

**** WORKSHOP AGENDA ****

March 18, 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:
 - Copy Machine Lease
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/Sarti, C/Wojyn
Absent: C/Rucker

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

Discussion Items:

Copy Machine Lease

The current copier lease has expired and the Borough of Englishtown now owns the copy machine. There is no trade-in value towards a new copier. B/A Finger suggested that the copier be moved to the Police Department. Their annual cost will be approx. \$300. Mayor and Council agreed and would also like to have a new copy machine with faxing and scanning options. The total cost approved is \$200 or less per month.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Sarti. Passed unanimously. The time being 6:43 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
 - February 27, 2013
 - February 27, 2013 Executive Session
5. Proclamation: Proclaiming March “Women’s History Month”
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. Old Business:
 - A. Bond Ordinance No. 2013-01- Public Hearing & Adoption
Bond Ordinance Providing for the Reconstruction of Center Street, Appropriating \$500,000 Therefor (Including a N.J.D.O.T. Grant in the Amount of \$210,000) and Authorizing the Issuance of \$265,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof
 - B. Bond Ordinance No. 2013-02 – Public Hearing & Adoption
Bond Ordinance Amending and Supplementing Bond Ordinance No. 2011-08 (Which Provides for Various Capital Improvements) Heretofore Finally Adopted by the Borough Council on August 24, 2011, As Amended and Supplemented Heretofore, to Increase the Appropriation Therein by \$20,000 and to Increase the Authorization of Bonds or Notes Therein by \$19,000 to Finance Part of the Additional Costs Thereof

10. New Business:
 - A. Ordinance No. 2013-03 – First Reading & Introduction
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 – First Reading & Introduction
Ordinance Amending Chapter 1.33 Entitled “Police Department”
 - C. Resolution No. 2013-062
Authorizing Refund of Property Taxes Due to Tax Court Judgment
 - D. Resolution No. 2013-063
Acknowledgement of Interlocal Agreement with the Board of Fire Commissioners of Fire District No. 1 for the Provision of Uniform Fire Code Enforcement Services for 2013
 - E. Resolution No. 2013-064
Introduction of the 2013 Municipal Budget
 - F. Resolution No. 2013-065
Requesting DCA to Review 2013 Municipal Budget
 - G. Resolution No. 2013-066
Authorizing the Deferment of 2013 School Taxes Promulgated by the Division of Local Government Services
 - H. Resolution No. 2013-067
Emergency Temporary Appropriations
 - I. Resolution No. 2013-068
Authorizing Payment of Borough Bills
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 6:44 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 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 February 27, 2013 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/Sarti, C/Wojyn
 Nays: None
 Abstain: None
 Absent: C/Rucker

There being no corrections, deletions or additions, a motion to approve the February 27, 2013 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/Sarti, C/Wojyn
 Nays: None
 Abstain: None
 Absent: C/Rucker

Committee Reports

Administration, Finance & Personnel

Councilwoman Cooke reports:

- Municipal Audit presently taking place for approximately three weeks and nearing completion.
- 2013 Municipal Budget will be introduced 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:

- There will be an Easter Egg Hunt in Sanford Park this Saturday 3/23/13 at 12:00 p.m. The public is invited to this free event. Children will be able to hunt for eggs and there will be a raffle and an appearance by the Easter Bunny. Participants are

encouraged to then go to Englishtown Walgreen's where they will be having an in store Easter egg hunt at 1:00 p.m.

- Code Enforcement statistics are being compiled for the first quarter of 2013 and should be ready at the end of March.

Public Safety

Councilwoman Krawiec reports:

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

Legislative, Insurance & Licenses -

Councilman Sarti reports:

- No report at this time.

Public Buildings & Grounds

Councilman Rucker is absent; report read by C/Robilotti.

Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- County Road 522 – Tennent Avenue to Main Street is included in the 2012 County Resurfacing Program and will be completed this summer / early fall.
- Recycling day will be changed from Thursday to Wednesday starting April 1, 2013. Flyers will be given to the residents informing them of the change. This will also be on the outside board and website. M&S Waste will pick up anyone who does not initially conform to the new schedule for one to two pick up dates.
- Monmouth County Board of Chosen Freeholders is undertaking a Comprehensive Economic Development Strategy (CEDS) to help grow Monmouth County's economy in years to come. Contact the Municipal Clerk for places, dates, times, or call 732-431-7470.
- April 1st is the last day for filing petitions.
- Next meeting is April 24th Wednesday.

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.

Old Business

**BOROUGH OF ENGLISHTOWN
BOND ORDINANCE NO. 2013-01**

PUBLIC HEARING & ADOPTION

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF CENTER STREET, BY AND IN THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR (INCLUDING A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$210,000) AND AUTHORIZING THE ISSUANCE OF \$265,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$500,000, which sum includes \$210,000 as the amount of a Grant expected to be received from the New Jersey Department of Transportation (the "Grant") and \$25,000 as the amount of down payment for said improvement or purpose as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$500,000 appropriation until said Grant is received and not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$265,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$265,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the reconstruction of Center Street, including but not limited to, roadway excavation, milling, paving, reconstruction and resurfacing of the roadway, and the repairing and/or installation, as applicable, of curbs, curb ramps, sidewalks and driveway aprons, drainage work, roadway painting and landscaping and aesthetic improvements, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$265,000.

