

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

**OCTOBER 23, 2013**

**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:
  - Personnel Policy Final Revisions Section 1 & 2
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:38 P.M.

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

Also present was Peter Gorbatuk, Municipal Clerk, Laurie Finger, Borough Administrator/CFO, and Joseph Youssef, Borough Attorney.

**Discussion Items:**

**Personnel Policy Final Revisions Section 1 & 2**

Personnel Committee consisting of B/A Laurie Finger, Clerk, Peter Gorbatuk and Councilwoman Lori Cooke presented the recommended changes; all items were accepted by Council.

B/A Finger advises council that Auditor Robert Allison has not received an increase for the last five years and is asking for an additional \$1,900. After discussion it was decided a \$1500 increase will be offered.

**Adjournment**

There being no further business a motion to adjourn the workshop was offered by C/Sarti, seconded by C/Wojyn. Passed unanimously. The time being 7:28 P.M.

**\*\* AGENDA \*\***

**OCTOBER 23, 2013**

**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
  - September 25, 2013
  - September 25, 2013 Executive Session
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.
8. Old Business:
  - A. Ordinance No. 2013-06 – Public Hearing & Adoption  
Amending & Supplementing Chapter 2.106 “Sewers”
  - B. Ordinance No. 2013-07 – Public Hearing & Adoption  
Amending & Supplementing Chapter 2.126 “Water”
  - C. Ordinance No. 2013-08 – Public Hearing & Adoption  
Amending & Supplementing Chapter 2.12 “Vehicles & Traffic”
9. New Business:
  - A. Bond Ordinance No. 2013-09 – First Reading & Introduction  
Refunding Bond Ordinance Providing for the Refunding of Certain Outstanding General Obligation Refunding Bonds, Series 2004 of the Borough to Provide Debt Service Savings, and Authorizing the Issuance of Not to Exceed \$1,300,000 Aggregate Principal Amount of General Obligation Refunding Bonds of the Borough to Effect Such Refunding and Appropriating the Proceeds Therefor

- B. Resolution No. 2013-135  
Appointment of Shade Tree Commission Members
  - C. Resolution No. 2013-136  
Authorizing Purchases – Water Dept. – Meters
  - D. Resolution No. 2013-137  
Authorizing Purchases – Water Dept. – Calcium Hypochlorite Briquettes
  - E. Resolution No. 2013-138  
Authorizing One Time Waiver of Interest – Brandywine Sr. Living LLC.
  - F. Resolution No. 2013-139  
Authorizing Payment of Borough Bills
  - G. Resolution No. 2013-140  
Amending Resolution No. 2013-004 “Appointment of Bond Counsel”
  - H. Resolution No. 2013-141  
Authorizing the Purchase of Electricity Supply Services for Public Use on an Online Auction Website
- 10. Tax Collector’s Report
    - September 2013
  - 11. Public Portion  
Limited to Five (5) Minutes per citizen to be determined at Borough Council’s discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
  - 12. Executive Session
  - 13. Adjournment

The meeting was called to order by Mayor Reynolds at 7:29 P.M.

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

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

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

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

**Approval of Minutes –**

There being no further corrections, deletions or additions, a motion to approve the September 25, 2013 meeting minutes was offered by C/Cooke and seconded by C/Wojyn. Passed on the following roll call:

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

There being no further corrections, deletions or additions, a motion to approve the September 25, 2013 executive session meeting minutes was offered by C/Cooke and seconded by C/Wojyn. Passed on the following roll call:

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

**Ccommittee Reports**

**Administration, Finance & Personnel**

Councilwoman Cooke has Laurie Finger, CFO present report:

The Borough will be participating in the Monmouth County Improvement Authority (MCIA) Pooled Loan Program on December 19, 2013 for two (2) issues. The first is for new money to fund bond ordinances adopted from 2010-2014 which total \$1,447,925. The repayment schedule is for 20 years, ending in 2033. The interest rate will be 2%-5% with a yield of .28%-4.21%. We will receive a Premium of \$142,017 which will offset the cost of issuance, in full, and reduce the borrowing principal amount to \$1,350,000. The approx. increase to the 2014 Budget will be 4 ¼ cents. The second issue will Refund the existing Refunding Bonds that are callable in 2015. The projected savings is 4.5% or \$64,951. All costs borne by the sale will be offset by the \$132,631 premium received. This issue will be paid off in year 2028 as scheduled.

