

**** WORKSHOP AGENDA ****

June 28, 2017

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:
 - *In Rem – Legal Services*
 - “Bail Reform Act” Resolution opposing an unfunded State Mandate
3. Adjournment

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

Roll Call: Present: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Absent: C/Cooke

Discussion Items:

In Rem – Legal Services:

- Borough of Englishtown has 4 Municipal Liens and would like to foreclose on them. After discussions, decided to retain GMS Law as *In Rem* Counsel.
- **Bail Reform Act: Resolution opposing an unfunded State Mandate**
Mayor and Council discuss another State Mandate and will vote on Resolution later in the meeting as a last piece of business.

Mayor Reynolds mentions 19 Tenant Avenue barn in bad condition. Attorney Youssouf to obtain reports from Code Official Ed Miller, Engineer Tom Herits, and the Construction Department.

Adjournment:

There being no further business on the Workshop Agenda, a motion to adjourn the was offered by C/Robilotti, Seconded by C/Krawiec. Passed unanimously. The time being 7:03 P.M.

**** AGENDA ****

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:
 - *In Rem - Legal Services*

3.
 - “Bail Reform Act” Resolution opposing an unfunded State Mandate Adjournment

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

May 24, 2017 Meeting

May 24, 2017 Executive Session

June 8, 2017 Special Meeting

5. Committee Reports
6. Correspondence
7. Open Public Portion/Limited to Agenda Items Only
Limited to Five (5) Minutes per citizen to be determined at Borough Council’s discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
8. Old Business:
 - A. Ordinance No. 2017-03 – Public Hearing & Adoption
Bond Ordinance Amending and Supplementing Bond Ordinance 2014-04 Finally Adopted by the Borough Council on August 27, 21014, to Increase the Appropriation Therein by \$30,000 and to Increase the Authorization of Bonds or Notes Therein by \$28,500 to Finance Part of the Additional Costs Thereof
9. New Business:
 - A. Resolution No. 2017-098
Resolution Canceling Receivable Balance
 - B. Resolution No. 2017-099
Resolution Authorizing Refund of Tax Sale Certificate & Refund of Premium Paid At Tax Sale B-2 – Lot 22.28
 - C. Resolution No. 2017-100
Resolution Designating 2017 Salaries

- D. Resolution No. 2017-101
Resolution Authorizing Renewal of the Borough of Englishtown's Alcoholic Beverage Licenses for 2017-2018

 - E. Resolution No. 2017-102
Resolution Authorizing Refund of Old Planning Board Escrow

 - F. Resolution No. 2017-103
Resolution Authorizing the Payment of Borough Bills
- 10. Tax Collector's Report – May 2017

 - 11. Public Portion
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

 - 12. Executive Session

 - 13. Adjournment

The meeting was called to order by Mayor Reynolds at 7:04 P.M.

Roll Call: Present: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Absent: C/Cooke

Also present, CFO Laurie Finger, Municipal Clerk Peter Gorbatuk, Attorney Joseph Youssouf, Attorney Johnathan Cohen, Engineer Tom Herits,

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 May 24, 2017 meeting minutes and executive session minutes, also the Special Meeting Minutes held on June 8, 2017 was offered by C/Wojyn and seconded by C/Marter. Passed on the following roll call:

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn
Nays: None
Abstain: C/Krawiec for June 8, 2017 meeting.
Absent: C/Cooke

Committee Reports

Administration, Finance & Personnel

Councilwoman Cooke: Absent no report at this time.

Public Utilities

Councilwoman Robilotti reports:

- No report at this time. Informs Mayor and Council of her attendance at Judge Newman's wife wake.

Public Safety

Councilwoman Krawiec reports:

- No report at this time.

Code Enforcement, Public Health, Welfare & Public Events

Councilman Wojyn reports:

- Mentions the condition of one of the trucks in the DPW and Mayor Reynolds they can get by with what they have, We have been fortunate with minimal snow lately. CFO Laurie Finger adds we can revisit this in September.
- Shade Tree will have to reschedule meeting number three. They did not have a Quarum.

Legislative, Insurance & Licenses

Councilman Marter reports:

- No report at this time.

