

****MINUTES ****

August 10, 2022

6:30 P.M.

**Special 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 6:32 P.M.

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

Absent: C/ Wojyn

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 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.

Mayor Reynolds stated that Attorney Youssouf is needed for the Executive Session but is unable to stay for the entire special meeting due to a scheduling conflict. Mayor Reynolds requested the agenda be amended to hold a brief closed session at this point in the meeting to allow Attorney Youssouf's presence.

**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 matters falling within attorney/client privilege.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 10th day of August, 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				

Upon return from Executive Session, Attorney Youssouf left the meeting. Borough Auditor Chris Bodeker of HFA Accountants and Advisors thanked staff for their cooperation during the auditing process and made presentation to the governing body on the 2021 Municipal Audit. Upon conclusion of Mr. Bodeker’s comments, Council considered the mandatory resolution with regard to the annual audit.

RESOLUTION NO. 2022-109

**2021 AUDIT OF THE BOROUGH OF ENGLISHTOWN
DIVISION OF LOCAL GOVERNMENT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of the New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW THEREFORE BE IT RESOLVED, that the governing body of the Borough of Englishtown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

The group affidavit was circulated for Councilmember’s respective signatures.

ORDINANCE NO. 2022-10

AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY ESTABLISHING THE LICENSING OF KENNELS AND SETTING FORTH THE FEES FOR SAME.

WHEREAS, N.J.S.A. 4:19-15.8 states that any person who keeps or operates or proposed to establish a kennel, pet shop, a shelter or a pound shall apply to the clerk or other official designated to license dogs in the municipality where such establishment is located, for a license entitling him to keep or operate such establishment; and

WHEREAS, the Borough Council of the Borough of Englishtown wishes to establish rules and regulations for the licensing of kennels pursuant to N.J.S.A. 4:19-15.8; and

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey, that the licensing of kennels, pet shops, shelters and pounds is herewith authorized by amending Chapter 2, Section 55 is hereby

supplemented and amended to include a new section 55.15, PET SHOPS, KENNELS, SHELTERS AND POUNDS; FEES, by adding new sections as follows:

ARTICLE I

ARTICLE V - Pet shops, kennels, shelters and pounds; fees.

2.55.14.01 License required.

Any person who keeps or operates or proposes to establish a kennel, pet shop, shelter or pound shall apply to the Board of Health for a license entitling him to keep or operate such establishment. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

2.55.15.02 Application information.

The application shall contain the following information:

- (1) The name and permanent and local address of the applicant.
- (2) Name and address of Supervising Veterinarian
- (2) The street address where the establishment is located or proposed to be located, together with a general description of the premises.
- (3) The purposes for which it is to be maintained.
- (4) The maximum number of dogs to be accommodated by such establishment at any one time.

2.55.15.03 Approval of Health Officer.

No license shall be issued until the proposed licensee submits a written statement from the Health Officer of the Board of Health that the establishment or proposed establishment complies with local and state rules governing the location of and sanitation at such establishment.

2.55.15.04 License term.

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year.

2.55.15.05 License fees.

The annual license fees for kennel and pet shop licenses shall be as follows:

- (1) Kennel accommodating 10 or fewer dogs: \$10.
- (2) Kennel accommodating more than 10 dogs: \$25.
- (3) Pet shop: \$10.
- (4) Shelter or pound: no fee.

2.55.15.06 Compliance with state regulations.

- (1) All licenses issued for a kennel, pet shop, shelter or pound shall be subject to revocation by the Township Committee on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health.

- (2) Any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound shall comply with all Township ordinances and the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, the preservation of sanitation therein, and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.

2.55.15.07 Reports to State Health Department.

The Board of Health shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

2.55.15.08 Control of dogs off premises.

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on a leash or in a crate or other safe control.

ARTICLE II
SEVERABILITY

Should any portion, provision, clause, or section of this Ordinance Amendment be found unconstitutional or invalid by a Court of competent jurisdiction, such provision[s] shall be deemed severable and shall not affect the validity of the remaining portions provisions or sections of this Ordinance Amendment which shall remain in full force and effect.

ARTICLE III
EFFECTIVE DATE

This Ordinance shall take effect upon its final passage, approval, and publication according to law.

Open Public Hearing on Ordinance 2022-10

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,
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Public Comment:

Chris DiBenedetto, 30 Main Street

- Inquired on the kennel licensing process

Motion to Close Public Hearing on Ordinance 2022-06:

Motion was made by C/Mann, seconded by C/Francisco, and approved on the following vote to close public comment on Ordinance 2022-10:

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

Motion to Adopt Ordinance 2022-10 on Second Reading:

On second reading, motion was made by C/Lewis, seconded by C/Marter and approved on the following vote to approve Ordinance 2022-10, entitled, “An Ordinance of the Borough of Englishtown, County of Monmouth, State of New Jersey Establishing the Licensing of Kennels and Setting Forth the Fees for Same.”:

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

Councilmember Francisco made a motion, seconded by Councilmember Lewis to list a discussion item in the workshop of the council meeting to held on August 24, 2022, regarding the solid waste utility and further to have an ordinance prepared to repeal Ordinance 2022-02 that created the utility. So agreed. Council further discussed specifics of the ordinance consideration or amendment.

Open Public Portion

Motion was made by C/Robilotti, seconded by C/Wojyn, 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,
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Public Comment:

No members of the public wished to be heard at this time.

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

**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 matters falling within personnel matters.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 10th day of August, 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				

Adjournment

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

8:04 P.M.

August 24, 2022
 Date Approved

Gretchen McCarthy
 Municipal Clerk