

**** WORKSHOP AGENDA ****

August 27, 2014

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
 - 2015 DOT Grant Recommendations
 - Local Finance Notice 2014-9 “Continuing Disclosure Commitment”
3. Adjournment

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

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

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

Discussion Items

2015 DOT Grant Recommendations: Mayor Reynolds reads a recommendation letter from Engineer Tom Herits proposing road reconstruction for Hospitality Way, Carriage Lane, curb and sidewalk improvements for Park Avenue, Conover Street and Station Street. Resolutions will be on the September agenda for submission.

Local Finance Notice 2014-9 “Continuing Disclosure Commitment”

Business Administrator Laurie Finger informed the Mayor and Council the SEC (Securities Exchange Commission) adopted a program that permits entities that issue bonds to disclose any non-compliance of continuing disclosure information. This practice has not been followed and the Federal Government is allowing all sins to be corrected without a penalty by December 1st of this year. A financial disclosure audit needs to be conducted and corrective actions need to be taken. This requirement will be part of the best practice checklist for State Aid. A fair proposal from Phoenix Advisors for \$950.00 to perform the disclosure audit, report the findings & file the required documents to meet compliance was received. This Resolution is on the Agenda this evening for consideration.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Wojyn, seconded by C/Krawiec. Passed unanimously. The time being 6:41 P.M.

**** AGENDA ****

August 27, 2014

**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
 - July 23, 2014
 - July 23, 2014 Executive Session
5. Proclamation: Supporting the Drive Sober or Get Pulled Over 2014
Statewide Crackdown
6. Committee Reports
7. Municipal Clerk's Report and 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. 2014-03 – Public Hearing & Adoption
Bond Ordinance Amending & Supplementing Bond Ordinance No. 2011-
08 (Which Provides for Various Capital Improvements) Heretofore Finally
Adopted by the Borough of Englishtown on August 24, 2011, as Amended
and Supplemented Heretofore to Increase the Appropriation Therein by
\$95,000 (Which Sum is Grant from the County of Monmouth Municipal
Open Space Grant Program)
 - B. Bond Ordinance No. 2014-04- Public Hearing & Adoption
Bond Ordinance Providing Various 2014 Capital Improvements,
By and In the Borough of Englishtown; Appropriating \$450,000
Thereof (Including Grants in the Aggregate Amount of
\$235,000) and Authorizing the Issuance of \$192,500 Bonds or
Notes of the Borough to Finance Part of the Cost Thereof

10. New Business:

- A. Ordinance No. 2014-05 – First Reading & Introduction
Amending & Supplementing Chapter 2.126 (Water) of the Code of the Borough of Englishtown
- B. Ordinance No. 2014-06- First Reading & Introduction
Amending & Supplementing Chapter 2.106 (Sewers) of the Code of the Borough of Englishtown
- C. Resolution No. 2014-140
Acknowledgement of Receipt of Cash Bond for 9 & 11 Lasatta Avenue – Road Moratorium Waiver
- D. Resolution No. 2014-141
Authorizing Mayor & Municipal Clerk to Execute an Amendment to the 2012-2014 Agreement with Monmouth County for Cooperative Participation in the Community Development Program Pursuant to the Interlocal Services Act
- E. Resolution No. 2014-142
Requesting Approval of Items of Revenue & Appropriation Drive Sober or Get Pulled Over 2014 Grant
- F. Resolution No. 2014-143
Requesting Approval of Items of Revenue & Appropriation FY 2014 Clean Communities Grant
- G. Resolution No. 2014-144
Authorizing Purchases – Legal Advertising Associated with Notice of Redemption in the Bond Buyer
- H. Resolution No. 2014-145
Authorizing Renewal of Alcoholic Beverage License for 2014-2015 - Village Center Holdings II, LLC.
- I. Resolution No. 2014-146
Directing the Undertaking of a Continuing Disclosure Review and Authorizing Participation in the Municipalities Continuing Disclosure Cooperation Initiative of the Division of Enforcement of the U.S. Securities & Exchange Commission
- J. Resolution No. 2014-147
Regretfully Accepting the Resignation of Andrew Holowach
- K. Resolution No. 2014-148
Resolution Declaring Certain Delinquent Real Estate Taxes & Water Sewer Balances Uncollectible & Canceling Same – 17 Main St.