(c) The estimated cost of said improvements or purposes is \$500,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant and the down payment for said purpose in the amount of \$25,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, including the Grant, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth, including the Grant, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$265,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$265,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the

improvements or purposes described in Section 3 hereof is “placed in service” (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the mayor, as provided by the Local Bond 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/Cooke. Passed unanimously.

Adoption

A motion to adopt Bond Ordinance No. 2013-01 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/Wojyn

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

**BOROUGH OF ENGLISHTOWN
BOND ORDINANCE NO. 2013-02**

PUBLIC HEARING & ADOPTION

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 2011-08 (WHICH PROVIDES FOR VARIOUS CAPITAL IMPROVEMENTS) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON AUGUST 24, 2011, AS AMENDED AND SUPPLEMENTED HERETOFORE, TO INCREASE THE APPROPRIATION THEREIN BY \$20,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$19,000 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. Bond Ordinance Number 2011-08 finally adopted on August 24, 2011 by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the "Borough") entitled, "BOND ORDINANCE PROVIDING VARIOUS 2011 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$568,100 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$514,625 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF", as amended and supplemented heretofore on December 17, 2012 (the "Original Ordinance"), is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the improvements or purposes described in Section 3(a) of the Original Ordinance there is hereby appropriated the additional sum of \$20,000, said sum to be inclusive of \$1,000 as the amount of additional down payments required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payments or for capital improvement purposes. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased from \$578,100 and shall equal the aggregate principal amount of \$598,100, said sum being inclusive of the total amount of down payments, which sum shall be increased from \$53,975 and shall equal the aggregate amount of \$54,975.

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Borough in the amount of \$19,000 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$543,125.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is \$543,125.

(c) The estimated cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$598,100.

SECTION 4. Section 3(a)(iii) of the Original Ordinance shall be amended to read in its entirety as follows:

“iii. Various improvements to the Municipal Building roof, including but not limited to, as applicable, the removal of the existing roof and the construction of a new roof, and also including all engineering and design work, preparation of plans and specifications, permits, bid documents, construction inspection,	\$114,600	\$108,500	\$6,100	20 years
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contract administration, appropriate waste removal and disposal; and”

SECTION 5. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$19,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$5,000 is hereby included for items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$80,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby.

(c) In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 3 of the Original Ordinance, as amended and supplemented hereby, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth shall be received by the Borough after the issuance of the bonds or notes authorized in Section 3 of the Original Ordinance, as amended and supplemented hereby, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 6(c) shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

(d) The average period of usefulness of said improvements or purpose set forth in the Original Ordinance, as amended and supplemented hereby, within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by the Original Ordinance, as amended and supplemented hereby, is 32.48 years.

SECTION 7. The Borough reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same “Controlled Group” as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 7 is intended to be and hereby is a declaration of the Borough’s official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to “refund” an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds “replacement proceeds”, within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same “Controlled Group” within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed \$543,125. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be “capital expenditures” in accordance with the meaning of Section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 8. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 9. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond 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/Cooke. Passed unanimously.

Adoption

A motion to adopt Bond Ordinance No. 2013-02 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/Cooke, C/Krawiec, C/Robilotti, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Rucker

New Business

**BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION
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)**

A motion to introduce the above ordinance by title only 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/Cooke, C/Krawiec, C/Robilotti, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Rucker

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2013-03 will be held at the April 24, 2013 council meeting.

**BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION
ORDINANCE NO. 2013-04**

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

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

Offered by: C/Cooke

Seconded by: C/Robilotti

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

 Nays: None

 Abstain: None

 Absent: C/Rucker

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2013-03 will be held at the April 24, 2013 council meeting.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-062**

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

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

WHEREAS, per Tax Court Judgment Docket: 017409-2011, an overpayment in the amount of \$1,380.27, on property Block 21, Lot 10.03 located in the Borough of Englishtown should be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that in accordance with the request of the Tax Collector, a total refund is hereby authorized in the amount of \$1,380.27 to Michael I Schneck, Trust for Michael Sarcone 301 South Livingston Avenue Suite 105, Livingston, N.J. 07039; and

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Borough Tax Collector and Chief Financial Officer.

Offered By: C/Robilotti

Seconded By: C/Krawiec.

B/A Finger asks Attorney Youssouf if there is a 2012 appeal pending? Attorney Youssouf will look into this.

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. 2013-063**

**ACKNOWLEDGEMENT OF INTERLOCAL AGREEMENT
WITH THE BOARD OF FIRE COMMISSIONERS OF FIRE DISTRICT NO. 1
FOR THE PROVISION OF UNIFORM FIRE CODE ENFORCEMENT SERVICES FOR 2013**

WHEREAS, on March 28, 2012 a Shared Service Agreement was signed between the Borough of Englishtown and Fire District No. 1 Borough of Englishtown regarding the administration services for the Bureau of Fire Prevention within the Borough of Englishtown.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Governing Body of the Borough of Englishtown hereby acknowledge the Shared Service Agreement with the Board of Fire Commissioners of Fire District No. 1, for the administration services of the Bureau of Fire Prevention for 2013 as set forth in the executed agreement.

