

**\*\* MINUTES \*\***

**February 23, 2022**

**6:30 P.M.**

**Work Session of the Mayor and Council of the Borough of Englishtown  
15 Main Street, Englishtown, New Jersey 07726.**

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 6:30 P.M.

Roll Call Present: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn and Mayor Reynolds

Absent: None

Also Present: Borough Attorney Joseph Youssouf  
Deputy Finance Officer and Deputy Municipal Clerk Laurie Finger  
Finance Officer Sylvia Eryan-Hawileh  
Municipal Clerk Gretchen McCarthy.

Discussion Items

- Parking in Municipal Parking Lot During Snow Emergencies  
Mayor Reynolds spoke regarding vehicles being parked in the municipal parking lot overnight and in front of the Public Works bays. Vehicles were towed. Mayor Reynolds reminded all that there is no overnight parking allowed in any of the municipal parking lots and when there is two inches or more of snow on the ground, parking is prohibited on the Borough streets.
- Women's History Month Candidate  
Council President Wojyn stated that there is one person who has been working diligently on things in town, such as the Village Inn and with the matter of caring for the graves and honoring military veterans buried at local cemetery. That person is Kim Sabin, a great resident of the Borough. Mr. Wojyn will obtain information for a proclamation for the March 23, 2022 meeting.
- Privacy Policy for Municipal Website  
Mayor Reynolds spoke regarding the need for a privacy policy with regard to the information on the Borough website. Attorney Youssouf agreed that such a policy would be excellent and needed to protect this information. A policy has been prepared and forwarded to Attorney Youssouf for his review. Council President Wojyn spoke regarding Borough website matters. Council member Marter spoke regarding the costs he has been personally paying for the Borough's website and inquired of the Borough Attorney as to transfer of the hosting of the website. Attorney Youssouf indicated that the Borough can prepare a hold harmless agreement and will look into this matter further.

- **Open Container Law, P.L. 2021, c.395**  
 Mayor Reynolds stated that a committee was formed to look into this matter that would allow citizens to possess open containers in public areas around the municipality. Councilmember Francisco indicated that the committee did get together with the Police Chief to discuss open container areas that could consist of as much as the entire town and there were differing opinions on the subject. Councilmember Francisco expressed his support for having open containers anywhere, further explaining reasons why he feels allowing open containers would be a good idea to increase revenue and promote business and local events. Councilmember Lewis spoke of other states that have allowed such laws. Mayor Reynolds inquired about having such areas in proximity to schools. Attorney Youssouf spoke regarding protected school zones and the laws that prohibit open consumption of alcoholic beverages in public. On the matter of the Borough creating open consumption zones, analysis and input would be required. Attorney Youssouf spoke regarding other avenues to allow open consumption, such as a social affair permits. Mayor Reynolds called for significant public input on this matter as this has a direct affect on citizens and businesses in the borough. Police Chief Cooke spoke regarding the need, from a law enforcement perspective, to have a more regulated approach.
  
- **Ordinances for Borough Speed Limits and Passing Zones – South Main Street**  
 Mayor Reynolds stated a call was received requesting a copy of the ordinances creating our speed limits and no passing zones. Should these not be located, a new ordinance may be needed.
  
- **Paul Impellizeri, Block, Lot 6 and 2, Planning Board Matter Regarding Easement**  
 Mayor Reynolds spoke regarding a developer that came before the Council with regard to a development off West Dey Street, requesting an easement to allow ingress/egress to their property across a sewer easement. The Western Monmouth Utilities Authority has set forth terms to allow this access to happen, but the Borough has not received word on whether an agreement has been entered. The Borough can tentatively allow the granting of the easement conditioned on the agreement with the W.M.U.A. Attorney Youssouf has prepared a resolution conditionally granting this easement. Peter Licata, Attorney for the developer was present and agreed to the terms of the resolution. Mayor Reynolds indicated this will be slated for the March 23, 2022 meeting agenda.

Workshop Meeting Adjournment Time: 7:07 pm

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

**\*\* MINUTES \*\***

**Regular Meeting of the Mayor and Council of the Borough of Englishtown  
15 Main Street, Englishtown, New Jersey 07726.**

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 7:07 P.M.

