

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

**July 23, 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
  - Water Rates
3. Adjournment

The meeting was called to order by Mayor Reynolds at 6:35 P.M.

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

Also present, Peter Gorbatuk, Municipal Clerk, Laurie Finger, CFO/BA, Joseph Youssouf, Borough Attorney and Jim Mastrokalos, Water/Sewer Superintendent.

**Discussion Items**

**Water Rates:**

CFO Laurie Finger stated based upon 2014 surplus projections and the last few years of declining surplus there is a need to increase the water rates.

Jim Mastrokalas Water Superintendent discussed with Mayor and Council the need to increase water rates. His recommendation, which is supported by the Board of Public Utilities (BPU), is to have incremental increases. First increase will be effective with the 11/15/14 billing with a flat rate of \$10.00 per quarter plus .18 cents increase for excess water. Year two will have a flat rate increase of \$2.50 plus a .15 cents increase for excess water. Year three will be increased the same as in year two. Our last increase was in 2009 and we have been very fair with how long we have maintained these rates since the industry evaluates every two years.

Mayor and Council agree to pursue with the recommendation. An Ordinance of Introduction will be on the agenda for the August 27<sup>th</sup> meeting.

**Adjournment**

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Wojyn. Passed unanimously. The time being 6:47 P.M.

**July 23, 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. Presentation: Presentation of 2013 Audit by Robert Allison of Holman Frenia Allison, P.C.
5. Approval of Minutes
  - June 25, 2014
  - June 25, 2014 Executive Session
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. New Business:
  - A. Bond Ordinance No. 2014-03 – First Reading & Introduction  
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- First Reading & Introduction  
Bond Ordinance Providing Various 2014 Capital Improvements, By and In the Borough of Englishtown; Appropriating \$450,000 Theretofore (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

- C. Resolution No. 2014-129  
Permitting “ERUV” Markers on Utility Poles Along Certain Municipal Streets Within the Borough of Englishtown
  - D. Resolution No. 2014-130  
Authorizing Purchases – Water Dept. – Calcium Hypochlorite Briquettes
  - E. Resolution No. 2014-131  
Authorizing Services – Water Dept. – Repair of Broken Water Valve – 19 Heritage Drive
  - F. Resolution No. 2014-132  
2013 Audit of the Borough of Englishtown
  - G. Resolution No. 2014-133  
Opposing Senate Bill 2171 and Assembly Bill 1596
  - H. Resolution No. 2014-134  
Amending 2014 Capital Budget
  - I. Resolution No. 2014-135  
Authorizing Borough Engineer to Prepare Bid Specifications, Advertise and Receive Bids for ADA Intersection Improvements
  - J. Resolution No. 2014-136  
Authorizing Borough Engineer to Prepare Bid Specifications, Advertise and Receive Bids for Pine Street Improvements
  - K. Resolution No. 2014-137  
Authorizing Payment of Borough Bills
- 10. Tax Collectors Report – June 2014
  - 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 6:48 P.M.

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

Also present, Peter Gorbatuk, Municipal Clerk, Laurie Finger, CFO/BA 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.

### **Presentation of 2013 Audit**

Mayor Reynolds opens the floor to Scott Frueh, Auditor of Holman, Frenia, Allison P.C. to discuss the 2013 Audit findings.

Informed Mayor and Council the Audit was a good clean report. Received a rating of an “unmodified report” which is the highest opinion you can get.

### **Approval of Minutes –**

There being no corrections, deletions or additions, a motion to approve the June 25, 2014 meeting minutes was offered by C/Robilotti and seconded by C/Krawiec. Passed on the following roll call:

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

There being no corrections, deletions or additions, a motion to approve the June 25, 2014 executive session minutes was offered by C/Robilotti and seconded by C/Krawiec. Passed on the following roll call:

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

### **Committee Reports**

#### **Administration, Finance & Personnel**

Councilwoman Cooke – no report at this time.

#### **Public Utilities**

Councilwoman Robilotti – no report at this time.

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

Councilman Wojyn reports:

- Electrical Box at the entrance of Sanford Park was expected to be complete by this time. Municipal Clerk advises it will be completed by the second week of August along with the restrooms.
- Both Sanford Park and Monument Park have been inspected by Bill Brash our tree expert saying the trees are healthy and being maintained properly.