Public Buildings & Grounds

Councilman Mann reports:

- Music Studio in the Industrial Park noise level report has been received and is not in favor of the resident, the readings were acceptable.
- Verizon Building however was a different result and was above acceptable levels. Verizon has assured they will remedy the situation.

Correspondence

Municipal Clerk Peter Gorbatuk reports:

- The Monthly Budget Report for May 2017 was sent to Mayor and Council on June 3rd, and is on file in the Clerk's Office.
- Municipal Offices will be open on Monday July 3rd and closed on Tuesday July 4th in observation of Independence Day.
- Please pass your Committee Reports to the Municipal Clerk.

Mayor Reynolds at this time gives an update on a meeting with the Monmouth County Engineering department regarding the Weamaconk Dam. Back in 2001 a 50/50 split law was passed concerning Dam's in New Jersey. Costs would be split between the County and the Municipality. Our Dam to rebuild would cost roughly \$2 million dollars, which would be split costing the Borough approximately \$1 million of which we would need to go out to bond.

There could be an early fall start to update traffic lights at Water Street and Tennent Avenue with minimal widening in some areas.

The County Road Exchange project for 527 and 527-A also seems to be moving along and could be started early in 2018.

Public Portion – Agenda Items

Mayor Reynolds opens the floor to the public for discussion limited to agenda items only.
Motion made by C/Mann, Second by C/Robilotti.

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

Old Business

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2017-03**

PUBLIC HEARING & ADOPTION

**BOND ORDINANCE AMENDING AND SUPPLEMENTING
BOND ORDINANCE NUMBER 2014-04 FINALLY ADOPTED
BY THE BOROUGH COUNCIL ON AUGUST 27, 2014, TO
INCREASE THE APPROPRIATION THEREIN BY \$30,000
AND TO INCREASE THE AUTHORIZATION OF BONDS OR
NOTES THEREIN BY \$28,500 TO FINANCE PART OF THE
ADDITIONAL COSTS THEREOF**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF
NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS
FOLLOWS:** C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn **SECTION 1.** The
bond ordinance of the Borough of Englishtown, in the County of Monmouth, State of New
Jersey (the “City”), heretofore finally adopted by the Borough Council on August 27, 2014,
number 2014-04, entitled: “BOND ORDINANCE PROVIDING FOR 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” (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)(iv) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$30,000, said sum being inclusive of \$1,500 as the amount of an additional down payment as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the “Local Bond Law”), now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. Therefore, the total appropriation contained in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$30,000 from \$450,000 and shall equal the amount of \$480,000, said sum being inclusive of all appropriations heretofore made in the Original Ordinance, as amended and supplemented hereby, including the total amount of down payment increased by \$1,500 from \$22,500 to equal \$24,000. The total appropriation including the total amount of down payment is \$480,000.

SECTION 3. In order to finance the additional cost of the improvements or purposes set forth in Section 3(a)(iv) of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment, additional negotiable bonds or notes of the Borough in the amount of \$28,500 are hereby authorized to be issued by the Borough for such improvements or purposes in Section 3(a)(iv) of the Original Ordinance, as amended and supplemented, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, shall be increased by \$28,500 from \$192,500 and shall equal the amount of \$221,000.

SECTION 4. Section 3(a)(iv) 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>
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	\$160,000 (including a \$75,000 grant received or expected to be received from the New Jersey Hazard Mitigation Grant Program)	\$77,000	\$8,000	12.5 years”

SECTION 5. Section 7(b) of the Original Ordinance shall be amended to read in its entirety, as follows:

“The average period of usefulness of said improvements or purposes within the limitation 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 12.87 years.”

SECTION 6. 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 7. 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 additional authorization of the bonds and notes provided for in this amendatory and

supplemental bond ordinance by \$28,500 and the said obligations authorized herein will be within all debt limitations prescribed by law.

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 obligations authorized by the Original Ordinance, as amended and supplemented hereby. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any

monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. 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 12. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 13. 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 2017-03

Mayor Reynolds asks for a motion to opened the floor to the public for questions or comments on the above titled ordinance offered by C/Robilotti, Seconded by C/Krawiec

There being no questions or comments on the above titled ordinance a motion was offered to close the public hearing by C/Marter, seconded by C/Robilotti. Passed unanimously.