Roll Call Present: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn and Mayor Reynolds

Absent: None

Also Present: Borough Attorney Joseph Youssouf  
Deputy Finance Officer/Deputy Municipal Clerk Laurie Finger  
Finance Officer Sylvia Eryan-Hawileh  
Municipal Clerk Gretchen McCarthy.

Statement of Compliance with Sunshine Law

Mayor Reynolds announced that pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and notification made to 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. The meeting was deemed in compliance with the Open Public Meetings Act.

Moment of Silence and Salute to the Flag

Led by Mayor Reynolds.

Approval of Minutes

January 26, 2022 Council Meeting  
January 26, 2022 Executive Session

Councilmember Francisco stated that he had not received the minutes. Motion was made to table approval of the February 23, 2022 minutes to the March 23, 2022 meeting to allow all of Council to be able to review.

Motion was made by C/Mann, seconded to table approval of February 23, 2022 minutes to the March 23, 2022 meeting:

Roll Call Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
Nays: None  
Abstain: None  
Absent: None

### Councilmember Committee Reports

Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events stated that he has received notice regarding use of the soccer fields on Main Street by a Men's soccer league, beginning in March.

Councilmember Lewis- Public Utilities reported on a water main break that occurred just after the last meeting. A street light outage on Heritage Drive was reported to J.C.P.&L. The water superintendent, Jim Mastrokalos has reported sand being noted upon the start of the well pump and the variable frequency drive he has requested authorization to purchase will assist by gradually starting the well, regulating the flow and reducing wear and tear on equipment. Multiple quotes have been received and are under the bid threshold. Additionally, are looking to drill a new well as soon as possible. The water quality accountability act will require capital plans be posted on a public website – NJDEP portal. Mr. Mastrokalos has also been working on digitizing more forms and processes for record keeping.

Councilmember Mann- Public Safety read the January police report.

Council member Marter- Legislative, Insurance and Licenses had no report.

Councilmember Wojyn- Public Buildings & Grounds, Technology spoke regarding the shared services with Monmouth County assisted with plowing key streets in the Borough during the last snowstorm. The Borough's two-man crew worked around the clock on snow removal. However, they experienced a jam in the salt spreader and needed to go out again to salt the following day. Complaints were received that streets were not plowed, but they were done multiple times. The drifting snow proved impossible to keep all streets immaculately clear. The Borough is looking into expanding the shared services agreement with Monmouth County for brining services. Councilmember Wojyn wished to remind residents that no clearing or salting of the roads will be performed unless two or more inches of snow falls. Councilmember Wojyn also spoke regarding informational emails that are sent out to those that subscribe the Borough website and encouraged residents to use the contact information found on the site to discuss or inquire on municipal matters. Announcements are also updated via the Borough Facebook page.

Councilmember Robilotti- Administration, Finance and Personnel.  
Reported that there was no Planning Board meeting held this month.

### Correspondence

From the CFO to the Mayor & Council on February 12<sup>th</sup>, 2022, the January 2022 Budget Report.

Dated February 15, 2022, from the New Jersey Department of Transportation informing that Englishtown Borough has been selected to receive FY 2022 Safe Streets funding in the amount of \$270,000.00 for pedestrian improvements to Conover Street, Park Avenue, and State Street.

A reminder to Councilmembers to please complete the MEL's annual elected official's online seminar. An email was sent to all governing body members on February 10, with the directions

attached on how to complete the course. The Borough receives credit for each official that completes the course.

Dated January 31, 2022, from the Monmouth County Board of Commissioners opposing the extension of Executive Orders by Governor Murphy beyond the Public Health Emergency.

From AMBE Holding LLC a public notice regarding a public hearing on an application before the Manalapan Township Zoning Board to be held on March 3, 2022 at 7:30 pm for Preliminary and Final Major site plan approval with a “D” variance and other variances for the Englishtown Industrial Park.

Reports were requested to be given to the Clerk for inclusion in the minutes.