L. Resolution No. 2014-149
Authorizing Payment of Borough Bills

11. Tax Collectors Report – July 2014
12. 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.
13. Executive Session
14. Adjournment

The meeting was called to order by Mayor Reynolds at 6:42 P.M.

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

Also present, Peter Gorbatuk, Municipal Clerk, Laurie Finger, CFO/BA and Joseph Youssef, 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 corrections, deletions or additions, a motion to approve the July 23, 2014 meeting minutes was offered by C/Krawiec and seconded by C/Cooke. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the July 23, 2014 executive session minutes was offered by C/Krawiec and seconded by C/Cooke. Passed on the following roll call:

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

Proclamation – Supporting the Drive Sober or Get Pulled Over 2014 Statewide Crackdown

Mayor Reynolds reads aloud proclamation declaring the Borough of Englishtown's support for the Drive Sober or Get Pulled Over 2014 Statewide Crackdown from August 15th through September 1st 2014 to increase the awareness of the dangers of drinking and driving.

Committee Reports

Administration, Finance & Personnel

No report this evening.

Public Utilities

No report this evening.

Code Enforcement, Public Health, Welfare & Public Events

Councilman Wojyn reports:

- Plans are almost finalized for the 911 Observance at the Fire Department. The time will be announced once confirmed with the fire department, police department, and first aid squad.
- DPW cleaned, primed and painted the Sanford Park sign on Main Street.
- DPW has reported JCP&L has not yet connected the electrical meter for Sanford Park. I will follow up with DPW to expedite and finalize this project.
- DPW should be commended for promptly fixing the “Englishtown” sign on the corner of Northgate Drive. The sign has been lowered allowing a better view of the oncoming traffic from the County Road.

Public Safety

Councilwoman Krawiec reports:

- Reads July Police Activity report. On file in the Municipal Clerk's office for public review.
- Judge Newman recommends not extending the probationary period on the Municipal Court Administrator.

Legislative, Insurance & Licenses

No report this evening.

Public Buildings & Grounds

No report this evening.

Municipal Clerk's Report and Correspondence

Peter Gorbatuk, Municipal Clerk reports:

- The monthly budget report was sent to Mayor and Council via e-mail on August 4th by CFO Laurie Finger. This report is on file in the Municipal Clerks Office for Public Review.
- New Jersey League of Municipalities Annual Conference is in Atlantic City November 18, 19, 20 this year. Registration is required by October 1st. Please advise Business Administrator Laurie Finger if you wish to attend.
- Please be advised the next Council Meeting is on Monday September 22nd.

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

Old Business

BOROUGH OF ENGLISHTOWN BOND ORDINANCE NO. 2014-03

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 \$95,000 (WHICH SUM IS GRANT FROM THE COUNTY OF MONMOUTH MUNICIPAL OPEN SPACE GRANT PROGRAM)

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 and March 18, 2013 (collectively, 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)(i) of the Original Ordinance there is hereby appropriated the additional sum of \$95,000, which sum is a grant received or expected to be received from the County of Monmouth Municipal Open Space Grant Program. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased from \$598,100 by \$95,000 and shall equal the aggregate principal amount of \$693,100, said sum being inclusive of the total amount of down payments, which sum equals the aggregate amount of \$54,975, and the grant received or expected to be received from the County of Monmouth Municipal Open Space Grant Program in the amount of \$95,000.

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

(b) The estimated cost of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to \$693,100.

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

<u>“Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
i. Acquisition and the payment of the purchase price of real property, a lawful public purpose, such real property being designated as Block 25, Lot 20 on the Official Tax Map of the Borough, with a street address of 17 Main Street, including but not limited to, as applicable or necessary, demolition of existing structures, various site remediation and restoration, including any renovations and improvements thereto; and”	\$495,000 (including a grant received or expected to be received in the amount of \$95,000 from the County of Monmouth Municipal Open Space Grant Program)	\$380,000	\$20,000	40 years

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. For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$20,000 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 \$100,000, 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.

SECTION 7. 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 8. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 9. 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/Rucker and seconded by C/Krawiec. Passed unanimously.