**Public Utilities**

Councilwoman Robilotti is absent; no report at this time.

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

Councilman Wojyn reports:

Annual Halloween Party will be at the Firehouse October 30th from 6:00 – 8:00 PM. Cost is \$3.00 for age 10 and older. Join us for pizza, DJ, games and fun.

**Public Safety**

Councilwoman Krawiec is absent; no report at this time.

**Legislative, Insurance & Licenses -**

Councilman Sarti reports:

Administration is looking into State Health Benefits due to increased rates from our present carrier.

**Public Buildings & Grounds**

Councilman Rucker is absent, no report at this time.

**Correspondence**

Peter Gorbatuk, Municipal Clerk reports:

- General Election -Tuesday November 5, 2013. Polls open from 6:00 AM – 8:00 PM
- Next Council Meeting will be Wed. November 13<sup>th</sup> – Workshop begins at 6:30 pm, Regular Meeting to follow.
- Rebid for the “Real Property Data Collection” for the Borough will be on November 13<sup>th</sup>. Tax Assessor Mark Fitzpatrick will be attending the November 13<sup>th</sup> Workshop for informational purposes.
- Engineer Tom Herits will be attending a user group meeting on the National Flood Insurance Program which could benefit residents to obtain a lower flood insurance premium.
- The State of New Jersey has allocated \$100,000 to the Borough of Englishtown through the Hazard Mitigation Grant Program. This would be used for emergency generators for the Water Plant Building and the Department of Public Works Garage. As a condition of receiving funding, a representative from Englishtown is required to attend one of three seminars; Engineer Tom Herits will attend as our representative.

**Public Portion – Agenda Items**

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

James Bradbury 18 Center Street – Ordinance 2013-08 - Voices objection to the proposed no parking on Harrison Avenue from Dey St. to Center St. which is the side of his house. This would leave him with no parking for his company.

Mayor and Council will take his concerns into consideration.

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

**Old Business**

**BOROUGH OF ENGLISHTOWN PUBLIC HEARING & ADOPTION  
ORDINANCE NO. 2013-06**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 2.106 (SEWERS) OF THE  
“CODE OF THE BOROUGH OF ENGLISHTOWN, NEW JERSEY”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, that the following section of Chapter 2.106 be amended and supplemented as follows:

1. Article I – Installation and Use, Section 2.106.2 (Connection of Future Structures), Subsection B of the “Code of the Borough of Englishtown, New Jersey” is hereby amended and supplemented to read as follows:

B. The owner of every residential house, building and/or structure hereafter constructed, modified or improved in the Borough of Englishtown, which may be occupied or used by human beings, shall, if connection with the sewer system of the Borough of Englishtown is made on or after October 24th, 2013, be charged a connection fee of \$915.00 (nine hundred and fifteen dollars).

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall take effect upon final adoption and publication pursuant to 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/Sarti and seconded by C/Cooke. Passed unanimously.

**Adoption**

A motion to adopt Ordinance No. 2013-06 above titled, was offered by C/Sarti and seconded by C/Cooke. Passed on the following roll call:

Offered By: C/Sarti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN  
ORDINANCE NO. 2013-07**

**PUBLIC HEARING & ADOPTION**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 2.126 (WATER) OF THE  
“CODE OF THE BOROUGH OF ENGLISHTOWN, NEW JERSEY”**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, that the following section of Chapter 2.126 be amended and supplemented as follows:

1. Section 2.126.07 (Installation fees), Subsection A of the “Code of the Borough of Englishtown, New Jersey” is hereby amended and supplemented to read as follows:

A. Taps.

(1) For all taps on installations from the main to the curb stop made by the Water Department, the owner shall be charged the following amounts, to be paid to the Water Department at the time of the issuance of the permit:

\$2,873.00 (two thousand, eight hundred and seventy-three dollars) per E.D.U.