Open Public Portion Limited to Agenda Items Only

Motion was made by C/Mann, seconded by C/Marter, and approved on the following roll call vote to open to public comment:

Roll Call     Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                  Nays: None  
                  Abstain: None  
                  Absent: None

Public Comment:

Barbara Kuchinski, 11 Hamilton Street

- Inquired and spoke about trash collection and budget issues

Close to Public:

There being no further comments, motion was made by C/Marter, seconded by C/Mann, and approved on the following roll call vote to close to public comment.

Roll Call     Ayes: C/Francisco, C/ Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                  Nays: None  
                  Abstain: None  
                  Absent: None

Old Business:

Ordinance No. 2022-01- Public Hearing and Second Reading

**AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CREATING A SOLID WASTE UTILITY AND SETTING FORTH THE METHOD OF CALCULATION AND COLLECTION OF SERVICE FEES FOR SAME.**

WHEREAS, the Borough Council of the Borough of Englishtown desires to create a solid waste utility to provide the mechanism to award a municipal solid waste collection contract; and

WHEREAS, N.J.S.A. 40A:-34 through 40A:4-26 provides for the establishment of a dedicated utility fund; and

WHEREAS, a bid has been prepared and a bid received for the provision of solid waste collection services in accordance with applicable law.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, that a solid waste utility is herewith created by amending Chapter 2, Section 57 BRUSH, TRASH AND DEBRIS, to include a new section 57.05, SOLID WASTE UTILITY, by adding new sections as follows:

#### 57.05 SOLID WASTE UTILITY

A. A solid waste utility is hereby created to transact the collection and disposal of solid waste as provided by law.

B. Said solid waste utility shall be self-liquidating with a dedicated budget as provided by N.J.S.A.40A: :4-34 through 40A:4-36.

##### 57.05.01 Recovery of costs; fees.

The costs associated with the collection and disposal of solid waste shall be recovered as may be provided in the contract or contracts made by the Borough for such services, plus uniform fees fixed from time to time by the Borough Council and collected from the property owners to whom the service is available.

##### 57.05.02 Service charge.

There is hereby established a solid waste service charge to be imposed annually upon the owners of those properties for which a solid waste collection and disposal service is made available by the Borough. The funds so collected shall be paid into the dedicated Solid Waste Utility Fund of the Borough of Englishtown.

##### 57.05.03 Computation of service charge.

The solid waste service charge for residential properties served, unless and until nonresidential properties are served shall be computed by dividing the approved annual budget of the Solid Waste Utility by the number of residential units to which the service will be made available by the Borough.

##### 57.05.04 Payment of service charge.

A. Upon approval of the annual service charge by the Borough Council, the Borough utility collector shall bill the owner of each property to which the service is available, based upon the number of residential units therein, during the first 30 days of each year or as soon thereafter as

is practical. The annual solid waste service charge shall be paid in two equal installments, being due on January 1 and July 1.

B. The charges hereby imposed shall be payable to the Borough, and each payment shall draw the same interest as taxes upon real estate beginning 30 days after the due date and shall be a lien upon the property to which service was made available until paid. The Borough shall have the same remedies for collection of the charges hereby imposed, with interest, costs, and penalties, as it has by law for the collection of taxes.

C. Owner occupants of residential units served by the solid waste utility who are age 65 and older and who qualify for a New Jersey senior citizen property tax credit may apply for an annual \$25.00 credit against the annual solid waste utility billing. Said applications must be in writing on a Borough provided form and must be updated as per New Jersey property tax requirements.

Mayor Reynolds and Deputy Finance Officer Laurie Finger gave explanation of the bids received for solid waste collection being triple of previous costs and the budgetary dilemma that has brought about the possible creation of a Solid Waste Utility. The options of a budget cap waiver referendum, the creation of the utility, and privatization of services were explained. Calculations of the possible costs for the options were also detailed. Councilmembers Francisco and Lewis detailed their efforts in speaking with different haulers for privatizing trash collection, which they support. The Mayor and Council further discussed costs as well as the pros and cons of each option.