Adoption

A motion to adopt Bond Ordinance No. 2014-03 above titled, was offered by C/Krawiec and seconded by C/Cooke. Passed on the following roll call:

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
BOND ORDINANCE NO. 2014-04**

PUBLIC HEARING & ADOPTION

**BOND ORDINANCE PROVIDING VARIOUS 2014
CAPITAL IMPROVEMENTS, BY AND IN THE
BOROUGH OF ENGLISHTOWN, IN THE COUNTY
OF MONMOUTH, STATE OF NEW JERSEY;
APPROPRIATING \$450,000 THEREFOR
(INCLUDING GRANTS IN THE AGGREGATE
AMOUNT OF \$235,000) AND AUTHORIZING THE
ISSUANCE OF \$192,500 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 improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$450,000, which sum includes \$160,000 as the amount of a grant received or expected to be received from the New Jersey Department of Transportation and \$75,000 as the amount of a grant received or expected to be received from the New Jersey Hazard Mitigation Grant Program (collectively, the "Grants") and \$22,500 as the aggregate amount of down payments for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the "Local Bond Law"). Said down payments are now available therefor by virtue of appropriations 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 improvements or purposes described in Section 3 hereof and to meet the part of said \$450,000 appropriation not provided for by application hereunder of the Grants or said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$192,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$192,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued include, but are not limited to, the following:

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
i. Various roadway improvements to the entire lengths or portions, as applicable, of various roads within the Borough, including but not limited to, Pine Street. Said improvements shall include but are not limited to, as applicable, milling, paving, joint stabilization, construction, reconstruction and resurfacing the roadways, the repairing and/or installation of curbs, sidewalks, culverts and driveway aprons, the acquisition and installation of various signage and various equipment, drainage work, roadway painting, landscaping and aesthetic improvements, and also including, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration; and	\$250,000 (including a \$160,000 grant received or expected to be received from the New Jersey Department of Transportation)	\$77,500	\$12,500	20 years
ii. Acquisition and installation, as applicable, of a sign for the Borough Municipal Building, including all necessary related equipment and apparatus thereof; and	\$15,000	\$14,250	\$750	5 years
iii. Acquisition of a riding mower for the Department of Public Works, including all necessary related equipment and apparatus thereof; and	\$15,000	\$14,250	\$750	5 years
iv. Acquisition and installation, as applicable, of a generator for the Water Plant and the Department of Public Works Garage, including all necessary related equipment and apparatus thereof; and	\$130,000 (including a \$75,000 grant received or expected to be received from the New Jersey Hazard Mitigation Grant Program)	\$48,500	\$6,500	12.5 years

<u>Description</u>	<u>Appropriation</u>	<u>Authorization</u>	<u>Down Payment</u>	<u>Useful Life</u>
v. Acquisition of a non-passenger work pick-up truck for the Department of Public Works, including all necessary related equipment and apparatus thereof.	\$40,000	\$38,000	\$2,000	5 years
TOTALS	<u>\$450,000</u>	<u>\$192,500</u>	<u>\$22,500</u>	

(b) The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said purposes is \$192,500.

(d) The aggregate estimated cost of said improvements or purposes is \$450,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grants in the aggregate amount of \$235,000 and the aggregate down payments for said purposes in the amount of \$22,500.

SECTION 4. Except for the Grants, 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 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. Except for the Grants, 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 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 or Budgets of the Borough are 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 or Budgets 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 improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements, 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 improvements or purposes 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 12.93 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 \$192,500 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 \$105,000 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 purposes or improvements 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 \$192,500. 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/Krawiec and seconded by C/Cooke. Passed unanimously.

Adoption

A motion to adopt Bond Ordinance No. 2014-04 above titled, was offered by C/Krawiec and seconded by C/Cooke. Passed on the following roll call:

Offered By: C/Krawiec

Seconded By: C/Cooke

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

New Business

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2014-05**

FIRST READING & INTRODUCTION

**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:

\$2,823.00 (two thousand, eight hundred and twenty-three dollars) per E.D.U.

