

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

**November 19, 2018**

**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

The Meeting was called to order by Mayor Reynolds at 6:33 P.M.

Roll Call: C/Krawiec, C/Marter, C/Robilotti, C/Wojyn.

Absent: C/Cooke, C/Mann

2. Discussion Items: Motorized Scooters – Vehicles, Use of – C - 2.123  
Discussion takes place reviewing existing Code by Mayor and Council. Attorney Youssouf feels our Police can enforce this as it is written, let's enforce it. Mayor Reynolds would like to contact Raceway Park and the Municipality of Old Bridge to see if an instructional and safety program can be beneficial to inform parents and children riding in the streets with motorized recreational vehicles.

3. Adjournment

There being no further business a motion to adjourn the workshop was offered by C/Robilotti, Seconded by C/Krawiec. Passed unanimously. The time being 6:52 P.M.

**\*\* 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 24, 2018
  - October 24, 2018 Executive Session
5. Committee Reports
6. Correspondence

7. Open Public Portion/Limited to Agenda Items Only  
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.
8. Old Business:
  - A. Ordinance No. 2018-06 Public Hearing & Adoption Bond Ordinance Providing for Various Water System Capital Improvements and Services Related to the Development of an Asset Management Plan in Connection Therewith, by and In The Borough of Englishtown, in Appropriating \$100,000 Therefor and Authorizing the Issuance of \$100,000 Bonds or Notes to Finance The Cost Thereof.
9. New Business:
  - B. Resolution No. 2018-131 Canceling Old Outstanding Checks
  - C. Resolution No. 2018-132 Canceling Receivable and Capital Reserve Balance
  - D. Resolution No. 2018-133 Authorizing Cancellation of Unexpended Balance
  - E. Resolution No. 2018-134 Canceling Trust Fund Balance
  - F. Resolution No. 2018-135 Canceling Current Fund Reserve Balance
  - G. Resolution No. 2018-136 Over \$2625 for payment to B&W Construction Co. of NJ, Inc. of South River, NJ an amount not to exceed \$7,997.20 for a broken water main at Pine Street 10/29/18
  - H. Resolution No. 2018-137 Authorizing Refund of Property Taxes Due to Duplicate Payment
  - I. Resolution No. 2018-138 Authorizing Payment of Borough Bills
10. Tax Collector's Report – No Report at this time
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 implies 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 6:52 P.M.

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

Also present, CFO Laurie Finger, Municipal Clerk Peter Gorbatuk and Attorney Joseph Youssef.

Mayor Reynolds read the Statement of Compliance with Sunshine Law.

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 October 24, 2018, and Executive 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: CMarter  
Absent: C/Cooke, C/Mann

#### Committee Reports

Code Enforcement, Public Health, Welfare & Public Events  
Councilwoman Cooke reports: Absent no report at this time.

#### Public Utilities

Councilman Wojyn reports: No report at this time

#### Public Safety

Councilwoman Krawiec reports:

- Read Police report and is on file in the Municipal Clerks office.

#### Admin, Finance, Personnel

Councilwoman Robilotti reports: No report at this time.

#### Public Buildings & Grounds

Councilman Mann reports: Absent, no report at this time.

#### Legislative, Insurance & Licenses

Councilman Marter reports: No report at this time.

#### Technology

Councilman Marter reports: Looking for another provider for the web site



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 the 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. For the said improvements or purposes stated in Section 3, there is hereby appropriated the aggregate sum of \$100,000 said sum being inclusive of all appropriations heretofore made therefor. No down payment is required pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law (the "Local Bond Law"), as the improvements or purposes described in Section 3 of this bond ordinance shall be funded

by a loan from the New Jersey Infrastructure Bank (formerly known as the New Jersey Environmental Infrastructure Trust).

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$100,000 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 \$100,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are for various water system capital improvements and all services related to the development of an asset management plan in connection therewith and also including all work and related materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$100,000.

(c) The estimated cost of said improvements or purposes is \$100,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, 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, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, 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 time as may be determined by the Chief Financial Officer, provided that no note shall mature later than one (1) year from its date. 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, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Capital Fund of the Borough is hereby amended to conform with the provisions of this 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 Fund capital budget and capital programs as approved by the Director of the Division of Local Government Services in the 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 or purposes which the Borough may lawfully undertake as general improvements or purposes, 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 said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this

bond ordinance, is 5 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 in the 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 \$100,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. Unless paid from other sources, 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 this bond ordinance. Unless paid from other sources, 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 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 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 this ordinance.

SECTION 12. This bond ordinance shall take effect twenty (20) days after final adoption, and approval by the Mayor, as provided by the Local Bond Law.