2. Any Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

3. This Ordinance shall take effect following final adoption and publication pursuant thereto.

**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/Sarti and seconded by C/Cooke. Passed unanimously.

**Adoption**

A motion to adopt Ordinance No. 2013-07 above titled, was offered by C/Sarti and seconded by C/Cooke. Passed on the following roll call:

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

**BOROUGH OF ENGLISHTOWN  
ORDINANCE NO. 2013-08**

**PUBLIC HEARING & ADOPTION**

**AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN  
AMENDING AND SUPPLEMENTING CHAPTER 2.121  
OF THE CODE OF THE BOROUGH OF ENGLISHTOWN  
ENTITLED "VEHICLES & TRAFFIC"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, by reason of a stipulation put forth by Monmouth County prior to the issuance of a Certificate of Occupancy for Block 7.01 Lot 1.02, that the following sections of Chapter 2.121 entitled "Vehicles & Traffic" be amended and supplemented:

**SECTION 2.121.22 [RENAMED TO] PROHIBITED LEFT TURNS**

No person shall make a left turn at any of the locations described below whenever official signs are present prohibiting such turn:

LOCATION

PROHIBITED LEFT TURN

Gordons Corner Rd (CR522)

From Gordons Corner Rd. going east into Village Center Shopping Center Driveway

**SECTION 2.121.23 [RENAMED TO] BLOCKING OF DRIVEWAYS PROHIBITED**

When signs are erected indicating such; it shall be unlawful for any person to block a driveway within the Borough of Englishtown.

**BE IT FURTHER ORDAINED, that the following sections be amended as follows:**

**SECTION 2.121.04 VIOLATIONS AND PENALTIES**

Penalty of not more than fifty dollars be changed to penalty of not less than one hundred dollars (\$100.00).

**SECTION 2.121.07 PARKING PROHIBITED AT ALL TIMES**

Add: Harrison Avenue west from Pine Street to Dey Street  
Change: LaSatta Avenue to Wood Avenue

**SECTION 2.121.12 STOP INTERSECTIONS DESIGNATED**

Add: Carriage Lane & Carriage Lane – stop sign on Carriage Lane  
Oxford Court & Wilson Avenue – stop sign on Oxford Court  
Stamford Square & LaSatta Avenue – stop sign on entrance & exit  
Remove: Gordons Corner Rd & Wilson Avenue  
Change: Harrison Avenue & Pine Street Four Way Stop to Three Way Stop

**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/Sarti and seconded by C/Cooke. Passed unanimously.

**Adoption**

A motion to adopt Ordinance No. 2013-08 above titled, was offered by C/Sarti and seconded by C/Cooke. Defeated on the following roll call:

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: None

Nays: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

**MOTION DIES  
ORDINANCE CANCELLED**

**New Business**

**BOROUGH OF ENGLISHTOWN  
BOND ORDINANCE NO 2013-09**

**FIRST READING & INTRODUCTION**

**REFUNDING BOND ORDINANCE OF THE BOROUGH OF ENGLISHTOWN,  
IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE  
“BOROUGH”) PROVIDING FOR (i) THE REFUNDING OF CERTAIN  
OUTSTANDING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004  
OF THE BOROUGH TO PROVIDE DEBT SERVICE SAVINGS, AND (ii)  
AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,300,000  
AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION  
REFUNDING BONDS OF THE BOROUGH TO EFFECT SUCH REFUNDING  
AND APPROPRIATING THE PROCEEDS THEREFOR**

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

Offered by: C/Cooke

Seconded by: C/Sarti

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

Peter Gorbaturk, Municipal Clerk states the Public Hearing and Adoption on Bond Ordinance No. 2013-09 will be held at the November 13, 2013 council meeting.

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-135**

**APPOINTMENT OF SHADE TREE COMMISSION MEMBERS**

**WHEREAS**, the Mayor and Council of the Borough of Englishtown found a need for the Borough to have a Shade Tree Commission; and

**WHEREAS**, effective September 6, 2013 the Shade Tree Commission of the Borough of Englishtown was established per Ordinance No. 2013-05 and the following residents of the Borough have volunteered to serve on this commission without compensation:

Gregory Wojyn	five year term	1/1/14 – 12/31/18
Wayne Krawiec	four year term	1/1/14 – 12/31/17
Cindy Robilotti	three year term	1/1/14 – 12/31/16
Eric Mann	two year term	1/1/14 – 12/31/15
David Cuciti	one year term	1/1/14 – 12/31/14

**WHEREAS**, the terms of office for the above commissioners shall commence upon this day of their appointment.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Englishtown that the above volunteers are hereby appointed to the Borough of Englishtown Shade Tree Commission.

