

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

**Workshop Agenda**

**May 25, 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 Borough Attorney Joseph Youssouf  
Present: Deputy Finance Officer and Deputy Municipal Clerk Laurie Finger  
Finance Officer Sylvia Eryan-Hawileh  
Municipal Clerk Gretchen McCarthy.

Discussion Items:

A. Bench Dedication in Memory of Councilmember Rudy Rucker  
Mayor Reynolds announced that a bench had been purchased in memory of former Councilman Rudy Rucker. A decision will need to be made as to placement of the bench in front of the Borough Hall. A short recess was taken to look at the bench and discuss placement.

B. Brush Collection

Mayor Reynolds stated that the Borough normally collected brush after large storms, but now some residents are clearing lots and expecting the Borough to collect the brush cleared. This causes Englishtown to experience high fees for dumping the brush. Effective July 1, due to costs, the borough will no longer be collecting brush unless after a storm. A notice will go out to residents with utility bills. Mayor Reynolds will also speak to Monmouth County on the matter, regarding services they may provide. Obtaining a chipper was also discussed as a possibility

C. OPRA Records Custodians

The governing body discussed a recent lawsuit filed against the Borough with regard to the handling of an OPRA request. Attorney Youssouf gave further explanation of the specifics of the suit. Discussion ensued regarding records custodians and whether multiple custodians would expedite request responsiveness. Councilman Marter volunteered to do research into the situation as legislative chair.

Workshop Meeting Adjournment Time 7:19pm

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis	X	X			
Mann		X			
Marter		X			
Robilotti		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 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 Borough Attorney Joseph Youssouf  
 Present: Deputy Finance Officer and Deputy Municipal Clerk Laurie Finger  
 Finance Officer Sylvia Eryan-Hawileh  
 Municipal Clerk Gretchen McCarthy.

Statement of Compliance with Sunshine Law by:

Borough Attorney Youssouf 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

April 27, 2022 Meeting

April 27, 2022 Executive Session

There being no corrections, deletions or additions, a motion to approve the April 27, 2022 Regular and Executive Session meeting minutes was made by C/Lewis, seconded by C/Mann, and approved on the following vote:

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

**Committee Reports:**

Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events  
Reported on a matter of a fence being down on Victory Drive, to the rear of properties on McDonald Way, that appears to be on Borough property. Mayor Reynolds indicated that there is a similar situation with a fence on Hospitality Way that raises questions as to who installed the fence and who now owns the fence, therefore responsible to maintain

Councilmember Lewis- Public Utilities

Reported on the water/sewer permits for allocation 10-year renewal proposal submitted to the N.J.D.E.P. for phase 2. Water Quality Accountability Act submittal is in progress. Proactive sewer cleaning took place on Water and Main Street. The missing light pole has been replaced on Heritage Drive. Trying to get clarification on bulk pick-ups as not clear. Will wait until get information in writing.

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

Councilmember Mann- Public Safety

Read the April monthly police report. Reminded everyone of the currently ongoing Click-It-or-Ticket campaign.

Councilmember Robilotti- Administration, Finance and Personnel.

Reported that on May 19<sup>th</sup>, the free rabies clinic was held. Councilmember Robilotti volunteered her time to assist with the clinic, saving the town 50 dollars. Approximately 20 residents were in attendance. The Monmouth County health inspector did not show. From what we were told he had a family emergency. Very special thanks were given to Dr. Kwacz and her tech for saving the day. She went and got her serum and sharps and was able to inoculate the animals in attendance. Without her we really would've had a very bad situation. She truly was our HERO!!!!

The planning board last night held their meeting and the board approved application 2022-03B for a deck and 2021-01 for final site plan for the industrial park. Mayor Reynolds spoke regarding the planning board meeting and the inability of the board to disapprove the application for the industrial park as it had previous preliminary approvals. Traffic patterns in the area were also discussed to hopefully alleviate heavy traffic in the residential area by the industrial park.