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-131

RESOLUTION CANCELING OLD OUTSTANDING CHECKS

WHEREAS, there remains within the current fund checking account old outstanding checks;

NOW THEREFORE BE IT RESOLVED, that the old outstanding checks dated be canceled and returned to Surplus:

CURRENT CHECKING ACCOUNT – ACCOUNT #178608

8.	CHECK #	AMOUNT	DATE OF ISSUE	PAYEE
	12832	\$1,050.00	7/23/2014	Treasurer, State of NJ
	14156	\$ 137.00	7/27/2016	American Wear

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

Offered By: C/Robilotti

Seconded By: C/Marter

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

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-132

RESOLUTION CANCELING RECEIVABLE AND CAPITAL RESERVE BALANCE

WHEREAS, there is a receivable and reserve balance that remains on the Current Fund balance sheet dedicated to a Community Development Block Grant that have expired prior to 11/30/2017; and

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

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

<u>GRANT TITLE</u>	<u>AMOUNT CANCELED</u>
Receivable – Due from Monmouth County Community Development Block Grant	\$16,860.28



Ord 2014-02 dated 5/28/2014

ADA Intersections

\$16,860.28

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Cooke, C/Mann

BOROUGH OF ENGLISHTOWN

RESOLUTION NO. 2018-133

RESOLUTION AUTHORIZING CANCELLATION OF  
UNEXPENDED BALANCE

WHEREAS, the following 2018 Sewer Operating Fund Budget appropriation balance remain unexpended:

Sewer	
Other Expenses	\$90,000.00

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 Sewer Operating Fund be canceled.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Cooke, C/Mann

BOROUGH OF ENGLISHTOWN

RESOLUTION NO. 2018-134

RESOLUTION CANCELING TRUST FUND BALANCE

WHEREAS, there remains a balance in the Trust Fund of \$19.76 which is undedicated in the Fund Balance Account as surplus; and

WHEREAS, the Chief Financial Officer of the Borough of Englishtown wishes to cancel and transfer this balance in order to maintain an efficient bookkeeping of the financial accounting records; and

WHEREAS, the Chief Financial Officer has investigated this account should be cancelled and be transferred to the Current Fund Surplus of the Borough of Englishtown

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to cancel \$19.76 in the Trust Fund Surplus Account and transfer the funds to the Current Fund Surplus Account of the Borough of Englishtown,

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Cooke, C/Mann

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-135

RESOLUTION CANCELING CURRENT FUND RESERVE BALANCE

WHEREAS, there is a reserve balance in the amount of \$3,341.36 that remains on the Current Fund balance sheet dedicated to Public Assistance II that no longer is administered by the Borough of Englishtown; and

WHEREAS, this program is administered by the County of Monmouth making these funds uncollectible for the Borough of Englishtown from the State of New Jersey; and

WHEREAS, the Chief Financial Officer of the Borough of Englishtown wishes to cancel this balance in order to maintain an efficient bookkeeping of the financial accounting records; and

NOW, THEREFORE, BE IT RESOLVED that the Chief Financial Officer is hereby authorized to cancel the uncollectible balance in the Reserve for Public Assistance II remaining on the Current Fund balance sheet in the amount of \$3,341.36.

Offered by: C/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C//Cooke, C/Mann

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-136

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:

Broken Water Main on Pine Street on October 29, 2018  
Water Maintenance of Equipment Account..... \$7,997.20

Services From:

B&W Construction Company of New Jersey, Inc.  
PO 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 order.

Offered By: C/Robilotti

Seconded By: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Cooke, C/Mann

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-137

RESOLUTION AUTHORIZING REFUND OF PROPERTY TAXES DUE TO DUPLICATE  
PAYMENT

WHEREAS, the Borough of Englishtown Tax Collector has reported an over-payment in 2018 taxes that needs to be refunded due to a duplicate payment; and

WHEREAS, per the tax collector, the following overpayment should be refunded:

Elkins, Peter  
5 King Charles Court  
Block: 2 Lot: 22.05 Qualifier: C05  
Refund: \$1,122.19

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 for overpayment on he above listed property is hereby authorized in the amount of \$1,122.19 to Peter Elkins:

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/Robilotti

Seconded by: C/Krawiec

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

Nays: None

Abstain: None

Absent: C/Cooke, C/Mann

BOROUGH OF ENGLISHTOWN  
RESOLUTION NO. 2018-138

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 \$993,912.89 are hereby authorized to be paid on November 19, 2018.
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/Marter, C/Robilotti, C/Wojyn

Nays: None  
Abstain: None  
Absent: C/Cooke, C/Mann

Tax Collector's Report – No report at this time

Public Portion

Motion to Open Public Portion by C/Marter, Seconded by C/Robilotti

Mayor Reynolds opened 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/Marter 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: 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 or 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 27<sup>th</sup> 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/Marter

Seconded By: C/Robilotti

Passed unanimously, the time being 7:05 P.M.

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

The time being 8:25 P.M.

Adjournment

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

The time being 8:26 P.M.

\_\_\_\_\_  
Approved by Governing Body

*Peter Gorbatak*  
\_\_\_\_\_  
Municipal Clerk