**BE IT FURTHER RESOLVED**, that a certified true copy of this Resolution be forwarded to each volunteer.

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

David Cuciti and Eric Mann are administered the oath of office.

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-136**

**AUTHORIZATION OF PURCHASES**

**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:

Water Department – (50) water meters - \$5,700.00

Services From:

Allied Meter Service Inc.  
340 E. Broad Street  
Burlington, N.J. 08016

**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/Cooke

Seconded By: C/Sarti

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-137**

**AUTHORIZATION OF PURCHASES**

**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:

Water Department – Calcium Hypochlorite Briquette - \$2,673.12

Services From:

G.P. Jager & Associates, Inc.  
143 Miller Road  
Kinnelon, N.J. 07405

**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/Sarti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-138**

**AUTHORIZING ONE TIME WAIVER OF INTEREST**

**WHEREAS**, Brandywine Senior Living LLC located at 49 Lasatta Avenue, Englishtown, NJ was billed July 15, 2013 for water and sewer service charges due on August 15, 2013, and

**WHEREAS**, payment for said water and sewer service charges were processed by Brandywine Senior Living LLC in a timely manner dated August 9, 2013, check #85920 in the amount of \$11,663.84, and

**WHEREAS**, the payment was mailed to the Borough of Englishtown and never received initiating the issuance of a delinquent notice, and

**WHEREAS**, Brandywine Senior Living LLC provided a copy of their check as proof of payment to the Englishtown Water/Sewer Clerk on October 7, 2013; and

**WHEREAS**, on October 10, 2013, Brandywine Senior Living LLC reissued a check in the amount of \$11,663.84 in good faith for payment in full for delinquent water and sewer service charges and requested a waiver for interest due in the amount of \$326.59

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Englishtown that a one-time waiver of interest in the amount of \$326.59 be granted to Brandywine Senior Living LLC.

Offered By: C/Cooke

Seconded By: C/Wojyn

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-139**

**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 \$409,245.51 are hereby authorized to be paid on October 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/Sarti

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-140**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN,  
IN THE COUNTY OF MONMOUTH, STATE OF NEW  
JERSEY, AMENDING RESOLUTION NUMBER 2013-004  
APPOINTING BOND COUNSEL TO THE BOROUGH**

**WHEREAS**, on January 3, 2013, by Resolution Number 2013-004, the Borough of Englishtown, in the County of Monmouth (the "Borough") appointed John M. Cantalupo of Wilentz, Goldman & Spitzer, P.A. ("Wilentz") to serve as Bond Counsel to the Borough; and

**WHEREAS**, the Borough is in receipt of a letter from Wilentz dated September 30, 2013 that John M. Cantalupo, Esq. of Wilentz was leaving to join the firm Archer & Greiner, P.C. and pursuant to said letter, the Borough has the right to allow John M. Cantalupo to continue providing bond counsel legal services to the Borough for the remaining term of the appointment; and

**WHEREAS**, John M. Cantalupo has served as bond counsel to the Borough for several years and the Borough is desirous of continuing to have John Cantalupo serve as bond counsel to the Borough for the remainder of the term of the appointment; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**, as follows:

**SECTION 1.** Resolution Number 2013-004 be and the same is hereby amended to remove the name of the law firm of Wilentz, Goldman & Spitzer, P.A. that John Cantalupo was previously associated with and to replace same with name of the new law firm Archer & Greiner, P.C. that John Cantalupo is currently associated with and that any current assignments being handled at Wilentz, Goldman & Spitzer, P.A. be transferred along with John M. Cantalupo, Esq. to Archer & Greiner, P.C. The appointment and contract are hereby amended to remove the name of Wilentz, Goldman & Spitzer, P.A., which is the law firm that John Cantalupo was previously associated with and to replace same with name of the new law firm Archer & Greiner, P.C. that John Cantalupo is currently associated with and any of the terms, conditions and rates that apply shall remain the same with John Cantalupo at Archer & Greiner, P.C. All the other terms and conditions of the original Resolution Number 2013-004 and contract not amended hereby shall remain in full force and effect.

