

Workshop Agenda

April 27, 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 6:33 P.M.

Roll Call Present: C/Francisco, C/Lewis, C/Marter, C/Mann, C/Robilotti, C/Wojyn
(arrived 6:36pm) and Mayor Reynolds
Absent: None

Also Borough Attorney Joseph Youssouf (arrived 6:36pm)
Present: Deputy Finance Officer and Deputy Municipal Clerk Laurie Finger
Finance Officer Sylvia Eryan-Hawileh
Municipal Clerk Gretchen McCarthy.

Discussion Items:

A. Municipal Merger – Councilmember Lewis

Mayor Reynolds described a municipal merger as an involved process that would be contingent upon the residents of both municipalities agreeing to said merger in order for it to move forward. Three other municipalities have merged within New Jersey, with Princeton being most recent. Council would need to agree to move forward and it will involve costs and resources. Attorney Youssouf gave further legal explanation on this matter, stating that standards and guidelines must be followed. Public debt is another matter that would need to be considered. Deputy Finance Officer Finger inquired about sale of the water and sewer utilities. Mayor Reynolds also spoke about recent capital expenditures made by the Borough and suggested this matter be brought up again at the May meeting, once Manalapan's budget is introduced. Attorney Youssouf also spoke regarding revenue neutrality. Councilmembers Marter and Lewis spoke in support of researching this matter further. Councilmember Lewis stated that he is neither for nor against, but the public has been talking about it and feels it should be looked into.

B. Cannabis Businesses – Councilmember Lewis

Mayor Reynolds read an article regarding the 13 cannabis businesses, approved by the State of New Jersey, which opened on April 21. The mayor also spoke about the amounts allowed to be sold and how the State is looking to approve diverse businesses. Mayor Reynolds also stated that he would like to visit one of the

operating businesses to see the pros and cons of the operations and to also speak to the municipalities and police departments. Councilmember Mann stated that such businesses are having difficulties with finding banks in order to do business as cannabis is not federally authorized. Councilmember Mann also wondered how this matter might impact a merger with Manalapan Township as Manalapan has decided against cannabis businesses.

C. Recycling Update, Website Content

Mayor Reynolds spoke about brush collection getting very costly and out of hand, and how he would like to amend the current collection rules to not include the collection of branches unless after a severe storm. The Borough simply does not have the resources to pick up trees that have been cut down. Council discussed how it would be differentiated and whether to charge for collection. Councilmember Wojyn also brought up that information on this is included on the Borough website and the need to update it. Mayor Reynolds asked that this be discussed further at the May 25, 2022 meeting.

D. Privacy, Social Media and Video Policies – Council President Wojyn

Mayor Reynolds indicated that nothing would be adopted this evening as Council just received these policies and they should be read and listed again for the May agenda. Attorney Youssouf spoke on administrative policy vs. legislative action (an ordinance). Councilmember Wojyn explained the need for these policies to protect the Borough. Councilmember Marter inquired whether the policies stemmed from public complaint or input. Council further discussed the need for such policies, rules and regulations. Attorney Youssouf spoke on records liability and what constitutes an official borough record and the rights of members of the public without being at the expense of the Borough. Councilmember Mann suggested less restrictive guidelines be available to the public at meetings. Attorney Youssouf indicated that notices could be posted to inform of the rules and also urged caution of the use of personal devices in case of adverse litigation. Mayor Reynolds asked Council to review the policies for the May meeting.

Workshop Meeting Adjournment Time: 7:22pm

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				

**** AGENDA ****
REGULAR COUNCIL MEETING
April 27, 2022

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

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 7:22 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/Deputy Municipal Clerk Laurie Finger
Finance Officer Sylvia Eryan-Hawileh
Municipal Clerk Gretchen McCarthy.

Statement of Compliance with Sunshine Law

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

March 23, 2022 Meeting

March 23, 2022 Executive Session

There being no corrections, deletions or additions, a motion to approve the March 23, 2022 Regular and Executive Session meeting minutes was made by C/Mann, seconded by C/Robilotti, 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 the Easter Egg Hunt held at the Village Inn. Also reported that he has spoken with the American Legion and will meet with the involved organizations to discuss the Memorial Day parade.

Councilmember Lewis- Public Utilities

Reported on sewer and water utility matters including the location of a previously unidentified water meter at the industrial park. Also reported on two streetlights being out on Heritage Drive – J.C.P.&L. has been contacted.