Councilmember Wojyn- Public Buildings & Grounds, Technology Reported that 370+ users are signed up on the Borough website and he is currently looking into using a webmaster for the site. The “get-in-touch” portion of the website is receiving a lot of spam. Councilmember Marter stated costly programs would be needed to eliminate the spam being received. Councilmember Wojyn encouraged residents to sign up for the borough mail list. Councilmember Marter suggested a survey to find out what residents would like to see on the website. Councilmember Wojyn reported on Memorial Day parade preparations.

Correspondence:

From the CFO to the Mayor & Council dated May 6<sup>th</sup>, 2022, the April 2022 Budget Report.

Dated May 24, 2022. an email from resident Joann Damante indicating that it has come to her attention that Englishtown is “doing away” with the police department and that it should be a topic of discussion for the residents of the town.

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/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:

Rita McNulty, 21 Wood Avenue

- Inquired about the OPRA lawsuit mentioned earlier in the meeting.

Laure Roth, 40 Tennent Avenue

- Disagreed with earlier points regarding OPRA custodians and suggested hiring a records clerk.

Chief Cooke, Englishtown P.D.

- Read correspondence from a Borough resident regarding the borough police department possibly being merged with Manalapan police department.

Close to Public:

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

Old Business:

Ordinance No. 2022-02 – Public Hearing & Adoption

**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.

Open Public Hearing on Ordinance 2022-02

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

Public Comment:

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

Close Public Hearing on Ordinance 2022-02:

Motion was made by C/Robilotti, seconded by C/Mann, 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/Robilotti, seconded by C/Wojyn, and approved on the following roll call vote for adoption of Ordinance No. 2202-02, entitled, “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”.

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

**Ordinance No. 2022-05 – Public Hearing & Adoption**

**An Ordinance of the Borough Council of the Borough of Englishtown Prohibiting Smoking in Public Locations in the Borough and Amending Part II, “General Legislation”, of the Code of the Borough of Englishtown by Repealing Existing Chapter 2.110 Entitled, “Smoking in Municipal Buildings” in its Entirety and Adding Thereto a New Chapter 2.110 “Smoking Regulations”**

**WHEREAS**, The Borough Council hereby finds and determines that:

- a. The smoking of tobacco products is a major contributor to air pollution and that breathing in secondhand smoke is a cause of disease to nonsmokers;

- b. The United States Department of Environmental Protection (EPA) has designated secondhand smoke as a Class A carcinogen, as well as a significant cause of respiratory problems in children;
- c. In 1986 the United States Surgeon General found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability;
- d. The New Jersey Legislature found and declared that tobacco is the leading cause of preventable disease and death in the State of New Jersey and the nation and tobacco smoke constitutes a substantial health hazard to the nonsmoking majority of the public;
- e. The Borough Council has determined that the public interest is especially implicated to prevent the youth of Englishtown Borough from being exposed to harmful smoke and being near the temptations of experimental tobacco and cannabis products;
- f. In 2006, the Legislature enacted the New Jersey Smoke Free Air Act, N.J.S.A. § 26:3D-55 et seq., creating an outright ban on smoking in virtually all public indoor facilities and extending such ban to the grounds of any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor or outdoor public place and expanded same in 2019 to include public beaches and parks; and
- g. The Legislature has deemed the control of smoking to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., and N.J.S.A. 2C:33-13 for the preservation of public health, safety and welfare of the community.

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

**SECTION ONE.** The Code of the Borough of Englishtown, Part II, “General Legislation”, be and the same is hereby amended and supplemented to add thereto the following Chapter:

**“Chapter 2.110. SMOKING REGULATIONS.**

**§ 2.110.01 Definitions.**

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. “Electronic smoking device” means an electronic device that can be used to deliver nicotine or other substance such as cannabis product to the person inhaling from the device, including, but not limited to, an electric cigarette, cigar, cigarillo, or pipe.
- B. “Enclosed area” shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.
- C. “Indoor public place” means a structurally enclosed place of business, commerce or other service-related activity, whether publicly or privately owned or operated on a for-profit or nonprofit basis, which is generally accessible to the public, including, but not limited to: a commercial or other office building; office or building owned, leased or rented by the State or by a county or municipal government; public and nonpublic elementary or secondary school building; board of education building; theater or concert hall; public library; museum or art gallery; bar; restaurant or other establishment where the principal business is the sale of food for consumption on the premises, including the bar area of the establishment; garage or parking facility; any public conveyance operated on land or water, or in the air, and passenger waiting rooms and platform areas in any stations or terminals thereof; health care facility licensed pursuant to P.L.1971, c. 136 (C.26:21-1-1 *et seq.*); patient waiting room of the office of a health care provider licensed pursuant to Title 45 of the Revised Statutes; child care center licensed pursuant to P.L.1983, c. 492 (C.30:5B-1 *et seq.*); race track facility; facility used for the holding of sporting events; ambulatory recreational facility; shopping mall or retail store; hotel, motel or other lodging establishment;



apartment building lobby or other public area in an otherwise private building; or a passenger elevator in a building other than a single-family dwelling.

- D. “Park and recreational facilities” shall include any and all athletic fields, public parks, playgrounds, ball fields and other active and passive recreation areas primarily of service to youth, owned, leased, operated or under the ownership control of the Borough of Englishtown to which the general public is invited and youth under the age of 18 may gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.
- E. “Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.
- F. “Public Building” means any building, structure, facility or complex, including but not limited to appurtenant parking areas, public street, roadway, thoroughfare, sidewalk, bridge, alley, plaza, swimming pool, shopping mall, plaza, public transportation facility, public library, vehicle used for public transportation owned, leased, operated or under the ownership control of the Borough of Englishtown to which the general public is invited.
- G. “Smoking” means burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, hookah or similar device, or any other device which contains tobacco, cannabis, or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

H. "Workplace" means a structurally enclosed location or portion thereof at which a person performs any type of service or labor.

**§2.110.02 Restrictions.**

A. Smoking shall be prohibited by any person, regardless of age, in all public parks, playgrounds and recreation facilities owned or leased by the Township (sic), including that land upon which the public is invited or upon which the public is permitted and where individuals gather for recreation activities and all areas adjacent to such facilities, including, but not limited to, parking areas, driveways or drive aisles, which have been designated by no-smoking signs and which are hereafter designated as "Smoke and Tobacco Free Places."

B. Smoking shall be prohibited by any person, regardless of age, in any indoor public place, public building or workplace within the Borough and all areas adjacent to such facilities, including, but not limited to, parking areas, driveways or drive aisles, which have been designated by no-smoking signs and which are hereafter designated as "Smoke and Tobacco Free Places".

**§ 2.110.03 Signs.**

Signs shall be clearly, sufficiently, and conspicuously posted where smoking is prohibited by this Chapter. The signs shall state "NO SMOKING," and/or contain the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section). The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited in the designated area. The sign shall also indicate that violators are subject to a fine.

**§ 2.110.04 Enforcement.**

The Englishtown Police Department, Fire Department, Recreation Department, Public Works Department, Health Department and any municipal officer charged with code enforcement is hereby charged with enforcement of this Article. Further, the person having control over an indoor public place or workplace shall order any person smoking in violation of this section to comply with the ordinance. “

**SECTION TWO.** All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION THREE.** Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

**SECTION FOUR.** This Ordinance shall take effect upon its passage and publication according to law.

Open Public Hearing on Ordinance 2022-05

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

Public Comment:

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

Close Public Hearing on Ordinance 2022-05:

Motion was made by C/Robilotti, seconded by C/Mann, 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

Discussion was held by Council regarding what the non-smoking areas would be, why this ordinance is necessary since the matter is covered by State statutes, and how this ordinance was initiated.

Motion was made by C/Robilotti, seconded by C/Mann, and approved on the following roll call vote for adoption of Ordinance No. 2022-05, entitled, "An Ordinance of the Borough Council of the Borough of Englishtown Prohibiting Smoking in Public Locations in the Borough and Amending Part II, "General Legislation", of the Code of the Borough of Englishtown by Repealing Existing Chapter 2.110 Entitled, "Smoking in Municipal Buildings" in its Entirety and Adding Thereto a New Chapter 2.110 "Smoking Regulations"

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

There being a tie vote, Mayor Reynolds voted nay on Ordinance 2022-05, thereby defeating the motion.