2. Section 2.126.11 (Rates, Payments and Billings)

D. Minimum charge.

(1) Minimum charge for the first chargeable unit by meter size per quarter for the first ten thousand (10,000) gallons of water:

- (a) Five-eighths-inch (5/8”) meter and three fourths-inch (3/4”) meter: Fifty dollars (\$50.00)
- (b) One-inch meter: ninety dollars (\$90.00).
- (c) One-and-one-half-inch meter: Two hundred thirty five dollars (\$235.00)
- (d) Two-inch meter: Three hundred seventy-five (\$375.00)

The annual water rates effective with the October 2014 billing shall be as follows

Meter Size	Rate Effective October 2014	Rate Effective October 2015	Rate Effective October 2016
5/8” and 3/4”	\$ 60.00	\$ 62.50	\$ 65.00
1”	\$105.00	\$110.00	\$115.00
1 1/2”	\$280.00	\$290.00	\$300.00
2”	\$450.00	\$465.00	\$480.00

(e) Larger than two (2) inches: by contract.

(2) The fixed minimum charge defined in the above table is per quarter, for each unit receiving a supply of water from the Borough water system. Each such unit is hereby defined as being each separate store, each separate apartment, each separate office, each separate dwelling, each separate living accommodation and each separate premises used for a single and separate purpose.

(3) In addition to the minimum charge as provided, for all water drawn above the minimum used (excess), there shall be charged quarterly the following rates:

(a) Over ten thousand (10,000) gallons: five dollars and fifty-two cents (\$5.52) per thousand.

The excess water charges effective with the October 2014 billing shall be as follows:

Year 2014	Year 2015	Year 2016
\$5.70	\$5.85	\$6.00

(4) The measurement of water used by a reading of the meter shall be to the nearest one thousand (1,000) gallons.

Section 2. Severability.

Inconsistent Ordinances Repealed. All ordinances or parts thereof or resolutions inconsistent with the provisions of this ordinance are hereby repealed to the extent of their inconsistency.

Section 4. When Effective. This ordinance shall take effect after final approval and publication according to law.

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Absent: C/Robilotti

Abstain: None

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2014-05 will be held at the September 22, 2014 council meeting.

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2014-06**

FIRST READING & INTRODUCTION

**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 September 23, 2014, be charged a connection fee of \$900.00 (nine hundred 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.

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Ordinance No. 2014-06 will be held at the September 22, 2014 council meeting.

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-140**

**ACKNOWLEDGEMENT OF RECEIPT OF CASH BOND FOR
9 & 11 LASATTA AVENUE – ROAD MORATORIUM WAIVER**

WHEREAS, the Mayor and Council have granted an exemption from the road moratorium on Lasatta Avenue at the June 25, 2014 council meeting – Resolution No. 2014-127 & 2014-128 to Arch New Home Developers, LLC of 9 & 11 Lasatta Avenue; and

WHEREAS, the Borough Engineer recommended the posting of a \$3,000.00 cash bond for each property, by the owner for the infrared repairs to be held by the Borough of Englishtown until the roadway is satisfactorily repaired; and

WHEREAS, Check No. 1839 in the amount of \$6,000.00 was received by the Borough of Englishtown from Arch New Home Developers on July 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, that the receipt of a \$6,000.00 cash bond received by Arch New Home Developers is acknowledged and will be held until the Borough Engineer finds the roadway satisfactorily repaired from the road opening for the installation of gas service at 9 & 11 Lasatta Avenue.

BE IT FURTHER RESOLVED that a true certified copy of this resolution shall be forwarded to the Chief Financial Officer, Borough Engineer and Arch New Home Developers.

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-141**

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE AN AMENDMENT TO THE 2012-14 AGREEMENT WITH
MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE
COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE
INTERLOCAL SERVICES ACT**

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, an Agreement has been adopted under which the Borough of Englishtown and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of Borough of Englishtown to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Englishtown , that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

Offered By: C/Krawiec

Seconded By: C/Wojyn

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-142**

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJSA 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$4,400.00, which is now available from the Drive Sober or Get Pulled Over 2014 Statewide Labor Day Crackdown Grant in the amount of \$4,400.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,400.00 is hereby appropriated under the caption Drive Sober or Get Pulled Over 2014 Statewide Labor Day Crackdown Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from The National Highway Traffic Safety (NHTSA) Section 410 Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants in the amount of \$4,400.00.

