

**\*\* WORKSHOP AGENDA \*\***

**January 23, 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 Items:
  - Appeal of Hopewell vs. Verizon Denied – Legislative Action Request
  - M & S Waste Services Recycling Day Switch Request
  - HIF Chapter 78 Requirements
  - Electronic Recycling
  - Community Forestry Management Plan
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:31 P.M.

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

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

**Discussion Items:**

**Appeal of Hopewell vs. Verizon Denied – Legislative Action Request**

NJLM is requesting Legislative Action from the Mayor and Council of all Municipalities to contact their State Senator and Representatives in the General Assembly supporting bill S-2324 and A-3393 which would clarify payments of business personal property taxes by any local exchange telephone companies. Letter to be sent on behalf of Mayor and Council showing support.

**M & S Waste Services Recycling Day Switch Request:**

A letter received from M&S Waste Services requesting the Thursday recycling day be changed to Wednesday. B/A Finger says most municipalities are collected on Wednesdays. Mayor and Council agree to change to Wednesdays effective March 1, 2013. Notice will be placed on the Borough Web Site and on the outside board. M&S will notify the residents with no cost to the Borough.

**HIF Chapter 78 Requirements:**

Mayor and Council having read the HIF correspondence are in support of their position to evaluate the state health benefit comparison. Resolution 2013-049 will be added to this evenings agenda.

**Electronic Recycling:**

Advanced Recovery has terminated the electronic recycling program and to retain them would be cost prohibitive. They would like to hold recycling days but our Municipal Building premises are not large enough to handle any volume of people. Wayne Krawiec from DPW said we could take the electronics to Monmouth Wire & Computer Recycling, Inc. in Tinton Falls. Mayor Reynolds said this is too far to go with the wear and tear on the municipal vehicles and time involved would not be beneficial to the Borough. Wayne Krawice also mentioned Monmouth County Recycling that he will look into.

**Community Forestry Management Plan:**

B/A Finger is applying for a \$3,000.00 grant as our Community Forestry Management Plan expires in 2014. The grant requires a 100% in kind match. Bill Brash, the Borough's consulting forester, recommended to offset the expenses with volunteers. Attorney Youssouf to draft a memo RE: Formation of a Shade Tree Commission/Environmental Commission. C/Krawiec asked if Recycling duties can be added to these commissions? Attorney Youssouf said it is possible to combine all.

**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 6:58 P.M.

**Regular Meeting of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.**

1. Meeting Called to Order and Roll Call
2. Statement of Compliance with Sunshine Law
3. Moment of Silence and Salute to the Flag
4. Approval of Minutes
  - December 17, 2012
  - December 17, 2012 Executive Session
  - Reorganization Meeting – January 3, 2013
5. Committee Reports
6. Correspondence
7. Open Public Portion/Limited to Agenda Items Only  
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
9. New Business:
  - A. Resolution No. 2013-039  
Authorization of Services - Annual Computer Software Maintenance
  - B. Resolution No. 2013-040  
Authorizing Refund of Tax Sale Certificate
  - C. Resolution No. 2013-041  
Authorizing Refund of Tax Sale Certificate & Refund of Premium Paid at Tax Sale
  - D. Resolution No. 2013-042  
Authorizing Refund of Tax Sale Certificate & Refund of Premium Paid at Tax Sale
  - E. Resolution No. 2013-043  
Authorizing Refund of Tax Sale Certificate
  - F. Resolution No. 2013-044  
Authorizing Redemption of Municipal Tax Sale Certificate

- G. Resolution No. 2013-045  
Authorizing Execution of Contract for Removal and Replacement of Municipal Building Roof
  - H. Resolution No. 2013-046  
Authorization of Services – Removal of Storm Debris
  - I. Resolution No. 2013-047  
2013 Temporary Operating Budget
  - J. Resolution No. 2013-048  
Authorizing Payment of Borough Bills
- 10. Tax Collector's Report – November 2012  
December 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 6:59 P.M.