A motion to adopt ordinance 2017-07 was offered by C/Mann, seconded by C/Robilotti

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

This ordinance amendment shall take effect upon final passage and after publication as required by law.

New Business

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-098**

RESOLUTION CANCELING RECEIVABLE BALANCE

WHEREAS, a receivable balance of \$75,334.40 entitled Due from State of NJ DOT-LaSatta Avenue and Mt. Vernon Road which remains on the Current Fund balance sheet dedicated to a State of NJ DOT Grant has expired prior to December 31, 2013; and

WHEREAS, it is necessary to formally cancel the receivable balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED that the following grant receivable balance be cancelled:

GRANT TITLE AMOUNT CANCELED

Receivable – Due from State of NJ DOT Grant \$75,334.40
LaSatta Ave & Mt. Vernon Rd

Offered by: C/Robilotti

Seconded by: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-099**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE
& REFUND OF PREMIUM PAID AT TAX SALE**

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to Trystone Capital Assets, LLC:

Tax Sale Certificate No. 16-00002
Block 2, Lot 22.28
22 English Club Drive
in the amount of \$1,340.46

WHEREAS, Trystone Capital Assets also paid \$1,700.00 as a premium to obtain Tax Sale Certificate; and

WHEREAS, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund of the premium paid to obtain said certificate for a total refund amount of \$3,040.46.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of \$3,040.46 to Trystone Capital Asets, LLC 575 Route 70 2nd Floor, PO Box 1030, Brick, NJ 08723.

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

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2017-100**

2017 DESIGNATION OF SALARIES

WHEREAS, the Mayor and Council of the Borough of Englishtown adopted an Ordinance entitled "An Ordinance establishing limits for salaries of the Employees in the Borough of Englishtown, County of Monmouth, State of New Jersey"; and

WHEREAS, said salaries provided certain ranges for the positions set forth; and

NOW, THEREFORE, BE IT RESOLVED that it is the determination of the Mayor and Council of the Borough of Englishtown that annual salaries for said positions shall be fixed as follows for the year 2017 unless otherwise indicated.

Position		2017 Annual Salary
Governing Body	Mayor	\$ 4,000.00
	Council	\$ 3,500.00
Municipal Clerk	Peter Gorbaturk	\$ 54,549.88
Deputy Municipal Clerk p/t	Laurie Finger	\$ 5,000.00
Chief Financial Officer	Laurie Finger	\$ 26,358.32
Finance Clerk	Jeanne Keevins	\$ 41,031.50
Municipal Housing Liaison	Celia Hecht	\$ 585.83
Court		
	Magistrate	Judge Newman
		\$ 19,391.02
	Court Administrator	Lisa Langlois
		\$ 43,200.00
	Deputy Court Admin	Mary Kennedy
3/1/17		\$ 20.00 per hour eff
	Deputy Court Admin	Kristy Gilseman
3/1/17		\$ 20.00 per hour eff
	Violations Clerk	Deanna Owens
2/23/17		\$ 11.00 per hour eff
	Prosecutor	Richard Kelly
		\$ 350.00 per session

Public Defender	Christopher K.Koutsouris	\$ 250.00 per session
Dept. Public Works-Level 1	Robert Smith	\$ 31,824.00
Dept. Public Works p/t	William Murphy	\$ 12.24 per hour
Dept. Public Works p/t	Alex Sarti	\$ 12.24 per hour
Water Department Supervisor	Jim Mastrokalos	\$ 16,016.00
Water Department Clerk	Celia Hecht	\$ 14,862.37
Sewer Department Supervisor	Jim Mastrokalos	\$ 16,016.00
Sewer Department Clerk	Celia Hecht	\$ 14,862.37
Code Enforcement Officer Fire District Shared Service 22,221.11	Ed Miller	\$ 6,221.11 \$ 16,000.00 \$
Housing Inspector Fire District Shared Service 9,421.96	John Marini	\$ 7,421.96 \$ 2,000.00 \$
Zoning Officer	John Marini	\$ 5,831.54
Tax Department		
Tax Collector	Janice Garcia	\$ 10,462.95
Tax Clerk	Celia Hecht	\$ 3,284.81
Tax Assessor	Mark Fitzpatrick	\$ 11,673.29
Planning/Zoning Bd. Secretary	Celia Hecht	\$ 3,124.63
Shade Tree Commission Secretary	Vacant	\$
Emergency Management Coordinator	Peter S. Cooke Jr.	\$ 1,623.65
Police Lieutenant	Peter S. Cooke Jr.	\$ 89,925.50