Open Public Hearing on Ordinance 2022-01

Motion was made by C/Marter, seconded by C/Francisco, and approved on the following roll call vote to open to public comment:

Roll Call     Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                 Nays: None  
                 Abstain: None  
                 Absent: None

Public Comment:

Barbara Kuchinski, 11 Hamilton Street

- Inquired about language in the ordinance.
- Remarked that poor planning caused the need for this dilemma
- Asked how many salaries would be paid through administrative costs
- Feels taxes should be cut.

Wayne Rue, 17 Tennent Avenue

- Inquired about recycling services and bulk item collection

Wayne Krawiec, 31 Lasatta Avenue

- Inquired about number of units being discussed.

Lou Sarti, 73 English Club Drive

- Inquired about the number of dumpsters within the borough

Joanne Wisniewski, 55 English Club Drive

- Asked Council members Francisco, Lewis & Marter their individual opinions on the matter.

Robert Trojan, 67 English Club Drive

- Asked why calculations of costs were not posted/projected so taxpayers could follow along with the discussion. Information not being given in the proper way.
- Inquired when current trash collection contract ends.
- Inquired about tax savings to be realized.

Joanne Damante, 19 Heritage Drive

- Inquired when Borough became aware of this issue regarding trash collection.
- Feels a survey should have been sent out to obtain resident opinions.
- Inquired about a reduction in taxes if trash collection is no longer paid for through municipal budget.
- Feels municipal positions/salaries should be cut.

Attorney Youssouf spoke to the matter of municipal statutory obligations to maintain the health, safety and welfare of the Borough and the circumstances leading up to the need for a change in how trash collection happens and the manner in how costs for it are paid and the legal parameters.

Close to Public:

Motion was made by C/Marter, seconded by C/Robilotti, and approved on the following roll call vote to open to public comment:

Roll Call     Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                  Nays: None  
                  Abstain: None  
                  Absent: None

Motion was made by C/Wojyn, seconded by C/Robilotti, and approved on the following roll call vote for adoption of Ordinance No. 2202-01, entitled, "An Ordinance of the Borough of Englishtown, County of Monmouth, State of New Jersey Creating a Solid Waste Utility and Setting Forth the Method of Calculation and Collection of Service Fees for Same".

Roll Call     Ayes: C/Mann, C/Robilotti, C/Wojyn  
                  Nays: C/Francisco, C/Lewis, C/Marter  
                  Abstain: None  
                  Absent: None



There being three votes in the affirmative and three votes in the negative on the approval of Ordinance No. 2022-01, Mayor Reynolds voted in the affirmative to adopt said ordinance.

Ordinance No. 2022-02 - First Reading & Introduction

**ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53(d) FOR THE PREPARATION OF A REVISION AND CODIFICATION OF THE ORDINANCES OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, NEW JERSEY**

**WHEREAS**, N.J.S. 40A:4-53(d) provides for a municipality to adopt by ordinance special emergency appropriations for the preparation of a revision and codification of the municipal ordinances; and,

**WHEREAS**, the estimated cost of the engagement of special consultants for the preparation of a revision and codification of the municipal ordinances is \$18,390.00;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey as follows:

1. In accordance with N.J.S.A. 40A:4-53(d) a special emergency appropriation is hereby authorized for the purpose of carrying out the code review and revision of the Borough of Englishtown as mandated by N.J.S.A. 40:55D-89 and shall be deemed a special emergency appropriation in the amount of \$18,390.00.
2. That authorization to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of not less than \$3,678.00, reflecting at least one-fifth of the total amount authorized by this ordinance and as provided in N.J.S.A. 40A-55(c).
3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services five (5) days after final passage.
4. This ordinance shall take effect upon final passage and publication as required by law.
5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Deputy Finance Officer Laurie Finger requested that this ordinance be held until after adoption of the 2022 municipal budget. So agreed.