Offered By: C/Sarti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-143**

**RESOLUTION REQUESTING APPROVAL OF
ITEMS OF REVENUE AND APPROPRIATION
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$4,000.00, which is now available from the FY 2014 Clean Communities Grant in the amount of \$4,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$4,000.00 is hereby appropriated under the caption Clean Communities Grant; and

BE IT FURTHER RESOLVED that the above is the result of funds from The Solid Waste Administration FY 2014 Clean Communities Grant in the amount of \$4,000.00.

Offered By: C/Krawiec

Seconded By: C/Cooke

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-144**

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:

Legal Advertising Costs Associated with the
Notice of Redemption in the Bond Buyer \$7,526.00

Services From:

Source Media LLC
P.O. Box 71633
Chicago, IL 60694-1633

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/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-145**

**AUTHORIZING RENEWAL OF ALCOHOLIC
BEVERAGE LICENSE FOR 2014-2015**

WHEREAS, the director of ABC having reviewed the petition of the inactive status of this license has found that the licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of this license; and

NOW, THEREFORE BE IT RESOLVED, by Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that

1. The application having been found in order, all required certifications having been given and all required fees having been paid, it hereby authorizes the Municipal Clerk to issue the following alcoholic beverage licenses for the term of July 1, 2014 through June 30, 2015 provided that all renewals are consistent with prior licensing requisites:

Licensee	License Number
Village Center Holdings II, LLC.	1312-33-003-012

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-146**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
DIRECTING THE UNDERTAKING OF A CONTINUING
DISCLOSURE REVIEW AND AUTHORIZING PARTICIPATION
IN THE MUNICIPALITIES CONTINUING DISCLOSURE COOPERATION
INITIATIVE OF THE DIVISION OF ENFORCEMENT OF THE U.S.
SECURITIES AND EXCHANGE COMMISSION**

WHEREAS, the Borough of Englishtown (the “Governmental Entity”) has entered into continuing disclosure agreement(s) in connection with certain of its prior bond and/or note issuance(s) (the “Prior Issuances”), agreeing to file certain financial information and operating data and/or certain enumerated event notices with the former nationally recognized municipal securities information repositories or the Municipal Securities Rulemaking Board (the “MSRB”) pursuant to the provisions of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended (the “Rule”); and

WHEREAS, the Governmental Entity has made certain representations regarding its continuing disclosures in bond and note offering documents in connection with its Prior Issuances; and

WHEREAS, in response to widespread concerns that many municipal issuers have not been complying with their obligations to file continuing disclosure documents under the Rule, and furthermore have made false representation concerning compliance in bond and note offering documents, the Division of Enforcement (the “Division”) of the U.S. Securities and Exchange Commission (the “Commission”) has set forth its Municipalities Continuing Disclosure Cooperation Initiative (the “MCDC Initiative”), attached hereto as Exhibit A, whereby the Commission will recommend favorable

settlement terms to municipal issuers involved in the offer or sale of municipal securities, as well as underwriters of such offerings, if they self-report to the Division possible violations involving materially inaccurate statements in bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule; and

WHEREAS, pursuant the Local Finance Notice 2014-9, attached hereto as Exhibit B, the Director of the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the “LFB Recommendation”);

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE GOVERNMENTAL ENTITY, as follows:

Section 1. The Governmental Entity, through its Administrator, Chief Financial Officer or Treasurer, as applicable (the “Governmental Entity Officer”), or through the engagement of a third-party disclosure-dissemination agent, is hereby directed to conduct a continuing disclosure review of its prior continuing disclosure undertakings (the “Review”), and the Governmental Entity hereby ratifies any such previously conducted Review. Such Review shall include, but is not limited to, a historical review of the Governmental Entity’s continuing disclosure obligations and filings in connection with its Prior Issuances that are presently outstanding and which are no longer outstanding but, as of the date five years prior to the date of submission of the Questionnaire (as hereinafter defined), were outstanding; and the undertaking, at any time, of any applicable remedial filings with the MSRB deemed necessary for compliance with its continuing disclosure obligations. The Governmental Entity Officer is hereby authorized and directed, if necessary, to appoint and engage a third-party disclosure-dissemination agent and any fees and costs associated with such third-party disclosure-dissemination agent are hereby approved or ratified and confirmed.