Special Law Enforcement Officer-Class II	Katelyn N. Kwiecinski	\$	14.07 per hour
Special Law Enforcement Officer-Class II	Kevin Romano	\$	13.80 per hour
Special Law Enforcement Officer-Class II	Todd Hardifer	\$	13.80 per hour

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-101**

**AUTHORIZING RENEWAL OF THE BOROUGH OF ENGLISHTOWN'S
ALCOHOLIC BEVERAGE LICENSES FOR 2017-2018**

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

1. The applications 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, 2017 through June 30, 2018.

Licensee	License Number
John F. Carroll Columbian Club	1312-31-005-001
Vrajadish, Inc. Englishtown Liquors & Convenience	1312-44-004-007
Village Center Holdings	1312-33-003-012
CER, Inc.	1312-33-002-006

Offered by: C/Robilotti

Seconded by: C/Marter

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None
Abstain: None
Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-102**

AUTHORIZING REFUND OF OLD PLANNING BOARD ESCROW

WHEREAS, after reviewing the Planning Board Escrow Accounts held by the Borough, the Chief Financial Officer acknowledges that there is an old account retaining a balance after being deemed complete, and

WHEREAS, the Planning Board Attorney has indicated that the escrow billings for this project are complete and there are no outstanding accounts receivable against this account, therefore funds can be returned to the applicant, and

WHEREAS, it is the recommendation of the Chief Financial Officer to refund the balance to said applicant and close this account,

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, and State of New Jersey that it hereby authorizes the release of monies to the applicant for the following Planning Board Account:

PLANNING BOARD ESCROW ACCOUNT

	<u>Account #</u>	<u>Amount</u>
1. Thomas Reynolds	381610	\$ 400.00

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Chief Financial Officer and Planning Board Applicant.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-103**

**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 \$507,382.60 are hereby authorized to be paid on June 28, 2017.
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/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

Tax Collector's Report: May 2017

2018 Taxes	0.00
2017 Taxes	\$965,405.79
2016 Taxes	0.00
Outside Lien Redemption	5,336.20
Interest	330.92
<u>Duplicate Bill Fee</u>	<u>10.00</u>
Total Disbursements	\$971,082.91

Public Portion

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

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

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

Executive Session

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

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

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

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

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Sections 8 of N.J.S.A. 10:4-12b is required to discuss attorney performance.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 27th. day of January, 2016 pursuant to Section 8 of the Open Public Meetings Act.

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

Offered By: C/Krawiec

Seconded By: C/Robilotti

Passed unanimously

The time being 7:50 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/Robilotti. Passed unanimously.

The time being 8:55 P.M.

At this time Mayor Reynolds adds the following Resolutions:

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-104**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
ENGLISHTOWN APPORVING SETTLEMENT OF MACINNES vs BOROUGH
OF ENGLISHTOWN et als. DOCKET NO. MON-L-2164-14.**

WHEREAS, an amicable settlement of all claims asserted in the above captioned matter has been developed and approved by Plaintiff and Defendants; and

WHEREAS, the terms and provisions of the Confidential Settlement Agreement and Release have been carefully reviewed and assented to by Plaintiff and all Defendants; and

WHEREAS, pursuant to the terms of said Agreement Plaintiff has executed and filed a Stipulation of Dismissal with prejudice of the above captioned matter.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, that the Borough Attorney is authorized to execute the Confidential Settlement Agreement and Release document, which Agreement is incorporated herein by reference as if fully set forth at length.

