

**** MINUTES ****

January 26, 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 6:32 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 Youssef, Deputy Finance Officer and
Deputy Municipal Clerk Laurie Finger, Finance Officer Sylvia
Eryan-Hawileh, and Municipal Clerk Gretchen McCarthy.

Discussion Items

- Garbage Collection Budget Options, Borough Auditor Bob Allison

Borough Auditor Bob Allison explained the budget process and the caps instituted by the State of New Jersey to limit the amount the Borough can increase the budget. Due to massive increases in Solid Waste and Recycling costs the Borough is experiencing tax cap issues and the options available are not attractive. A cap waiver referendum is one alternative. There is also an option of creating a solid waste utility that would remove the costs from the budget. The Borough could get rid of the utility in the future if no longer needed. Council discussed the costs and pros and cons of the privatization of solid waste collection. Traffic increases, public health issues, reduction in services and bid specification alternates were also considered. Attorney Youssef explained contract law aspects and public health factors should residents not comply in contracting with a private vendor. Mayor Reynolds suggested introducing the ordinance creating the solid waste utility as a matter of timeliness due to contract extension and budgetary deadlines. It need not be adopted but would need to be introduced in order to adopt if so needed. Councilmembers Francisco and Lewis spoke of their research on this matter and are in favor of privatization due to resident cost savings. Written information from their research was requested to be presented to all Council members prior to the February Council meeting for comparison to solid waste utility costs.

- Water/Sewer Department Update, Borough Engineer Tom Herits and Water Sewer Superintendent Jim Mastrokalos

Borough Engineer Herits had a scheduling conflict so was unable to attend. However, Water and Sewer Superintendent Jim Mastrokalos reviewed a few topics with regard to new laws instituted to locate lead sources in water. He explained that homeowners are responsible for their water pipe from the curb line to the house in the case of leaks or breaks. Under new laws, the municipality would be responsible for lead in those same pipes. All information he possesses does not indicate lead in the Borough's water system, but he does not have much information on customer pipes and he is missing information on approximately four hundred homes. Once the testing criteria is established Mr. Mastrokalos will be able to update Council on this matter.

Mr. Mastrokalos further explained his concerns with the Borough's main well and more sand being exhibited recently. The well will need to be replaced at some point soon. Mr. Mastrokalos proposed the installation of a Variable Frequency Drive that has a high probability of buying some time before needing to replace the well. Costs and possible grant funding were discussed.

- Ordinance 2021-04 (Cannabis) discussion

Mayor Reynolds spoke regarding the July 2021 decision by a majority of Council to not allow any of the six categories of cannabis businesses as allowable uses within the Borough. As agreed, since that time, a resident survey was performed and Mayor Reynolds has visited a presently operating medical dispensary. The New Jersey Cannabis Regulatory Commission will not be accepting applications for retailers until March 15, 2022 and then priority will be given to applicants falling under certain criteria. Mayor Reynolds would prefer to revisit again once retailers are operating to best evaluate their businesses and any pros and cons experienced.

Adjournment

There being no discussion items a motion to adjourn the workshop was offered by C/Robilotti, seconded by C/Mann, with all present Council members in favor of adjournment. Time of adjournment was 8:03 pm.

**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 8:03 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, and 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 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

December 20, 2021

December 20, 2021 Executive Session

January 3, 2022 Council Reorganization Meeting

January 3, 2022 Executive Session

There being no corrections, deletions or additions, a motion to approve the December 20, 2021 Regular and Executive Session minutes and also the January 3, 2022 Reorganization Meeting Regular and Executive Session minutes was made by C/Robilotti, seconded by C/Wojyn, and approved on the following vote:

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

Councilmember Committee Reports

Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events, had no report.

Councilmember Lewis- Public Utilities, reported on issues experienced with the last collection of recyclables.

Councilmember Mann- Public Safety, read the Police report for December 2021.

Council member Marter- Legislative, Insurance and Licenses reported that on this past Monday, the Borough website went down at 9:35pm. The Borough is currently in the process of moving everything from AWS to Host Gator and a credit card is needed for the cost.

Councilmember Wojyn- Public Buildings & Grounds, Technology reported that the Borough will be leveraging a shared services agreement with Monmouth County for snow expected at the end of the week. Also, Public Works employees have inquired about signage for the new municipal parking lot next to the Municipal Building. Mayor Reynolds will inquire with Manalapan about signage. Mr. Wojyn also spoke about the need for a procedure for when the Borough's website does go down.

Councilmember Robilotti- Administration, Finance and Personnel reported that the Borough Unified Planning/Zoning Board met the previous evening for their reorganization meeting.

Correspondence

From the CFO to the Mayor & Council on January 1, 2022: the December 2021 Budget Report.

From Monmouth County Board of Health a list of February dates and times of County Covid-19 Testing and Vaccination Clinics. This information is also available through the Board of Health's new app. The front door has flyers posted regarding both the clinics and the app.