Council member Marter- Legislative, Insurance and Licenses had nothing to report

Councilmember Wojyn- Public Buildings & Grounds, Technology provided the following report:

Lake Weamaconk - protective fence is working well by the edge of the dam. Not having the fence in the past was a liability to us in the past. The fence is located adjacent to the bridge at the top of the dam. The grounds have been cleaned up. The No Parking Sign is still pending. The sign shop is backlogged. The No Smoking sign will be put up as soon as we have code numbers once it passes.

Sanford Park - We verbally re-established the Police will open/lock the gates during non-business days/hours. We have requested it be put in writing. I will follow up with the Chief of Police when he returns. The park equipment and restroom are in good working order. The field, however, is in need of weeding and seeding. I have asked Mike Reynolds to look into a possible solution.

Proactive Work - Ed Walker saved the borough about \$1,000 by installing a special screen over the vents leading into borough hall. A bird somehow managed to make its way through the vent and got into the attic area of borough hall. An exterminator was called to try and remove the bird. He was unsuccessful. The exterminator wanted to charge the borough about \$1,000 for the vent covers. Public Works is monitoring the situation. We are not sure if it escaped or if it is still in the attic area.

Memorial Day Parade and Future Events - Public works has already begun prepping for the parade. They have the flags for Main Street and will have any barriers ready for the police to set up. They have a schedule to follow for all future events. Mike and Ed are being very proactive – especially for the Christmas holiday and the lights that will be back on Main Street.

Technology Committee Report: April 2022 -

Community Development Facebook Page - Lauren Roth has been hard at work learning to master the Facebook page for the site. We wish to clear up some misconceptions about the page: The Facebook Page is undergoing a “soft launch.” Lauren is working out the

best layout and technical functions for the site. She is doing this with a small group of people. When the site is technically ready, she will be able to go live for the public.

Borough Facebook Page: There is only one official Facebook presence for the Borough of Englishtown. The borough does not endorse or recognize any third-party sites. The site is meant for information purposes only. We do not have the staff to engage in 2-way communication with the public. We have been providing links to the site in all of our official communications.

Borough Web Site: There is one official web site for the Borough of Englishtown. The borough does not endorse or recognize any third-party sites. We are trying to secure good terms to outsource the web master duties to a very reputable vendor who comes highly recommended: Steven Benzkofer of mycorphosting.com. This company is use by Freehold IT for other projects. Dan Marter and I are trying to arrange a phone meeting so that we can go over the details.

Councilmember Mann- Public Safety
Read the March 2022 Police Report

Councilmember Robilotti- Administration, Finance and Personnel reported that there was a planning board meeting the previous evening where the board had 2 applications 1. Application 2022-001 for a bulk variance for a pool this was approved by the board. 2. Application 2022-003 for a bulk variance for a deck was not approved by the board.

Correspondence

From the CFO to the Mayor & Council on April 12th, 2022, the March 2022 Budget Report.

Dated April 26, 2022 an email from Lauren Roth, Chair of the Englishtown Community Development Committee reporting an online matter felt to be harassing and detrimental to the committee and volunteerism on the committee. Councilmember Robilotti requested that this correspondence be read in full:

"Hello Mayor and Council,

It has been brought to my attention that a "residents group page" ran by Mr. Lewis wife - became very harassing and slanderous, as well as defaming of the Community Development Committee and began to attack me, personally. Which is very upsetting.

This is absolutely unacceptable, as members of the Council - you should promote a Committee - under your jurisdiction - and not have members of the community defame the Committee and attack the volunteers. Let alone, allow for any councilperson to use social media platforms to administer such rhetoric or said rhetoric from a councilperson(s) respected spouse(s).

This is completely unethical.

I am saddened, disappointed and hurt that this is the type of behavior and representation that some of you have as elected officials.

I am hoping that this is resolved in an appropriate manner - so that members of the Borough do not become afraid to join any committees ran by the Mayor and Council - now and in future - due to fear of public harassment. I do not want to loose members because they are afraid to join and be a member.

Again, I must emphases how extremely unprofessional, unethical, disrespectful, and unbecoming from members of the Council this very inappropriate situation truly is.

I look forward to a prompt reply,

Lauren Roth, M.A.”

Reminder was made for Council to please submit their reports to the Clerk for inclusion in the minutes.

