

December 14, 2015

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:
 - Noise Ordinance
3. Adjournment

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

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

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

Discussion Item:

Lt. Cooke contacted Rutgers in regards to a Noise Decibel Certification Class. The cost for the certification class is \$425.00 per officer and 2 officers must obtain certification. Then there will be a 1 day recertification class every 2 years at a cost of \$225.00 per officer, besides the cost of the metering equipment. There is no DEP requirement to adopt a Noise Ordinance. Only 5 towns in Monmouth County have one. It is extremely costly to administer and recommends that we stay with our existing Nuisance Ordinance. Council agrees.

Lt. Cooke explains the recording studio is complying with Ordinance Times of evening hours are as follows which are Sunday – Thursday until 9:30 P.M. and Saturday – Sunday until 10:00 P.M. Mayor Reynolds asked if the homeowner is still complaining about the noise level. Lt Cooke responded yes, however the police officers say it is not what they deem as loud & obnoxious. Mayor Reynolds stated that he will go out there as well to observe.

C/Cook arrives at 6:37 P.M.

Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Wojyn, seconded by C/Sarti. Passed unanimously. The time being 6:40 P.M.

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**** AGENDA ****

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
 - October 28, 2015
 - October 28, 2015 Executive Session
 - November 9, 2015
 - November 9, 2015 Executive Session
 - November 23, 2015
 - November 23, 2015 Executive Session
5. Committee Reports
6. Correspondence
7. Open Public Portion/Limited to Agenda Items Only
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
8. Oath of Office for Patrolman Adam Christopher Liotta

9. Proclamation: Supporting the Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown
10. Engineering Report December 2015
11. New Business
 - A. Resolution No. 2015-163
Authorizing Appropriation Transfer
 - B. Resolution No. 2015-164
Authorizing Refund of Property Taxes Due to Tax Court Judgement
 - C. Resolution No. 2015-165
Requesting Approval of Items of Revenue and Appropriation “Drive Sober or Get Pulled Over”
 - D. Resolution No. 2015-166
Appointment of Special Law Enforcement Class II Officer
 - E. Resolution No. 2015-167
Authorizing Cancellation of Unexpended Balance
 - F. Resolution No. 2015-168
Resolution Canceling Account Payable Balance
 - G. Resolution No. 2015-169
Authorization of Purchases Over \$2625.00
2016 Dodge Charger
 - H. Resolution No. 2015-170
Payment of Borough Bills
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 implies 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 6:41 P.M.

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

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

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

Approval of Minutes

- October 28, 2015
- October 28, 2015 Executive Session
- November 9, 2015
- November 9, 2015 Executive Session
- November 23, 2015
- November 23, 2015 Executive Session

There being no further corrections, deletions or additions, a motion to approve the October 28, 2015 Minutes and Executive Sessions, November 9th 2015 Minutes and Executive Session, and November 23, 2015 Minutes and Executive Session meeting minutes was offered by C/Sarti and seconded by C/Krawiec. Passed on the following roll call:

Roll Call: Ayes: C/Cooke, C/Krawiec, C/Sarti
Nays: None
Abstain: C/Wojyn abstains from the November 9th and 23rd
Absent: C/Robilotti, C/Rucker

Committee Reports

Administration, Finance & Personnel -

Councilwoman Cooke reports:

- She and C/Robilotti met with the staff to see how things are working out and how to prevent things from falling through the cracks. Web-site issues were mentioned indicating that it is difficult to use and would like to look into a more user friendly website. C/Krawiec offered to help along with C/Wojyn.

Public Utilities

Councilwoman Robilotti is absent and has no report at this time.

Code Enforcement, Public Health, Welfare & Public Events

Councilman Wojyn reports:

- Lake Weamaconk house has accrued fines with the present owner and the house is still not boarded up.

Public Safety

Councilwoman Krawiec reports:

- Reads aloud the police activity report for November. On file in the Municipal Clerk's office for public review.
- Then proceeds to read letter of recommendation for Ryan Carideo to fill the open Class II position created when Adam Christopher Liotta was promoted to a full-time police officer.
- The department was awarded a \$5,000.00 State Grant for the "Drive Sober or Get Pulled Over" campaign from December 11, 2015 to January 1, 2016
- Update on Corporal MacInnes condition. Has had surgery and currently no return to work date.