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. 2013-064**

**RESOLUTION INTRODUCING THE MUNICIPAL BUDGET
OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH,
FOR FISCAL YEAR 2013,
WITH STATEMENTS OF REVENUES AND APPROPRIATIONS
WHICH SHALL CONSTITUTE THE LOCAL BUDGET FOR THE YEAR 2013**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal budget for the year 2013.

BE IT FURTHER RESOLVED, that the said budget be published in The Asbury Park Press in the issue of April 8, 2013.

The Governing Body of the Borough of Englishtown does hereby approve the following as the budget for the year 2013:

1.	Appropriation within "Caps" Municipal purposes (Item H-1, Sheet 19) (N.J.S. 40a:4-45.2)	\$ 1,649,222.00
2.	Appropriations excluded from "Caps" Municipal purposes (Item H-2, Sheet 28) (N.J.S. 40a:4-45.3 as amended)	\$ 309,469.56
	Total general appropriations excluded from "Caps" (Item 0, Sheet 29)	\$ 267,368.09
3.	Reserve for uncollected taxes (Item M, sheet 29) - based on estimated 98.23% of tax collections	\$ 97,086.87
4.	Total general appropriations (Item 9, Sheet 29)	\$ 2,055,778.43
5.	Less: Anticipated revenues other than current property tax (Item 5, Sheet 11) (i.e. surplus, misc. revenues and receipts from delinquent taxes)	\$ 789,374.56
6.	Difference: Amount to be raised by taxes for support of Municipal Budget (As Follows)	
	A. Local tax for Municipal purposes including reserve for uncollected taxes (Item 6 (A), Sheet 11)	\$1,266,403.87

Notice is hereby given that the Budget and Tax Resolution is approved by the Mayor and Council of the Borough of Englishtown, County of Monmouth on March 18, 2013.

A hearing on the Budget and Tax Resolution will be held at 15 Main Street, Englishtown, NJ 07726 on April 24, 2013 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year may be presented by taxpayers or other interested persons.

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. 2013-065**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
REQUESTING DCA TO REVIEW 2013 MUNICIPAL BUDGET**

WHEREAS, the Borough of Englishtown is eligible for local self-examination of the 2013 Municipal Budget; and

WHEREAS, the Mayor and Council of the Borough of Englishtown in the County of Monmouth conducted an accelerated tax sale in 2012; and

WHEREAS, the Mayor and Council of the Borough of Englishtown in the County of Monmouth plans to conduct another accelerated tax sale in 2013 which then disqualifies the municipality for self-examination of the 2013 Municipal Budget in accordance with N.J.A.C. 5:30-7.5;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Englishtown hereby requests the State of New Jersey, Division of Local Government Services to review its 2013 Municipal Budget.

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. 2013-066**

**RESOLUTION AUTHORIZING THE
DEFERMENT OF 2013 SCHOOL TAXES AS PROMULGATED
BY THE DIVISION OF LOCAL GOVERNMENT SERVICES**

WHEREAS, the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey desires to increase the 2013 deferred school taxes as promulgated by the Division of Local Government Services.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey to increase the 2013 deferred school taxes as follows:

	From	To	Increase
Regional School District			
Freehold Regional	\$377,082.47	\$397,082.47	\$20,000.00

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Borough of Englishtown be directed to file three (3) certified copies of this resolution with the Division of Local Government Services and one (1) certified copy to the Chief Financial Officer.

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. 2013-067**

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 \$345,470.00

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 \$321,470.00 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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-068**

**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 \$531,491.68 are hereby authorized to be paid on March 18, 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/Cooke

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

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.

Rosemary O'Donnell, Certified Municipal Court Administrator (CMCA) Borough of Englishtown addresses Mayor and Council. Reason: To point out the correspondence from Judge Newman and the concern of the Court Office being outgrown for the storage of files. The request is for usage of the back room as a court office. Mayor Reynolds suggested a resolution. Move a desk into the back office. Discussion and further questions continued. Conclusion: Move a desk into the back room where the fax, copier, shredder, department/council files would remain and the room would continue to have 24/7 access to the employees. Rosemary O'Donnell said it would not be a problem.

There being no further questions or comments, a motion to close the public portion was offered by C/Robilotti and seconded by C/Wojyn. 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 absences for council member.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 18th day of March, 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/Sarti

Seconded By: C/Wojyn

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

The time being 7:24 P.M.

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

The time being 7:36 P.M.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2013-069**

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 February 27th and March 18, 2012.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, hereby excuse Councilman Rudolph Rucker from attending the Council Meetings of February 27th and March 18th.

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 7:35 P.M.

April 24, 2013

Approved by Governing Body

Municipal Clerk