of \$65.00 per hour for the officer, and \$15.00 administrative fee to be retained by the Borough.

II. BE IT FURTHER ORDAINED THAT:

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

Public Hearing

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

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

Adoption

A motion to adopt Bond Ordinance No. 2013-04 above titled, was offered by C/Robilotti and seconded by C/Krawiec. Passed on the following roll call:

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: C/Cooke

Absent: C/Rucker

New Business

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-070**

**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/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-071**

**AUTHORIZING THE EXECUTION OF A
COMMODITY RESALE AGREEMENT
WITH THE COUNTY OF MONMOUTH**

WHEREAS, *N.J.A.C. 5:34-7.15* authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englishtown that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth.

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-071A**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF ENGLISHTOWN ADOPTING A POLICY
PROHIBITING THE USE OF EXCESSIVE FORCE BY
BOROUGH LAW ENFORCEMENT PERSONNEL AGAINST
INDIVIDUALS ENGAGED IN NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS**

WHEREAS; The Borough of Englishtown has submitted an application for Community Development Block Grant funding to partially fund an eligible Borough project during FY 2013 known and identified as ADA Intersection Improvements; and

WHEREAS; The U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Englishtown sign an additional certification in order to receive these funds certifying that the Borough has adopted a policy prohibiting the use of excessive force by its law enforcement agency personnel against any individuals engaged in non-violent civil rights demonstrations; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that it is the official policy of the Borough of Englishtown that the use of excessive force by the Borough Police Department against any individuals engaged in non-violent civil rights demonstrations is hereby prohibited.

BE IT FURTHER RESOLVED that certified true copies of this Resolution be forwarded to the Police Department and be posted on the official bulletin board of the Borough of Englishtown by the Clerk of the Borough.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Rucker

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-072**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH
COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2013 COMMUNITY
DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for **FY 2013** from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for **FY 2013** to the U.S. Department of Housing and Urban, which included a project hereinafter referred to as **Borough of Englishtown** with a grand allocation of **\$114,862.00**.

WHEREAS, the **Borough of Englishtown** hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the **Borough of Englishtown** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS" which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the **Borough of Englishtown** authorized to execute with the County of Monmouth the attached Project Agreement.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-073**

**CDBG BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR
TO SIGN A CERTIFICATION PROHIBITING
THE USE OF EXCESSIVE FORCE AND A CERTIFICATION
PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for **FY 2013**; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Englishtown execute a project agreement with Monmouth County to undertake a project known as ADA Intersection Improvements; and

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the **Borough of Englishtown** sign additional certifications in order to receive these funds; and

WHEREAS, the **Borough of Englishtown** has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the **Borough of Englishtown** has met the conditions of receiving a **FY 2013** allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the **Borough of Englishtown** is hereby authorized to sign the attached certifications which will become part of the **FY 2013** Project Agreement.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-074**

**AUTHORIZING MAYOR TO SIGN
MUNICIPAL OPEN SPACE PROGRAM
GRANT AGREEMENT**

WHEREAS, the Borough of Englishtown has been awarded a grant through the Monmouth County Municipal Open Space Grant Program for acquisition of Block 25 Lot 20, 17 Main Street, for parking for nearby municipal parks and for open space adjacent to Weamaconk Creek; and

WHEREAS, prior to the County executing the grant agreement according to the program guidelines, the Borough of Englishtown is required to conduct a Preliminary Assessment and Site Inspection (PASI) which is currently being conducted by our Borough Engineer Tom Herits; and

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 Municipal Open Space Program Grant Agreement which must be completed no later than June 14, 2013.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-075**

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/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Rucker

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-076**

**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 \$732,880.25 are hereby authorized to be paid on April 19, 2013.

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/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Rucker

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-077**

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, an emergent condition has arisen with respect to the need for various operating expenses prior to the adoption of the 2013 Budget and no adequate provision has been made in the 2013 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 2013 pursuant to the provisions of Chapter 96, P.L.1951 (N.J.S.A.40A:4-20) including this resolution total \$486,320.00

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 \$140,850.00 as per attached sheet.
2. Said emergency temporary appropriations will be provided for in the 2013 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/Krawiec

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

Nays: None

Abstain: None

Absent: C/Rucker

Tax Collector's Report

January 2013

2013 Taxes	\$353,370.75
Property Redeemed Mun. Lien	17,145.83
Property Redeemed Outside Lien	31,827.46
<u>Duplicate Bill Fee</u>	<u>5.00</u>
Net Receipts	\$402,349.04

February 2013

2013 Taxes	\$904,327.80
Outside Lien Redemption	83.03
Interest	255.65
<u>Duplicate Bill Fee</u>	<u>10.00</u>
Net Receipts	\$904,676.48

March 2013

2013 Taxes	\$19,538.48
<u>Interest</u>	<u>178.68</u>
Net Receipts	\$19,717.16

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/Cooke. 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 Sections 8 of N.J.S.A. 10:4-12b is required to discuss excused absence for council member due to illness.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 24th day of April, 2013 pursuant to Sections 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/Krawiec

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

Nays: None

Abstain: None

Absent: C/Rucker

The time being 7:18 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/Sarti. Passed unanimously.