Legislative, Insurance & Licenses

Councilman Sarti reports:

- There is a replacement cost of \$7,500.00 for the destroyed Bus Stop Shelter on Water Street and Main Street due to a motor vehicle accident. We received a check from our insurance carrier in the amount of \$5,000.00. We have a \$2,500.00 deductible. Our insurance company will pursue the balance.

Public Buildings & Grounds

Councilman Rucker is absent this evening..

Correspondence:

Peter Gorbatuk, Municipal Clerk reports:

- The November Budget report was sent to the Mayor and Council the original is on file in the Clerk's office.
- Please forward your committee reports to the Clerk.

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/Wojyn. Passed unanimously.

At this time an Oath of Office is given to Patrolman Adam Christopher Liotta by Council President Maryanne Krawiec.

Mayor Reynolds reads Proclamation supporting "Drive Sober or Get Pulled Over" 2015 Year End Holiday Crackdown.

Mayor Reynolds reads Engineering report submitted by Municipal Engineer Tom Herits

New Business

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-163**

RESOLUTION AUTHORIZING APPROPRIATION TRANSFER

WHEREAS, N.J.S.A. 40A: 4-58 provides that during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$7,000.00 be made in the 2015 budget as attached.

Current Fund:

From:

Utility-Gasoline \$7,000.00

To:

Police S&W \$7,000.00 **Reason** 2015 Salary

Offered By: C/Sarti

Seconded By: C/Wojyn

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

Nays: None

Abstain: None

Absent: C/Robilotti, C/Rucker

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-164**

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

WHEREAS, the Borough of Englishtown Tax Collector has reported an overpayment in taxes for Block 14, Lot 6, and Block 14, Lot 18 that needs to be refunded due to a County Tax Appeal judgment; and

WHEREAS, per Tax Court Judgment Docket No. 007216-2013 \$68,563.52, Docket No. 000214-2014 \$85,561.11, an overpayment totaling \$154,124.63 located in the Borough of Englishtown should be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that in accordance with the request of the Tax Collector, a total refund is hereby authorized in the amount of \$154,124.63 payable to BTR Englishtown LLC by Onyx Equities, LLC, and forwarded to Zipp & Tannenbaum, L.L.C., 166 Gatzmer Avenue, Jamesburg, NJ 08831; and

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

Offered By: C/Krawiec

Seconded By: C/Sarti

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-165**

**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 2015 in the sum of \$5,000.00, which is now available from the Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown Grant in the amount of \$5,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$5,000.00 is hereby appropriated under the caption Drive Sober or Get Pulled Over 2015 Year End Holiday 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 \$5,000.00.

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

Mayor Reynolds points out that the Resolution 2015-166 in the Council packet is for an Appointment of Class II Officer and should be changed to a **CONDITIONAL OFFER OF EMPLOYMENT FOR SPECIAL LAW ENFORCEMENT CLASS II OFFICER** and asks for a motion to change accordingly. Motion by C/Krawiec, Seconded by C/Wojyn. All Ayes

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-166**

**CONDITIONAL OFFER OF EMPLOYMENT FOR SPECIAL LAW
ENFORCEMENT CLASS II OFFICER**

WHEREAS, it is the recommendation of Lt. Cooke and the Police Commission to make a conditional offer of employment to Ryan P. Carideo of Jamesburg, N.J. for the position of Special Law Enforcement Class II Officer for the Englishtown Police Department; and

WHEREAS, that the following appointment is conditional upon the successful passing of a physical examination, psychological evaluation and firearms qualification; and

WHEREAS, said appointments shall be in accordance with any existing laws or policies regulating said office; and

WHEREAS, the date of hire shall be determined by Lt. Cooke and the salary shall be at the rate of \$12.00 per hour.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown that Lt. Cooke is authorized to offer a conditional offer of employment to Ryan P. Carideo for the position of Special Law Enforcement Class II Officer and the following appointment is conditional upon successfully passing a physical examination, psychological evaluation and firearms qualification.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-167**

**RESOLUTION AUTHORIZING CANCELLATION OF
UNEXPENDED BALANCE**

WHEREAS, the following 2015 Water Operating Fund Budget appropriation balance remain unexpended:

Water Capital Outlay	
Other Expenses	\$35,000.00

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, that the above listed unexpended balance of the Water Operating Fund be canceled.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-168**

RESOLUTION CANCELING ACCOUNT PAYABLE BALANCE

WHEREAS, there exists an accounts payable on the books of the Current Fund; and

WHEREAS, the purchase orders and contracts creating this accounts payable have been investigated and it has been determined that the balance should be canceled;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, that the following accounts payable in the amount of \$2,272.06 be canceled:

<u>P.O. No.</u>	<u>Date</u>	<u>Vendor</u>	<u>Amount</u>
08-00867	11/13/08	Marlboro Cultural Fund	\$300.00
09-00229	03/23/09	Brices Auto Supply	35.82
09-00344	05/14/09	Clayton Block Co., Inc.	79.00
10-00113	02/16/10	Brices Auto Supply	19.71
10-00486	07/15/10	All-State Fence, Inc.	196.35
10-00521	07/29/10	MCLEFIA	15.00
11-00051	01/27/11	Brices Auto Supply	228.30

11-00052	01/27/11	Brices Auto Supply	22.26
11-00150	02/24/11	Jersey Coast Fire Equipment	67.00
11-00412	06/03/11	Ed Horsfall	25.00
11-00458	06/23/11	Brices Auto Supply	51.12
11-00809	11/18/11	R. O'Donnell	109.74
11-00810	11/21/11	R. Kelly, Esq.	700.00
11-00887	12/30/11	Brices Auto Supply	85.95
12-00717	09/11/12	Brices Auto Supply	143.22
13-00905	12/17/13	Brices Auto Supply	171.91
13-00906	12/17/13	Brices Auto Supply	21.68

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Borough Chief Financial Officer and Borough Auditor.

Offered By: C/Krawiec

Seconded By: C/Sarti

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

Nays: None

Abstain: None

Absent: C/Robilotti, C/Rucker

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-169**

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-170**

**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 \$236,847.51 are hereby authorized to be paid on December 14, 2015.
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/Sarti
Roll Call: Ayes: C/Cooke, C/Krawiec, C/Sarti, C/Wojyn
Nays: None
Abstain: None
Absent: C/Robilotti, C/Rucker

Public Portion

Motion to open Public Portion by C/Krawiec, seconded by C/Sarti

Mayor Reynolds opens the floor to the public for discussion on anything they wish to bring to the attention to the governing body.

Class II Officer Ryan P. Carideo respectfully Thanks Mayor and Council for giving him the opportunity to serve the Borough of Englishtown.

There being no 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: Litigation, Personnel

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 MacInnes litigation.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 25th day of March, 2015 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/Cooke

Seconded By: C/Sarti

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

Nays: None

Abstain: None

Absent: C/Robilotti, C/Rucker

The time being 7:02 P.M.

C/Robilotti arrives at 7:18 P.M. into Executive Session

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

The time being 7:41 P.M.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2015-171**

**APPOINTMENT OF DEPUTY COURT ADMINISTRATOR FROM PART-TIME
TO FULL-TIME STATUS**

WHEREAS, THERE IS A NEED TO PROMOTE A PART-TIME EMPLOYEE Lisa Langlois to full-time status; and

WHEREAS, the Administration, Finance & Personnel committee has recommended Lisa Langlois of Englishtown, N.J. be offered full-time status; and

WHEREAS, the effective date of this change is December 7, 2015 with an annual salary of \$35,000.00; and

WHEREAS, the following have been offered:

1. Full Health Benefits
2. Call-outs to be in accordance with the Personnel Policy
3. Court Attendance included in annual salary
4. Effective January 1, 2017 will be entitled to 15 days of Vacation with additional days in accordance with the Personnel Policy

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown County of Monmouth, State of New Jersey that Deputy Court Administrator Lisa Langlois be granted full time status.

BE IT FURTHER RESOLVED, that a certified true copy of this resolution be forwarded to the Chief Financial Officer, Deputy Court Administrator Lisa Langlois

Offered by: C/Sarti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Rucker

Adjournment

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

The time being 7:42 P.M.

January 27, 2016
Approved by Governing Body

Peter Gorbatuk

Municipal Clerk