Please submit your reports 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/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

Public Comment:

Lauren Roth, 40 Tennent Avenue

- Highly suggested the new government official's seminar held by Monmouth County for members of Council.
- Spoke regarding the garbage collection matter and questioned privatization and ramifications should garbage not be collected due to non-payment.
- Questioned reported tickets issued by the Police Department and budgetary impact.

There being no further comments, motion was made by C/Robilotti, 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

RESOLUTION NO. 2022-041

**RESOLUTION ACCEPTING THE RESIGNATION OF WILLIAM MURPHY
 PART TIME PUBLIC WORKS EMPLOYEE**

WHEREAS, Part Time Public Works Employee, William Murphy has served the Borough of Englishtown since October 3, 2016, with dedication and commitment; and

WHEREAS, William Murphy tendered his resignation with the Borough of Englishtown with his last day of employment being December 30, 2021.

NOW THEREFORE BE IT RESOVED that the Mayor and Council of the Borough of Englishtown regrettfully accept the resignation from Part Time Public Works Employee William Murphy and wish him well in his future.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the personnel file of William Murphy and to the 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	X			
Marter		X			
Robilotti		X			
Wojyn		X			
Mayor Reynolds	tie vote only				

RESOLUTION NO. 2022-042

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 Trade Money, LLC, 29 Palisades Road, Old Bridge, NJ 08857:

Tax Sale Certificate No. 21-00003
 Block 3.01, Lot 12
 3 North Gate Drive
 in the amount of \$59.52
 premium of \$300.00
 total of **\$359.52**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$359.52.

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 \$359.52 to Trade Money, LLC, 29 Palisades Road, Old Bridge, NJ 08857:

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

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

RESOLUTION No. 2022-043

**RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY
 PROCUREMENT OF WATER MAIN REPAIR BY B & W CONSTRUCTION CO.**

WHEREAS, the Borough of Englishtown was notified by the Borough Water & Sewer Superintendent on or about December 19, 2021, of a service main break due to a service saddle rotting off in the area of Carriage Lane with work needing to be completed on a Sunday night due to the emergent nature.

WHEREAS, the Mayor has determined it is an emergency affecting the public health, safety, or welfare of the public and the public safety officials in accordance with N.J.S.A. 40A:11-6 (Local Public Contracts Law);

WHEREAS, the Borough of Englishtown Qualified Purchasing Agent has declared the need to enter into an emergency contract for said repair;

WHEREAS, the Borough Council has reviewed and is in agreement with the emergent nature of this procurement; and

WHEREAS, the maximum amount of the purchase is \$12,844.97 and funds are available in as evidenced by the Chief Financial Officer’s Certification;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, as follows: 1. The Chief Financial Officer is hereby authorized and directed to forward a purchase requisition to B & W Construction Co., P. O. Box 574, South River, NJ, for the emergency repair of the service main in the area of Carriage Lane, in an not to exceed \$12,844.97 all in accordance with the attached quote.

<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. 2022-044

AUTHORIZE GRADING AND INSTALLATION OF RECYCLED CONCRETE AT THE MUNICIPAL PARKING LOT AT 17 MAIN STREET, BLOCK 25, LOT 20

WHEREAS, there is a need for the grading and installation of recycled concrete at the Municipal Parking Lot at 17 Main Street, also known as Block 25 Lot 20 on the Borough Tax Map and currently owned by the Borough of Englishtown ; and

WHEREAS, quotes were solicited from three (3) vendors and one (1) price quotes were received to provide said grading and recycled concrete; and

WHEREAS, the cost proposal submitted by Brenner Drainage & Excavating, Inc., was responsive; and

WHEREAS, since the purchase is under the Borough bid threshold of \$44,000.00, public bids are not required as set forth in N.J.S.A. 40A:11-4 requiring public advertising and bidding for contracts for a sum exceeding the aggregate amount as calculated periodically by the Governor, pursuant to N.J.S.A. 40A:11-3 which amount is \$44,000.00; and

WHEREAS, the Borough Council has reviewed the Borough Engineer’s recommendations on this purchase; and

WHEREAS, the maximum amount of the purchase is \$12,300.00 and funds are available in as evidenced by the Chief Financial Officer’s Certification;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, as follows: 1. The Chief Financial Officer is hereby authorized and directed to forward a purchase requisition to Brenner Drainage & Excavating, Inc., 205 Dey Grove Road, Monroe, New Jersey 08831 for the grading and installation of recycled concrete at 17 Main Street, in an amount not to exceed \$12,300.00 all in accordance with the attached quote.