**New Business:**

**Ordinance No. 2022-06 – Introduction**

**Bond Ordinance Amending and Supplementing Bond Ordinance Number 2021-05 (Which Provides for Improvements to the Englishtown Lake Dam) Heretofore Finally Adopted by the Borough Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, on August 25, 2021, to Increase the Appropriation by \$65,250**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**SECTION 1.** The bond ordinance of the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council thereof on August 25, 2021, numbered 2021-05 and entitled, "BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE ENGLISHTOWN LAKE DAM, BY AND IN THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented, as follows:

**SECTION 2.** For the improvements or purposes set forth in Section 3(a) of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of \$65,250 to reflect the award of grant monies received or expected to be received from the County of Monmouth. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is increased by \$65,250, from \$750,000, and is equal to \$815,250.

**SECTION 3. (a)** The estimated maximum amount of bonds or notes to be issued for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, is equal to and remains unchanged at \$712,500.

**(b)** The estimated cost of the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, is equal to \$815,250.

**SECTION 4.** The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

**SECTION 5.** For the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of \$13,050 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$363,050, such total amount being included in the estimated cost indicated herein for the improvements or purposes set forth in the Original Ordinance, as amended and supplemented hereby.

**SECTION 6.** This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

Ordinance 2022-06 Introduction , public hearing set for June 22, 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	X		
Robilotti			X		
Wojyn			X		
Mayor Reynolds	tie vote only				

Ordinance No. 2022-07- Introduction

**Bond Ordinance Providing for Various Road Improvements, by and in the Borough of Englishtown, in the County of Monmouth, State of New Jersey; Appropriating \$825,000 Therefor (Including Grants from the New Jersey Department of Transportation in the Aggregate Amount of \$602,800) and Authorizing the Issuance of \$180,950 Bonds or Notes of the Borough to Finance Part of the Cost Thereof**

**BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:**

**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 of Englishtown, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$825,000, which sum includes grants from the New Jersey Department of Transportation in the aggregate amount of \$602,800 (\$270,000 allocable to Conover Street, Park Avenue and Station Street improvements, \$212,800 allocable to Lasatta Avenue and Mt. Vernon Road improvements, and \$120,000 allocable to W. Dey Street improvements, further details of which are set forth in Section 3(a) hereof) (collectively, the “Grants”) and \$41,250 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* (the “Local Bond Law”). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$825,000 appropriation not provided for by application hereunder of the Grants and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$180,950 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 \$180,950 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various road Improvements by and in the Borough including, but not limited to, Conover Street, Park Avenue, Station Street, Lasatta Avenue, Mt. Vernon Road and W. Dey Street, said improvements to include, but not be limited to, excavation, milling, paving, reconstruction, boxing out, and resurfacing or full depth pavement replacement, and, as applicable, the repairing and/or installation, of associated curbs, curb ramps (including ADA compliance), sidewalks and driveway aprons, drainage work, roadway painting, landscaping and aesthetic improvements and traffic control; and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$180,950.

(c) The estimated cost of said improvements or purposes is \$825,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor are the Grants in the aggregate amount of \$602,800 and the down payment for said purpose in the amount of \$41,250.

**SECTION 4.** Except for the Grants, 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. Except for the Grants, 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 times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

**SECTION 6.** The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, 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 which the Borough may lawfully undertake as a general improvement, 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 the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 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, 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 \$180,950 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

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

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

**SECTION 11.** The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all federally tax-exempt bonds and notes issued under this ordinance.

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



Ordinance 2022-07 Introduction, public hearing set for June 22, 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	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

Resolution No. 2022-072 (tabled from April 27, 2022 meeting)

**APPROVE TOW OPERATOR PERMITS**

**WHEREAS**, Ordinance 2020-07 was adopted on December 21, 2020, requiring permits for Towing Operators for the Borough of Englishtown; and

**WHEREAS**, applications have been received for said towing operators permits for the Borough; and

**WHEREAS**, pursuant to section 2.94.7 of the ordinance, the Chief of Police is to provide written recommendations of approval or disapproval (indicating reasons for disapproval) within 30 days of receipt of the application for a tow operator permit; and,

**WHEREAS**, said Police Chief recommendations have been received and are attached to this resolution for Borough Council review; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, that the following tow operator permits be and are hereby approved for issuance:

Dennis Boyce Towing  
 Branning's Auto Body  
 Defalco's Automotive Services

**BE IT FURTHER RESOLVED**, that the above listed licenses shall bear an expiration date of December 31, 2024, per the recommendation of the Police Chief.