**Public Safety**

Councilwoman Krawiec reports:

- Reads June Police Activity report. On file in the Municipal Clerk's office for public review.

**Legislative, Insurance & Licenses**

Councilman Sarti is absent; no report at this time.

**Public Buildings & Grounds**

Councilman Rucker - no report at this time.

**Municipal Clerk's Report and Correspondence**

Peter Gorbatuk, Municipal Clerk reports:

- Read into the minutes a letter from Pine Brook School thanking the Knights of Columbus for their generous donation of \$1,770 to the Manalapan Recreation Department allowing three Englishtown children to attend summer camp.
- The Monmouth County Board of Elections is looking for poll workers and has asked all Municipalities to place their flyer on our website.
- Monthly budget report was sent to Mayor and Council via email on July 14<sup>th</sup> by CFO Laurie Finger. This report is on file in the Municipal Clerks Office for public review.

**Public Portion – Agenda Items**

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

Rabbi Gerald Veshnefsky of the Jewish Learning Center of Monmouth County, Inc. discussed with Mayor and Council resolution 2014-129 ERUV Markers. Rabbi Veshnefsky would like the Mayor and Council to have the resolution be for ninety nine years rather than the three years on the resolution. Mayor and Council discuss and will do a 100 year agreement. Mayor and Council will vote on this during the meeting. Rabbi Veshnefsky thanks Mayor and Council for their consideration.

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.

**New Business**

**BOROUGH OF ENGLISHTOWN  
BOND ORDINANCE NO. 2014-03**

**FIRST READING & INTRODUCTION**

**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.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Bond Ordinance No. 2014-03 will be held at the August 27, 2014 council meeting.

**BOROUGH OF ENGLISHTOWN FIRST READING & INTRODUCTION  
BOND ORDINANCE NO. 2014-04**

**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
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
<b>TOTALS</b>	<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.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Rucker

Peter Gorbatuk, Municipal Clerk states the Public Hearing and Adoption on Bond Ordinance No. 2014-04 will be held at the August 27, 2014 council meeting.

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-129**

**PERMITTING "ERUV" MARKERS ON UTILITY POLES ALONG CERTAIN  
MUNICIPAL STREETS AND ROADS WITHIN THE BOROUGH OF ENGLISHTOWN**

**WHEREAS**, community groups and synagogues have applied to Verizon and Jersey Central Power and Light and were granted permission to attach markers to the utility poles for the purpose of establishing an "ERUV" area; and

**WHEREAS**, such use of these facilities cannot be obtained without the approval of the Borough Council permitting the placement of makers on the utility poles along certain municipal roads; and

**WHEREAS**, such markers were attached in 2007 pursuant to a one year lease agreement and again in 2008 and 2011 pursuant to three year lease agreements which is sought to be renewed this year; and

**WHEREAS**, the Borough of Englishtown, while as a government body, it does not formally participate in the practices of any religion, permits the free expression and practices of all religions within its borders;

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of Englishtown that in order to enable certain religious groups to freely practice their religion without government interference, the Borough hereby grants permission to the Jewish Learning Center of Monmouth County, Inc. to attach markers on utility poles along certain municipal roads as are described in

the permit application, subject to the approval of the utility, such markers to be no more than necessary to meet the religious needs of the applicant, without being obtrusive to the general appearance of the poles and community.

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to execute a one hundred year lease agreement with the Jewish Learning Center of Monmouth County, Inc., commencing September 1, 2014, permitting the use of Borough domain for such purposes, in a manner that does not interfere with any other use by the Borough or community of such domain.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution shall be distributed to the Borough Administrator, the Borough Attorney, Englishtown Police Dept, Verizon, JCP&L, and the Jewish Learning Center of Monmouth County, Inc., as well as any other community group or synagogue that wishes to avail itself of the "ERUV" established by the Jewish Learning Center of Monmouth County, Inc.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-130**

**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 Dept. – Calcium Hypochlorite Briquettes - \$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/Robilotti

Seconded by: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-131**

**AUTHORIZATION OF SERVICES**

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

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

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

Water Dept. – Repair of Broken Water Valve at 19 Heritage Drive - \$7,480.24

Services From:

B & W Construction Co. of N.J. Inc.  
P.O. Box 574  
South River, N.J. 08882

**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/Robilotti

Seconded by: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-132**

**2013 AUDIT OF THE BOROUGH OF ENGLISHTOWN  
DIVISION OF LOCAL GOVERNMENT**

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

**WHEREAS**, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of the New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