Offered by: C/Krawiec

Seconded by: C/Mann

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Wojyn

Nays: None

Abstain: C/Robilotti

Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-105**

**RESOLUTION OF THE MAYOR AND COUNCIL, BOROUGH OF ENGLISHTOWN
DECLARING DIAMOND CONSTRUCTION IN DEFAULT OF THE CONTRACT
FOR INTERSECTION IMPROVEMENTS AWARDED ON NOVEMBER 2, 2016**

WHEREAS, The Borough of Englishtown advertised for and received sealed bids for “VARIOUS ADA INTERSECTION IMPROVEMENTS” and subsequent to bid review awarded a contract to Diamond Construction of Brick, N.J.; and

WHEREAS, Diamond Construction failed and neglected to complete the required work in a timely manner in complete compliance with the drawings and specifications prepared by the Borough Engineer; and

WHEREAS, Despite repeated demands for contract compliance and corrective action by the Borough Engineer, the Contractor has failed and neglected to repair its defective work and has not completed the job in accordance with the plans and specifications advertised, distributed and incorporated in the contract by reference; and

WHEREAS, Based upon the egregious breach of contract by the contractor, it is the considered opinion of the Mayor and Council of the Borough of Englishtown that Diamond Construction is in default of its contractual obligations to the Borough of Englishtown.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown that Diamond Construction is declared in breach of its contract with the Borough dated 11/2/2016.

BE IT FURTHER RESOLVED, that the contract with Diamond Construction is hereby terminated and that no payments shall be rendered by the Borough to the defaulting contractor.

BE IT FURTHER RESOLVED, that the Borough Engineer and Clerk are authorized to advertise for the receipt of sealed bids for completion of the above identified project.

Offered By: C/Robilotti

Seconded By: C/Wojyn

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2017-106**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, SUPPORTING LEGISLATIVE ACTION
REQUIRING THE STATE PUBLIC DEFENDER'S OFFICE TO REPRESENT
DEFENDANTS IN SUPERIOR COURT BAIL HEARINGS FOR THOSE ELIGIBLE
DEFENDANTS CHARGES WITH DISORDERLY PERSONS OFFENSES OR PETTY
DISORDERLY PERSONS OFFENSES IN LIEU OF THE BOROUGH PUBLIC
DEFENDER**

WHEREAS, the Bail Reform Act became effective January 1, 2017; and

WHEREAS, the Bail Reform Act requires bail hearings to be conducted in Superior Court; and

WHEREAS, bail hearings for Disorderly Persons Offenses and Petty Disorderly Offenses are held in the Superior Court notwithstanding jurisdiction for these offenses being in the Municipal Courts; and

WHEREAS, the New Jersey Office of the Public Defender who has attorneys that routinely appear in Superior Court does not represent defendants charges with Disorderly Persons Offenses or Petty Disorderly Offenses in Superior Court; and

WHEREAS, as a result of the Bail Reform Act, local municipalities are now mandated to have their respective Municipal Public Defenders required to appear in Superior Court to represent defendants charges with Disorderly Persons Offenses or Petty Disorderly Offenses; and

WHEREAS, as a result of the conditions imposed upon local municipalities by the Bail Reform Act, results in added expenses to local municipalities; and

WHEREAS, this results in a unfunded State Mandate; and

NOW, THEREFORE, BE IT RESOLVED, this 28th day of June, 2017 by the Mayor and Council of the Borough of Englishtown, County of Monmouth, and State of New Jersey as follows:

1. The Borough hereby supports legislative action requiring the New Jersey Office of the Public Defender to represent defendants in Superior Court bail hearings for those eligible defendants' charges with Disorderly Persons Offenses or Petty Disorderly Offenses in lieu of the Municipal Public Defender.
2. Upon adoption of Resolution the Borough Clerk shall forward a certified copy of the Resolution to the Governor of the State of New Jersey, the 9th and 10th, 12th and 30th Legislative Districts representatives, the Monmouth County Board of Chosen Freeholders, all Monmouth County Mayors and New Jersey State League of Municipalities.
3. The Borough Authorizes and directs the Mayor, the Chief Financial Officer and the Borough Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti, C/Wojyn

Nays: None

Abstain: None

Absent: C/Cooke

Adjournment

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

The time being 9:01 P.M.

July 26, 2017

Approved by Governing Body

Peter Gorbaturk

Municipal Clerk