<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. 2022-077

**RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION  
 OF MAY 23, 2002 THROUGH JUNE 5, 2022**

**WHEREAS**, there were 701 motor vehicle fatalities in New Jersey in 2021;

**WHEREAS**, approximately 37% of the motor vehicle occupants killed in those traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seatbelt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 15,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 23-June 5, 2022 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of further increasing the seat belt usage rate in the state from the current level of 94%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough of Englishtown declares it's support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 23-June 5, 2022 and pledges to increase awareness of the mobilization and benefits of seat belt use.

<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			
Wojyn		X			
Mayor Reynolds	tie vote only				

Resolution No. 2022-078

**AUTHORIZATION REPAIR OF POLICE VEHICLES**

**WHEREAS**, the Borough of Englishtown Council requires that purchases and services over \$6,000.00 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:

Various Police Vehicle Repairs - \$6,955.09

Purchases From:

Englishtown Automotive, Inc,  
 14 Tennent Avenue  
 Englishtown, New Jersey 07726

**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 police vehicle repairs.

Councilmember Lewis inquired about the rates being charged and the shops being used for the repairs. Councilmember Mann inquired about the number of vehicles being repaired.

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

Resolution No. 2022-079

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the

insertion of an item of revenue in the budget of the year 2022 in the sum of \$7,000.00, which is now available from the Distracted Driving Crackdown 2022 Grant in the amount of \$7,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$7,000.00 is hereby appropriated under the caption Distracted Driving crackdown 2022 Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from The National Highway Traffic Safety (NHTSA) Section 410 Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants in the amount of \$7,000.00.

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

Resolution No. 2022-080

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION NJSA 40A:4-87**

**WHEREAS**, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of The Borough of Englishtown, in the County of Monmouth, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022 in the sum of \$7,000.00, which is now available from the Click it or Ticket 2022 Grant in the amount of \$7,000.00.

**BE IT FURTHER RESOLVED**, that the like sum of \$7,000.00 is hereby appropriated under the caption Click it or Ticket 2022 Grant; and

**BE IT FURTHER RESOLVED** that the above is the result of funds from The National Highway Traffic Safety (NHTSA) Section 410 Alcohol Traffic Safety and Drunk Driving Prevention Incentive Grants in the amount of \$7,000.00.

<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. 2022-081

**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 Culmac Investors, Inc., P. O. Box 251, Monmouth Beach, New Jersey 07750:

Tax Sale Certificate No. 19-00002  
 Block 2, Lot 22.78, Qualifier C-78  
 78 English Club Drive  
 in the amount of \$1,454.25  
 premium of \$100.00  
 total of **\$1,554.25**

**WHEREAS**, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$1,554.25.

**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 \$1,554.25 to Culmac Investors, Inc., P. O. Box 251, Monmouth Beach, New Jersey 07750:

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

<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. 2022-082

**A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO  
 GENERAL CODE FOR THE REVISION AND CODIFICATION OF  
 ORDINANCES OF THE BOROUGH OF ENGLISHTOWN**

**WHEREAS**, Englishtown Borough has a need to acquire services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, contracts for these services may, pursuant to N.J.S.A. 40A:11-5(1)(x) of the Local Public Contracts Law, be awarded without public advertising for bids and bidding therefor and shall be awarded by Resolution of the Borough Council; and

**WHEREAS**, the Borough of Englishtown is in need of having the Borough Ordinances reviewed, codified, printed and electronically published; and

**WHEREAS**, the Borough Finance Officer has determined that the value of this service will exceed the pay to play threshold of \$17,500 and therefore requires action by the Borough Council, which is hereby authorized; and

**WHEREAS**, the Borough Clerk has recommended that General Code provide this service based on a proposal received on February 16, 2022; and

**WHEREAS**, a certificate showing the availability of funds is hereby provided by the Chief Financial Officer, and is made a part hereof;

**NOW, THEREFORE, BE IT RESOLVED**, that General Code be and is hereby awarded the contract for codification of Borough ordinances per the attached proposal and the Mayor is hereby authorized to contract services to revise, codify, print and electronically publish the Borough Ordinances with General Code, 781 Elmgrove Road, Rochester, NY 14624, not to exceed \$18,390.00.