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

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

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

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

**Approval of Minutes –**

There being no corrections, deletions or additions, a motion to approve the December 17, 2012 meeting minutes was offered by C/Rucker and seconded by C/Cooke. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the December 17, 2012 Executive Session minutes was offered by C/Rucker and seconded by C/Cooke. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the January 3, 2013 Reorganization meeting minutes was offered by C/Rucker and seconded by C/Cooke. Passed on the following roll call:

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

**Committee Reports**

**Administration, Finance & Personnel**

Councilwoman Cooke reports:

- 2013 Budget preparation is proceeding. The Budget must be presented by the March Meeting. A workshop is scheduled for February 16<sup>th</sup>, 2013 at 9:00 AM.

**Public Utilities**

Councilwoman Robilotti reports:

- Reads aloud water/sewer activity report; on file in the Municipal Clerks Office for review.

**Code Enforcement, Public Health, Welfare & Public Events**

Councilman Wojyn reports:

- Reviewed Code Enforcement current operations with Code Official Ed Miller and there are not any outstanding items for this department. Starting in February 2013 Code enforcement will provide monthly totals to Council regarding the department's activities.
- In the process of researching the feasibility of holding another Englishtown Day. Will be posting a poll on the Borough Web-Site to collect input from the residents of Englishtown regarding Englishtown Day.

- I will be representing the Borough of Englishtown on the USS Truman for an at-sea visit. New Jersey and Englishtown items will be presented to the Commanding Officer of the USS Truman.

### **Public Safety**

Councilwoman Krawiec reports:

- Reads aloud December's Police activity report; on file in the Municipal Clerks Office for review.

### **Legislative, Insurance & Licenses -**

Councilman Sarti is absent; no report this evening.

### **Public Buildings & Grounds**

Councilman Rucker reports:

- Leaf pick-up completed, preparing for winters weather, branches and trees were removed from West Dey St. and invoices will be submitted to FEMA for reimbursement.

### **Correspondence**

Peter Gorbatuk, Municipal Clerk reports:

- Reads a letter from Engineer Tom Herits re: the French property – informing us that to move forward with the Municipal Open Space Grant Program, a (PASI) Preliminary Assessment and Site Inspection must be completed no later than June 14<sup>th</sup>, 2013.
- There is a pre-construction meeting for the removal and replacement of the Municipal Building Roof at 10:00 AM on Thursday January 31<sup>st</sup>.
- The 2012-2013 Elected Officials Handbook is in the Municipal Clerks Office for review. Mayor and Council if interested can sign the book out and return it for another interested person.

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

### **New Business**

## **BOROUGH OF ENGLISHTOWN RESOLUTION NO. 2013-039**

### **AUTHORIZATION OF SERVICES**

**WHEREAS**, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

**WHEREAS**, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

**WHEREAS**, the Chief Financial Officer certifies that appropriate funds are available for the following:

2013 Software Maintenance Contract - \$9,299.00

Services From:

Edmunds & Associates  
301-A Tilton Road  
Northfield, N.J. 08225

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By: C/Rucker

Seconded By: C/Robilotti

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-040**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE**

**WHEREAS**, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to Josef Hoffmann, 326 Shadey Lane Trenton, N.J. 08619:

Tax Sale Certificate No. 10-00011  
Block 17, Lot 9  
18 Victory Drive  
in the amount of \$6,131.91

**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 payment in the amount of \$6,131.91 to Josef Hoffmann, 326 Shadey Lane Trenton, N.J. 08619:

**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/Rucker

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-041**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE  
& REFUND OF PREMIUM PAID AT TAX SALE**

**WHEREAS**, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to U.S. Bank Cust. for Pro Cap II, LLC, 50 S 16<sup>th</sup> Street Suite 1950, Philadelphia, PA 19102:

Tax Sale Certificate No. 12-00001  
Block 2, Lot 22.54 c54  
54 Queens Way  
in the amount of \$1,304.39

**WHEREAS**, U.S. Bank Cust. for Pro Cap II, LLC, also paid \$5000.00 as a premium to obtain Tax Sale Certificate; and

**WHEREAS**, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund of the premium paid to obtain said certificate for a total refund amount of \$6,304.39.