**WHEREAS**, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW THEREFORE BE IT RESOLVED**, that the governing body of the Borough of Englishtown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-133**

**RESOLUTION OPPOSING SENATE BILL 2171 AND ASSEMBLY BILL 1596  
AUTHORIZING ANY COUNTY OF THE FIFTH AND SIXTH CLASS TO  
ASSUME COMPLETE RESPONSIBILITY FOR THE OPERATION  
AND CONTROL OF THE BEACHES THAT BORDER THE ATLANTIC OCEAN**

**WHEREAS**, Senate Bill No. 2171/Assembly Bill No. 1596 would authorize any county of the fifth or sixth class (Atlantic, Cape May, Monmouth and Ocean Counties) to assume complete responsibility for the operation and control of the beaches that border the Atlantic Ocean within the county by ordinance or resolution; and

**WHEREAS**, shore communities have a long standing tradition of providing for the public health, safety and welfare of beach goers in their communities; and

**WHEREAS**, shore communities have the ability to provide a seashore experience in keeping with the lifestyle and character of its own design; and

**WHEREAS**, the communities have had ability to sell beach badges since the 1970's; and

**WHEREAS**, revenues from beach badge sales have been dedicated to the cleaning and maintaining of beaches and public restrooms along with the provision of seasonal lifeguards and law enforcement; and

**WHEREAS**, seasonal beach operations provide jobs for high school and college students and senior citizens in the communities; and

**WHEREAS**, beach badge fees are user fees created to offset the cost directly to the taxpayers and are enforced during seasonal beach-going hours only, all other times beaches are 100% free; and

**WHEREAS**, many municipalities welcomed and accepted legislation to allow for free or reduced beach badges for active members of the Armed Forces and Senior Citizens; and

**WHEREAS**, Federal beach re-nourishment is primarily a means of protection through dune stabilization to local homes and businesses from storm surges; and

**WHEREAS**, the proposed legislation does not consider the tax impact to shore communities if beach badge revenues are lost; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Englishtown strongly oppose any legislation that would regionalize the provision of beach management and operations while putting the burden of beach public health, safety and welfare onto the taxpayers of all municipalities.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to Governor Chris Christie, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, the members of the Monmouth County Legislative Delegation, the sponsors of the aforesaid bill, all County Board of Chosen Freeholders and the Mayors of all Monmouth County municipalities.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-134**

**RESOLUTION AMENDING THE 2014 CAPITAL BUDGET**

**WHEREAS**, the Borough Council of the Borough of Englishtown desires to Amend the 2014 Capital Budget of said municipality by inserting or correcting therein as shown in such budget for following reason:

- Pine Street Road Improvement
- Municipal Building Sign
- DPW Riding Mower
- Generator for Water Plant/DPW
- DPW Pickup Truck
- Property Acquisition Block 25, Lot20

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Englishtown as follows:

**SECTION 1.** The 2014 Capital Budget of the Borough of Englishtown is hereby amended by changing and adding thereto a schedule to read as follows:

Amendment No. 1  
2014 Capital Budget of the  
Borough of Englishtown  
County of Monmouth, New Jersey

Method of Financing

Project No.	Estimated Total Cost	Capital Imp Fund	Grants in Aid and Other Funds	General Bond
(01) Road Improvements- Pine Street	\$250,000.00	\$12,500.00	\$160,000.00	\$77,500.00
(02) Municipal Building Sign	\$ 15,000.00	\$ 750.00	\$ 0.00	\$14,250.00

(03) DPW Riding Mower	\$ 15,000.00	\$ 750.00	\$ 0.00	\$14,250.00
(04) Generator-Water Plant/DPW	\$130,000.00	\$ 6,500.00	\$ 75,000.00	\$48,500.00
(05) DPW Pickup Truck	\$ 40,000.00	\$ 2,000.00	\$ 0.00	\$38,000.00
(06) Property Acquisition Block 25, Lot 20	\$ 95,000.00	\$ 0.00	\$ 95,000.00	\$ 0.00

**SECTION 2.** The Clerk is authorized and directed to file a certified copy of this resolution with the Borough Chief Financial Officer, Borough Auditor and one (1) certified copies to the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-135**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PREPARE  
BID SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR ADA  
INTERSECTION IMPROVEMENTS**