Motion to table introduction of Ordinance 2022-02 until after the 2022 Municipal Budget adoption was made by C/Mann, seconded by C/Lewis, and approved on the following roll call vote:

Roll Call     Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                  Nays: None  
                  Abstain: None  
                  Absent: None

**RESOLUTION NO. 2022-049**

**AUTHORIZING SIGNING OF PROFESSIONAL CONTRACTS**

**WHEREAS**, professional contracts have been submitted to the Municipal Clerk of the Borough of Englishtown and forwarded to the Borough Attorney for review; and

**WHEREAS**, the Municipal Attorney has reviewed said contracts and has found them to be in compliance with statutory requirements; and

**WHEREAS**, the members of Council hereby approve the following contracts.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Englishtown, County of Monmouth, State of New Jersey, hereby authorizes the Mayor and Borough Clerk to execute the contracts for professional services for:

Bond Counsel             John M. Cantalupo of Archer & Greiner  
 Auditor                     Robert W. Allison of Holman, Frenia, Allison P.A.  
 Engineer                    Thomas J. Herits of Colliers Engineering & Design  
 Attorney                    Joseph Youssouf, Esquire  
 Prosecutor                 Richard Kelly, Esquire  
 Public Defender         Michael DuPont, Esquire

<b>Council Member</b>	<b>Motion/Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Francisco		X			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

**RESOLUTION NO. 2022-050**

**AUTHORIZATION OF SERVICES**

**WHEREAS**, the Borough of Englishtown Council requires that purchases and services over \$6,600.00 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:

Software Maintenance for Finance, Tax, Animal & Water Sewer Departments.....\$10,900.49

Services From:

Edmunds & Associates  
 301 – A Tilton Road  
 Northfield, NJ 08225

**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.

<b>Council Member</b>	<b>Motion/Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Francisco		X	X		
Lewis			X		
Mann	X		X		
Marter			X		
Robilotti			X		
Wojyn			X		
Mayor Reynolds	tie vote only				

**RESOLUTION NO. 2022-051**

**AUTHORIZING REFUND OF TAX SALE CERTIFICATE**

**WHEREAS**, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to US Bank Global Trust Services:

Tax Sale Certificate No. 21-00017  
 Block 26.02, Lot 49  
 23 Heritage Drive  
 in the amount of \$622.02  
 premium of \$1,100.00  
 total of **\$1,722.02**

**WHEREAS**, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$1,722.02.

**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 \$1,722.02 to US Bank Global Trust Services, 50 South 16<sup>th</sup> St., Suite 2050, Philadelphia, Pennsylvania 19102:

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

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis				X	
Mann		X			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

**RESOLUTION NO. 2022-052**

**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 \$767,768.04 are hereby authorized to be paid on February 23, 2022.
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.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

Tax Collector’s Report – January 2022

The Tax Collector’s Report, dated January 2022, was read by Mayor Reynolds

Open Public Portion Non-Agenda Items

Motion was made by C/Lewis, seconded by C/Marter, and approved on the following roll call vote to open to public comment:

Roll Call      Ayes: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                     Nays: None  
                     Abstain: None  
                     Absent: None

Public Comment:

Sean Atterbury, 24 Carriage Lane

- Spoke on the Community Development Committee and submitted a flyer for posting.

Rich Thompson, 79 New Beginnings Crossing

- Asked if his letter had been received regarding his employment as Code Enforcement Officer.

There being no further comments, motion was made by C/Mann, seconded by C/Robilotti, and approved on the following roll call vote to close to public comment.

Roll Call      Ayes: C/Francisco, C/ Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn  
                     Nays: None  
                     Abstain: None  
                     Absent: None

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 contract negotiations;

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 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 suspension or loss of a license or permit.

**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.

**WHEREAS**, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 4 of N.J.S.A. 10:4-12b is required to discuss personnel matters.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the public be excluded from this portion of the public meeting convened this 26<sup>th</sup> day of January, 2022, pursuant to Section 4 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.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X	X		
Lewis			X		
Mann	X		X		
Marter			X		
Robilotti			X		
Wojyn			X		
Mayor Reynolds	tie vote only				

Adjournment

There being no further business a motion to adjourn was offered by C/Mann, seconded by C/Marter with all present Council members in favor on voice vote.

9:27 P.M.

\_\_\_\_\_  
Date Approved

*Gretchen McCarthy*\_\_\_\_\_

Municipal Clerk