**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 payment in the amount of \$6,304.39 to U.S. Bank Cust. for Pro Cap II, LLC, 50 S 16<sup>th</sup> Street Suite 1950, Philadelphia, PA 19102.

**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/Rucker

Seconded By: C/Robilotti

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-042**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE  
& REFUND OF PREMIUM PAID AT TAX SALE**

**WHEREAS**, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to WRCC, LLC 115 West Avenue Suite 300 Jenkintown, PA 19046:

Tax Sale Certificate No. 08-00002  
Block 13, Lot 14  
3 Harrison Avenue  
in the amount of \$28,150.50

**WHEREAS**, WRCC, LLC, also paid \$400.00 as a premium to obtain Tax Sale Certificate; and

**WHEREAS**, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund of the premium paid to obtain said certificate for a total refund amount of \$28,550.50.

**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 payment in the amount of \$28,550.50 to WRCC, LLC 115 West Avenue Suite 300 Jenkintown, PA 19046.

**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/Rucker

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-043**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE**

**WHEREAS**, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to Hope Associates 17 Phillips Road Edison, N.J. 08817:

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Tax Sale Certificate No. 12-00003  
Block 13, Lot 14  
3 Harrison Avenue  
in the amount of \$2,372.57

**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 payment in the amount of \$2,372.57 to Hope Associates 17 Phillips Road Edison, N.J. 08817.

**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/Rucker

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-044**

**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 09-00004  
Block 13, Lot 15  
3 Harrison Avenue  
in the amount of \$17,145.83

**WHEREAS**, the above-mentioned certificate has been paid by Trident Abstract for the property owner, in the amount of \$17,145.83, certified check # 17349, on January 9, 2013.

**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. 09-00004 certifying cancellation of the record by the municipality and authorizing redemption of the municipal lien in the amount of \$17,145.83.

**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/Rucker

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-045**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
FOR THE REMOVAL AND REPLACEMENT OF THE MUNICIPAL BUILDING ROOF**

**WHEREAS**, Englishtown Borough has bonded for these funds for the removal and replacement of the Municipal Building Roof; and

**WHEREAS**, the Borough advertised for bids, and received proposals on October 18, 2012 at 11:00 AM, in the Borough's offices, for the Project; and

**WHEREAS**, Roof Management Inc., of Neptune, New Jersey was awarded the contract in accordance with their bid per Resolution No. 2012-148 on November 28, 2012.

**NOW THEREFORE BE IT RESOLVED**, that the Mayor is authorized to execute a contract with Roof Management, Inc. of Neptune, New Jersey, in the amount of \$79,490.00 the total of the base bid, for the removal and replacement of the Municipal Building Roof in a form consistent with the language of the bid proposal.

**BE IT FURTHER RESOLVED**, that the contract was conditioned upon the Borough Attorney's review and approval of the contract document, and certification by the Borough's Chief Financial Officer of the availability of funds for this project, which has all been found satisfactory.

**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, Roof Management, Inc. and the Borough's Chief Financial Officer.

Offered By: C/Rucker

Seconded By: C/Robilotti

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-046**

**AUTHORIZATION OF SERVICES**

**WHEREAS**, the Borough of Englishtown Council requires that purchases and services over \$2625.00 or more be pre-approved by the Governing Body except in the case of imminent emergency situation; and

**WHEREAS**, the following itemized request(s) were submitted to the Chief Financial Officer by the respective Committee Chairperson(s) for Council approval; and

**WHEREAS**, the Chief Financial Officer certifies that appropriate funds are available for the following:

Removal of Storm Debris from Hurricane Sandy - \$11,000.00

Services From:

C.J. Sullivan Construction Co.  
P.O. Box 732  
9 Union Hill Road  
Englishtown, N.J. 07726

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the above request(s) is approved for the purchase or order.