**WHEREAS**, the Borough of Englishtown had applied for and has been awarded a Community Development Block Grant (CDBG) for ADA Intersection Improvements; and

**WHEREAS**, the Mayor and Council has authorized the Borough Engineer to prepare bid documents for the project.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Borough Engineer is hereby authorized to prepare bid specifications, advertise and receive bids for the ADA Intersection Improvements.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-136**

**RESOLUTION AUTHORIZING THE BOROUGH ENGINEER TO PREPARE  
BID SPECIFICATIONS, ADVERTISE AND RECEIVE BIDS FOR PINE STREET  
IMPROVEMENTS/RECONSTRUCTION PROJECT**

**WHEREAS**, the Borough of Englishtown desires to improve/reconstruct Pine Street; and

**WHEREAS**, the Mayor and Council has authorized the Borough Engineer to prepare bid documents for the project.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Borough Engineer is hereby authorized to prepare bid specifications, advertise and receive bids for the Pine Street road project.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-137**

**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 \$666,320.57 are hereby authorized to be paid on July 23, 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/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

### **Tax Collector's Report –**

#### **June 2014**

2014 Taxes	\$25,626.56
Duplicate Bill Fee	5.00
<u>Interest</u>	<u>477.01</u>
<b>Net Receipts</b>	<b>\$26,108.57</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.

Lt. Cooke informs Mayor and Council the existing older police vehicles are breaking down due to age and mileage and have become a safety concern.

Al Burrows of Tennent Avenue asks Mayor and Council the amount of water purchased from Gordons Corner Water? Mayor Reynolds informs resident Burrows 50,000 gallons per day.

There being no further questions or comments, a motion to close the public portion was offered by C/Krawiec and seconded by C/Robilotti. 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, COAH Obligation, 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 23rd day of July, 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/Krawiec

Seconded By: C/Robilotti

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

Nays: None

Abstain: None

Absent: C/Sarti

The time being 7:23 P.M.

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

The time being 8:01 P.M.

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-138**

**AUTHORIZATION OF PURCHASES OVER \$2625.00**

**WHEREAS**, the Borough of Englishtown Council requires that purchases and services over \$2,625.00 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:

Police Dept. – Patrol Vehicle - \$19,000.00

Services From: Ford Motor Credit  
P.O. Box 1739  
MD 7500  
Dearborn, MI 48121-1739

**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/Robilotti

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

**BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2014-139**

**AUTHORIZING ABATEMENT BY THE BOROUGH  
OF CHAPTER 2.100 PROPERTY MAINTENANCE VIOLATION**

**WHEREAS**, numerous complaints have been filed with the code enforcement officer of the Borough of Englishtown regarding rodents, excessively high grass, weeds and poison ivy at 68 Main Street, Block 9, Lot 13 on the Borough of Englishtown tax map; and

**WHEREAS**, correspondence was hand delivered to the owner on June 12, 2014 advising that the violations needed to be addressed by June 22, 2014; and

**WHEREAS**, the Department of Public Works Supervisor inspected the property on June 23, 2014 and seeing that violations were not addressed, requested that a cost estimate to place 68 Main Street in proper condition, be prepared by an outside contractor due to the present condition of the property which poses a safety issue for the public works employees; and

**WHEREAS**, the price quoted by Green Meadow Lawn & Landscaping, LLC to place 68 Main Street in proper condition is one thousand two hundred dollars (\$1200.00) and after approval by Mayor and Council to perform the work, shall become a lien against the premises, collectible as provided by law.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Englishtown authorize the abatement of the excessively high grass, weeds and poison ivy, located at 68 Main Street if property is not placed in state of repair by August 7, 2014, which marks 7 days of the date of service of this notice, constituting a final order, at a cost of \$1200.00 which shall become a lien on the premises after the abatement is performed.

**BE IT FURTHER RESOLVED** that a true certified copy of the resolution shall be filed with the tax collector, and a copy of the report and resolution shall be sent by certified mail, return receipt requested, to the owner of the affected premises.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Sarti

**Adjournment**

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

The time being 8:03 P.M.

August 27, 2014

Approved by Governing Body

\_\_\_\_\_  
Peter Gorbatuk, R.M.C.  
Municipal Clerk