Section 2. The Governmental Entity, through its Governmental Entity Officer, is hereby authorized to participate in the MCDC Initiative, if in the discretion of the Governmental Entity Officer after consultation with Governmental Entity officials, it is determined that the Governmental Entity may have made materially inaccurate statements in its bond and note offering documents relating to prior compliance with continuing disclosure obligations pursuant to the Rule in connection with its Prior Issuances issued during the period beginning five years prior to the date of submission of the Questionnaire.

Section 3. The Governmental Entity Officer of the Governmental Entity is hereby authorized to execute and deliver any and all documents and instruments, including the Municipalities Continuing Disclosure Cooperation Initiative Questionnaire for Self Reporting Entities contained in the MCDC Initiative (the “Questionnaire”), and to do and cause to be done any and all acts and things necessary or proper for participating in the MCDC Initiative and all related transactions, including the Review, contemplated by this resolution.

Section 4. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall take effect immediately or in accordance with applicable law.

Offered By: C/Sarti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-147**

**RESOLUTION REGRETFULLY ACCEPTING THE
RESIGNATION OF ANDREW HOLOWACH**

WHEREAS, Andrew Holowach served as a part-time public works worker for the Borough of Englishtown; and

WHEREAS, Andrew Holowach did tender his resignation to the Englishtown Borough Council on August 8, 2014 with his last day of employment being August 22, 2014.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Englishtown Borough Council regretfully accepts the resignation of Andrew Holowach.
2. That a certified copy of this Resolution be delivered to the Chief Financial Officer.

Offered By: C/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-148**

**DECLARING CERTAIN DELINQUENT REAL ESTATE TAXES AND
WATER/SEWER BALANCES UNCOLLECTIBLE AND CANCELING SAME**

WHEREAS, the Borough of Englishtown Tax Collector and Water/Sewer Clerk has reported delinquent real estate taxes and water sewer balances on Block 25, Lot 20, also known as 17 Main Street on the Borough of Englishtown tax map; and

WHEREAS, the above referenced property was purchases by the Borough of Englishtown on May 6, 2014 and should be exempt from real estate taxes and water/sewer charges pursuant to NJSA 54:4-3.3.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Tax Collector and Water Sewer Clerk are hereby authorized to cancel the following balances for Block 25, Lot 20 – 17 Main Street:

3rd Qtr. 2014 Taxes - CANCEL \$1918.59

4th Qtr. 2014 Taxes - CANCEL \$1918.59

Water/Sewer Balance - CANCEL \$246.36

BE IT FURTHER RESOLVED, that the cancellation of real estate taxes and water/sewer balances for 17 Main Street in the total amount of \$4,083.54 is hereby approved.

Offered By: C/Krawiec

Seconded By: C/Sarti

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

Nays: None

Abstain: None

Absent: C/Robilotti

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2014-149**

**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 \$804,883.00 are hereby authorized to be paid on August 27, 2014.
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/Krawiec

Seconded By: C/Cooke

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

Nays: None

Abstain: None

Absent: C/Robilotti

Tax Collector's Report –

July 2014

2015 Taxes	\$330.31
2014 Taxes	\$383,532.56
<u>Interest</u>	<u>\$241.11</u>
Net Receipts	\$384,103.98

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.

Harold Burrows 38 Tennent Avenue asks who is Andrew Holowach in reference to Resolution 2014-147. Mayor Reynolds replies he was a part-time DPW worker.

Harold Burrows also shows concern of the speed of vehicles entering Englishtown on Tennent Avenue from Manalapan saying one time a truck came by so fast the air knocked off his hat and also knocked over his garbage can. Lt. Cooke is looking into a blinking speed alert sign.

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

Executive Session

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

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

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

WHEREAS, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public; and

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 7 of N.J.S.A. 10:4-12b is required to discuss, Lindsey – OPRA and MacInnes litigation.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 27th day of August, 2014 pursuant to Section 7 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/Krawiec, C/Rucker, C/Sarti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Robilotti

The time being 7:00 P.M.

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

The time being 7:23 P.M.

Adjournment

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

The time being 7:24 P.M.

September 22, 2014

Approved by Governing Body

Peter Gorbatuk, R.M.C.
Municipal Clerk