Offered By: C/Rucker

Seconded By: C/Robilotti

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-047**

**2013 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 2013 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 2013-04 dated January 4, 2013 that the Governing Body may, by resolution, adopt by March 15, 2013 to increase it's temporary budget by 1/12<sup>th</sup>; and

**WHEREAS**, the total appropriations in the 2012 Municipal Budget, exclusive of any appropriations made for interest and debt redemption charges, Capital Improvement Fund, Public Assistance, is \$2,715,128.07 and

**WHEREAS**, 1/12<sup>th</sup> of the total appropriations in the 2012 Municipal Budget, exclusive of any appropriations made for interest and debt redemption charges, Capital Improvement Fund, Public Assistance, in said 2012 Municipal Budget is \$226,259.90; and

**WHEREAS**, the 2013 temporary operating budget was adopted by Resolution Number 2013-014, adopted on January 3, 2013 in the amount of \$712,721.12;

**NOW, THEREFORE BE IT RESOLVED**, that the total 2013 temporary operating budget be increased to the amount of \$938,979.00 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/Rucker

Seconded By: C/Robilotti

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-048**

**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 \$656,355.66 are hereby authorized to be paid on January 23, 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/Rucker

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

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-049**

**OPPOSITION TO THE APPROVAL PROCESS FOR NON-SHBP HEALTH  
INSURANCE PLANS AS PROPOSED BY N.J.A.C 5:30-18.1 THROUGH 18.4  
AND N.J.A.C. 6A:23A**

**WHEREAS**, The New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

**WHEREAS**, These rules are in conflict with Section 42.c of Chapter. 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

**WHEREAS**, The regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

**WHEREAS**, This interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added)::

*The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate*

over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate; and

**WHEREAS**, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing obtain health benefits outside the SHBP or SEHBP; and

**WHEREAS**, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

**WHEREAS**, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

**WHEREAS**, If the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

**WHEREAS**, This will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

**WHEREAS**, The regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

**WHEREAS**, Most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

**WHEREAS**, The regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such

differences are critical to any valid comparison of plan economics; and

**WHEREAS**, The regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

**WHEREAS**, In situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

**WHEREAS**, The comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

**WHEREAS**, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

**WHEREAS**, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

**WHEREAS**, The regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest “shared services” effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a “big government” mentality and are hostile to both “shared services” and “home rule” concepts.
- If the regulation seeks to encourage “due diligence”, then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

**NOW, THEREFORE BE IT RESOLVED**, That, for the foregoing reasons, we respectfully beseech that the Departments modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health

JIF and shares of surplus retained by the health JIF;

- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

**BE IT FURTHER RESOLVED** that certified copies of this resolution be forwarded to Governor Christie, the NJ Local Finance Board, the NJ Department of Education, and to local legislative representatives.

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/Sarti

### **Tax Collector's Report**

#### **November 2012**

2012 Taxes	\$1,144,170.10
2013 Taxes	689.28
Interest	935.93
Cost of Sale	1,362.22
Returned Check Fee	40.00
Duplicate Bill Fee	10.00
<b>Net Receipts</b>	<b>\$1,147,207.53</b>

#### **December 2012**

2012 Taxes	\$46,465.17
2013 Taxes	7,090.11
Tax Sale Premium	10,500.00
Outside Lien Redemption	6,131.91
Interest	1,936.64
Cost of Sale	901.27
W/S Tax Sale	1,650.43
<b>Net Receipts</b>	<b>\$74,675.53</b>

### **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 Sections 7 and 8 of N.J.S.A. 10:4-12b is required to discuss (1) affordable housing foreclosure, (2) WEMAC Tax Appeal, (3) Sovereign Bank Tax Appeal, (4) Thompson property and (5) Court Administrative Office.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the public be excluded from this portion of the public meeting convened on the 23<sup>rd</sup> day of January, 2013 pursuant to Section 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/Robilotti

Seconded By: C/Wojyn

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

Nays: None

Abstain: None

Absent: C/Sarti

The time being 7:17 P.M.

There being no further business in Executive Session, a motion to return to open session was offered by C/Rucker, seconded by C/Wojyn. Passed unanimously.

The time being 7:42 P.M.

### **Adjournment**

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

The time being 7:43 P.M.

February 27, 2013  
Approved by Governing Body

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Municipal Clerk