The time being 7:21 P.M.

At this time Mayor Reynolds adds the following resolution to the agenda.

BOROUGH OF ENGLISHTOWN

RESOLUTION NO. 2013-078

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF ENGLISHTOWN DECLARING 68 MAIN
STREET UNFIT FOR HUMAN HABITATION, OCCUPANCY OR USE**

WHEREAS; N.J.S.A. 40:48-2.3 declares that the existence or occupation of any building or buildings which are so old, dilapidated or have become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, or occupancy, or use, are inimical to the welfare and dangerous and injurious to the health and safety of the community at large, and that a public necessity exists for the repair, closing or demolition of such buildings; and

WHEREAS; Whenever a municipality finds that there exists any buildings which are unfit for human habitation or occupancy, or use due to dilapidation, defects increasing the hazards of fire, accidents or other calamities, the municipality is vested with the authority, through its police power, to repair, close or demolish or cause, or require the repairing, closing or demolition of such building; and

WHEREAS; The property in question contains a two story wood frame residential home built in the late seventeen or eighteen hundreds and an old wood frame garage/barn both of which are derelict and in advanced states of decay and ruin; and

WHEREAS; The Code Enforcement office became aware of this property in 2008 when a complaint was lodged with the Borough about high grass, junk vehicles being parked on the property and the high wooden fence surrounding three sides of the property being in extreme disrepair; and

WHEREAS; Inspections of the property performed by the Borough's Code Enforcement Department and Construction official found many violations of Borough ordinances and led to the issuance of summons for unsafe and unsound structures, unsound fence, abandoned junked vehicles and high grass and vegetation on the property that represented a public health concern; and

WHEREAS; The property owner was repeatedly warned that continued failure to abate the code violations and effectuate repairs to the structures would result in further action by the Borough; and

WHEREAS; On January 28, 2011 Mr. Thompson was issued a Notice of Unsafe Structure and a Notice of Imminent Hazard by the Construction Official and given until February 21, 2011 to correct the hazards and deficiencies; and

WHEREAS; Despite repeated assurances of his intention to abate the hazards and make repairs to the structures, Mr. Thompson failed and neglected to comply with Borough requirements; and

WHEREAS; On October 17, 2011 Mr. Thompson was issued eight summonses by Borough officials but once again failed and neglected to effectuate repairs and abate the public nuisance that he had allowed his property to become; and

WHEREAS; After several court appearances in the Englishtown Borough Municipal Court and guilty pleas to numerous Borough Ordinance violations, Mr. Thompson's continued failure to comply with Court Orders to abate the nuisance and clean up his property, he was sentenced to a period of incarceration in the Monmouth County Correctional Facility; and

WHEREAS; Despite all the warnings, opportunities to abate, fines, penalties and incarceration that he suffered, Mr. Thompson has continued to maintain a hazardous structure on his property and allowed an imminent public safety hazard to remain unabated; and

WHEREAS; The house and detached garage located at 68 Main Street has heretofore been declared unsafe and unfit for human habitation by the Borough's Department of Code Enforcement, and the Borough's Fire Marshal has found said buildings to be unsafe and an imminent fire hazard.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Englishtown that for the above stated reasons, the buildings located at 68 Main Street are declared Unfit Buildings in accordance with the provisions of N.J.S.A. 40:48-2.3.

Offered By: C/Robilotti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-079**

EXCUSING GOVERNING BODY MEMBER FROM COUNCIL MEETING

WHEREAS, the Mayor and Council wishes to maintain a high level of attendance by members of the Governing Body at Council meetings; and

WHEREAS, Councilman Rudolph Rucker has been stricken with an illness that prohibited him from attending Council Meeting of April 24, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, hereby excuse C/Rudolph Rucker from attending the Council Meeting of April 24, 2013.

Offered By: C/Cooke

Seconded By: C/Krawiec

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

Adjournment

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

The time being 7:22 P.M.

May 22, 2013
Approved by Governing Body

Municipal Clerk