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

RESOLUTION No. 2022-045

AWARD PROFESSIONAL SERVICES CONTRACT TO COLLIERS ENGINEERING AND DESIGN FOR PLANNING SERVICES FOR THE MASTER PLAN AND DEVELOPMENT REGULATIONS REEXAMINATION REPORT

WHEREAS, there exists a need for Professional Planning Services for the Master Plan and Development Regulations Reexamination Report in the Borough of Englishtown, in the County of Monmouth, State of New Jersey; and

WHEREAS, the proposal received from Collier Engineering & Design is responsive; and

WHEREAS, a contract for this professional service may be awarded without public advertising for bids as the contract is for “Professional Services” pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Borough Council has reviewed the Borough Engineer’s recommendations; and

WHEREAS, the maximum amount of the contract is \$17,500.00 and funds are available as evidenced by the Chief Financial Officer’s Certification.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Agreement for the professional planning services for the Englishtown Borough Master Plan and Development Regulations Reexamination Report with Colliers Engineering & Design, 53 Frontage Road, Suite 10, Hampton, New Jersey 08827.
2. This Contract is awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5 (1)(a) of the Local Public Contracts Law because the contract is for service performed by persons authorized by law to practice a recognized profession that is required by law.
3. The Municipal Clerk shall cause to be printed once, in the Asbury Park Press, a brief notice stating the nature, duration, service and amount of this contract, and that the resolution and contract are on file and available for public inspection in the office of the Municipal Clerk.

<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				

RESOLUTION NO. 2022-046

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
 COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE
 BOROUGH TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on January 26, 2022, the governing body of the Borough of Englishtown, County of Monmouth, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, as follows:

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Englishtown.
2. Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.
3. The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.
4. This resolution shall take effect immediately upon passage.

<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			
Wojyn		X			
Mayor Reynolds	tie vote only				

RESOLUTION No. 2022-047

AUTHORIZE STIPEND FOR DEPUTY REGISTRAR OF VITAL STATISTICS

WHEREAS, Jeanne Keevins has been serving the Borough of Englishtown in the capacity as Deputy Registrar of Vital Statistics since 2015 ; and

WHEREAS, Jeanne Keevins has been providing these services exclusively due to the past absence of the Registrar of Vital Statistics and the Borough Council wishes to recognize the additional workload caused by said absence; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth that Jeanne Keevins be paid a stipend of \$1,500.00 per annum for the title of Deputy Registrar of Vital Statistics, retroactive to January 1, 2022.

<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			
Wojyn		X			
Mayor Reynolds	tie vote only				

RESOLUTION NO. 2022-048

**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 \$656,949.88 are hereby authorized to be paid on January 26, 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			
Marter		X			
Robilotti	X	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

C/Francisco motioned to reintroduce an unamended version of Ordinance 2021-04 at the February 23, 2022 Council meeting, seconded by C/Mann, and defeated on the following roll call vote with Mayor Reynolds breaking the tie vote:

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

C/Francisco also spoke in favor of a newly enacted law that would permit municipalities to adopt an ordinance allowing the consumption of alcoholic beverages outdoors. This could be allowed throughout a municipality or limited to a certain area or areas. C/Francisco feels it would be beneficial to events being planned in town and requested this be listed as a discussion item at the February 23, 2022 meeting. A committee was formed consisting of C/Francisco, C/Lewis and C/Marter, along with Chief Cooke, to make suggestions with regard to this new law.

Tax Collector's Report – December 2022

Was read by Mayor Reynolds

Open Public Portion Non-Agenda Items

Motion was made by C/Robilotti, 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:

Englishtown Police Chief Cooke

- spoke regarding a recent shooting of two New York City police officers, requesting permission to attend the funerals.

Lauren Roth, 40 Tennent Avenue

- spoke regarding Community Development Committee plans for a community day and planting of perennial flowers by the new municipal parking lot

There being no further comments, motion was made by C/Robilotti, seconded by C/Marter, 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 26th 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			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti		X			
Wojyn		X			
Mayor Reynolds	tie vote only				

Council adjourned from Executive Session to discuss the terms and conditions of employment of Richard Thompson as Code Enforcement Officer as Mr. Thompson expressed in writing that he wished this matter to be discussed during the public portion of the meeting. Borough Attorney Youssouf reminded Mr. Thompson that he had been requested previously to provide documentation regarding his status as an exempt fireman. Mr. Thompson indicated that he has provided the documentation to his counsel and has no evidence to present as this is not a formal hearing. Mr. Thompson also indicated that he believes that he is entitled to tenure in the position of Code Enforcement Officer as he is an exempt fireman. Police Chief Cooke, as supervisor of Code Enforcement, stated that he has no issues with Mr. Thompson’s job performance.

The Mayor and Council reconvened to Executive Session for personnel matters on motion by C/Wojyn, seconded by C/Marter, with all members present in favor.

Upon the second adjournment of Executive Session, Ordinance No. 2022-01 was considered on First Reading

ORDINANCE NO. 2022-01

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.

<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			
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.

9:28 P.M.

 Date Approved

Gretchen McCarthy
 Municipal Clerk