**SECTION 2.** Wilentz, Goldman & Spitzer, P.A. is hereby directed to immediately transfer any and all Borough files, both electronic and physical, transcripts and any other documents to John M. Cantalupo, Esq. at Archer & Greiner, P.C.

**SECTION 3.** The Clerk of the Borough is hereby directed to file a certified copy of this resolution with Wilentz, Goldman & Spitzer, P.A. and John M. Cantalupo, Esq. at Archer & Greiner, P.C.

**SECTION 4.** This resolution shall take effect immediately.

Offered By: C/Cooke

Seconded By: C/Wojyn

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-141**

**RESOLUTION AUTHORIZING THE PURCHASE  
OF ELECTRICITY SUPPLY SERVICES FOR  
PUBLIC USE ON AN ONLINE AUCTION WEBSITE**

**WHEREAS**, Borough of Englishtown has determined to move forward with the EMEX Reverse Auction in order procure electricity for Borough of Englishtown; and

**WHEREAS**, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of electricity supply service for public use through the use of an online auction service; and

**WHEREAS**, Borough of Englishtown will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at [www.energymarketexchange.com](http://www.energymarketexchange.com); and

**WHEREAS**, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

**WHEREAS**, the auction will be conducted pursuant to the Act; and be it

**WHEREAS**, if the auction achieves a price of \$0.09010/kWh or less for a 12 month term, a price of \$0.08930/kWh or less for a 18 month term, or a price of \$0.08970/kWh or less for a 24 month term; Borough of Englishtown may award a contract to the winning supplier for the selected term.

**NOW THEREFORE BE IT RESOLVED**, that the Borough Administrator of the Borough of Englishtown be she hereby is authorized to execute on behalf of the Borough of Englishtown any electricity contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.09010/kWh or less for a 12 month term, a price of \$0.08930/kWh or less for a 18 month term, or a price of \$0.08970/kWh or less for a 24 month term; Borough of Englishtown may award a contract to the winning supplier for the selected term.

**BE IT FUTHER RESOLVED**, that a certified copy of the within Resolution be forwarded by the Borough Clerk to EMEX and the Chief Financial Officer

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

**Tax Collector's Report**

**September 2013**

2013 Taxes	\$41,671.69
<u>Interest</u>	<u>604.73</u>
<b>Net Receipts</b>	<b>\$42,281.44</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/Cooke and seconded by C/Sarti. Passed unanimously.

**Executive Session**

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

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

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

**WHEREAS**, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted,

stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public; and

**WHEREAS**, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Sections 2, 5, 6, 7 and 8 of N.J.S.A. 10:4-12b is required to discuss pay to play, French property, Thompson property, Tennant Ave. property rear barn, Police negotiations, Reimbursement to Condominium Associations, Englishtown, Manalapan First Aid Squad Agreement, Dept. of Public Works and Health benefits.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that the public be excluded from this portion of the public meeting convened on the 25<sup>th</sup> day of October 23, 2013 pursuant to Sections 2, 5, 6, 7 and 8 of the Open Public Meetings Act.

**BE IT FURTHER RESOLVED** that the subject matter of this executive session will be made public when it is no longer required that the subject matter discussed be kept privileged.

Offered By: C/Sarti

Seconded By: C/Cooke

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

The time being 8:15 P.M.

\* C/Cooke is excused from police negotiations discussion

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

The time being 9:12 P.M.

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2013-142**

**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 October 23, 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 October 23, 2013.

Offered By: C/Cooke

Seconded By: C/Sarti

Roll Call: Ayes: C/Cooke, C/Sarti, C/Wojyn, Mayor Reynolds

Nays: None

Abstain: None

Absent: C/Krawiec, C/Robilotti, C/Rucker

### **Adjournment**

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

The time being 9:13 P.M.

November 25, 2013

Approved by Governing Body

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Municipal Clerk