<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			
Marter		X			
Robilotti	X	X			
Wojyn	X	X			
Mayor Reynolds	tie vote only				

Resolution No. 2022-083

**APPOINTMENT OF ANIMAL CONTROL OFFICER**

**WHEREAS**, the Mayor and Council of the Borough of Englishtown are knowledgeable that there is a need for an Animal Control Officer to perform Animal Control services within the Borough of Englishtown.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Englishtown as follows:

1. Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J. is a certified animal control officer who will perform all duties required of the position and outlined in the contract.
2. The Mayor and Municipal Clerk are authorized to execute a 1-year agreement between Jan E. Bilyk (d/b/a Whisper Acres) and the Borough of Englishtown for Animal Control Services for a one-year period commencing March 1, 2022 through February 28, 2023 at an annual compensation of two thousand dollars (\$2,000.00).

**NOW, THEREFORE, BE IT RESOLVED** that 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 contract with Jan (John) E. Bilyk (d/b/a Whisper Acres) of Jackson, N.J for Animal Control Services.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to Borough of Englishtown Chief Financial Officer and Jan (John) E. Bilyk (d/b/a Whisper Acres).

<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. 2022-084

**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 \$1,254,282.61 are hereby authorized to be paid on May 25, 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 Reports:

- April 2022 was read by Mayor Reynolds
- 2022 Annual Report of Taxes Uncollectable was also noted by Mayor Reynolds as having been received.

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:

Lauren Roth, 40 Tennent Avenue

- Spoke regarding the Community Development Committee, its purpose and when meetings are held.
- Misinformation on a “residents” Facebook page

Bill Sabin, 22 Tennent Avenue

- Inquired about bills on the bills list for garden plants

Rita McNulty, 21 Wood Avenue

- Feels town should merge completely with Manalapan



Chief Cooke, Englishtown P.D.

- Spoke of experiences in municipalities that have merged.

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

Enter into Executive Session TIME: 8:48pm

### **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 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 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 and litigation matters with regard to “Rise Against Hate vs. Borough of Englishtown”.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the public be excluded from this portion of the public meeting convened this 25<sup>th</sup> day of May, 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.

<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				

Council returned to public portion from Executive Session at 9:27pm and considered the following resolution.

RESOLUTION NO. 2022-085

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN AUTHORIZING SETTLEMENT OF OPRA LITIGATION**

**WHEREAS;** The Borough of Englishtown was one of several named municipal defendants in OPRA litigation filed in the Superior Court of the State of New Jersey by an organization named “Rise Against Hate”; and

**WHEREAS;** The claim asserted against the Borough sought access to certain police department and judicial records and damages and legal fees as permitted by statute from all defendants; and

**WHEREAS;** Upon due consideration of the merits of the claim, the Borough has concluded that settlement of the claim is in the best interests of the Borough of Englishtown; and

**WHEREAS;** Pursuant to a negotiated settlement, the Borough has produced and forwarded all requested records to Plaintiff and has agreed to pay a proportionate legal fee to plaintiff’s counsel.

**NOW, THEREFORE** be it hereby resolved by the Mayor and Council of the Borough of Englishtown that the settlement of the claim asserted in the above specified litigation is approved and payment authorized to plaintiff’s counsel of legal fees and costs, a copy of which is annexed hereto and incorporate herein by reference.

<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	X			
Mayor Reynolds	tie vote only				

Meeting Adjournment

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

9:30 P.M.

\_\_\_\_\_  
 June 22, 2022  
 Date Approved

\_\_\_\_\_  
*Gretchen McCarthy*  
 Municipal Clerk