Open Public Portion Limited to Agenda Items Only

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

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

Public Comment:

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

Close to Public:

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

Old Business:

ORDINANCE NO. 2022-04 – PUBLIC HEARING & ADOPTION

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK**

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1, et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Englishtown in the County of Monmouth find it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determine that a 1% increase in the budget for said year, amounting to \$20,565.35 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determine that any amount authorized hereinabove that is not appropriated, as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Englishtown, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Englishtown shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$71,978.73 and that the CY 2022 municipal budget for the Borough of Englishtown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance as introduced be filed with the Director of the Division of Local Government Services within five (5) days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

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

Public Comment:

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

Close Public Hearing on Ordinance 2022-04:

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/Mann, and approved on the following roll call vote for adoption of Ordinance No. 2202-04, entitled, “Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40a: 4-45.14)”:

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

New Business:

Ordinance 2022-02 – Introduction

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

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

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

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

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

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

Ordinance No. 2022-05- Introduction

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.

I.

§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, 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.

Councilmember Marter inquired which properties would be included and who would enforce this ordinance, calling it more work than necessary.

<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		X			

RESOLUTION NO. 2022-069

AUTHORIZING THE MUNICIPAL BUDGET BE READ BY TITLE ONLY.

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less that a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Municipal Building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Jerseyville, in the County of Jersey, State of New Jersey, that the budget shall be read by title only.

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				

RESOLUTION NO. 2022-071

RESOLUTION TO ADOPTING THE 2022 BUDGET

WHEREAS, the local municipal budget for 2022 was approved on March 24, 2022; and,

WHEREAS, the public hearing on said budget has been held as advertised April and,

WHEREAS, it is desired to amend said approved budget;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, that the following amendments to the approved budget of 2022 be made:

CURRENT FUND

<u>REVENUES</u>	<u>FROM</u>	<u>TO</u>
1. Surplus Anticipated	\$ 303,000.00	\$ 318,650.00
5. Subtotal General Revenues	766,725.65	782,375.65
7. Total General Revenues	<u>\$2,542,754.46</u>	<u>\$2,558,404.46</u>

<u>APPROPRIATIONS</u>	<u>FROM</u>	<u>TO</u>
(D) Municipal Debt Service Excluded from "CAPS" Payment of Bond Anticipation Notes	\$ 0.00	\$ 15,650.00
Total Municipal Debt Service Excluded from "CAPS"	149,100.00	164,750.00
(H-2) Total General Appropriations for Municipal Purposed Excluded from "CAPS"	348,560.46	364,210.46
(O) Total General Appropriations Excluded From "CAPS"	348,560.46	364,210.46
(L) Subtotal General Appropriations	2,429,443.46	2,445,093.46
9. Total General Appropriations	<u>\$2,542,754.46</u>	<u>\$2,558,404.46</u>

BE IT FURTHER RESOLVED, that two (2) certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services for certification of the year 2022 Local Municipal Budget as amended.

Chief Financial Officer Eryan-Hawileh, indicated that this amendment was on the recommendation of the state examiner and includes the first installment for bond anticipation notes from surplus.

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

RESOLUTION NO. 2022-071

ADOPTION OF 2022 MUNICIPAL BUDGET

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$1,662,350.82 to be raised for municipal purposes.

	1. Summary of Revenues	
2.	General Revenues	
	Surplus Anticipated	\$ 318,650.00
	Miscellaneous Revenues Anticipated	463,725.65
	Receipts From Delinquent Taxes	0.00
3.	Amount To Be Raised By Taxation	
	For Municipal Purposes	<u>1,776,028.81</u>
	Total Revenues	\$2,558,404.46
	4. Summary Of Appropriations	
3.	General Appropriations:	
	Within "Caps"	
	Operations Including Contingent	\$1,816,545.00
	Deferred Charges & Statutory	
	Expenditures - Municipal	264,338.00
	Excluded From "Caps"	
	Operations - Total Operations Excluded From "Caps"	\$ 154,960.46
	Capital Improvements	15,000.00
	Municipal Debt Service	164750.00
	Deferred Charges – Municipal	29,500.00
	Reserve For Uncollected Taxes	<u>113,311.00</u>

Total Appropriations \$2,558,404.46

Mayor Reynolds stated that the municipal tax rate is down 10% from 2021.

Motion to Open to Public Comment on the 2022 Municipal Budget was made by C/Mann, seconded by C/Robilotti 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

Public Comment:

No members of the public wished to comment at this time.

Motion to Close to Public Comment on the 2022 Municipal Budget was made by C/Robilotti, seconded by C/Wojyn 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

<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

APPROVE TOW OPERATOR PERMITS

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

WHEREAS, applications have been received for said permits for towing

operators 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.

Councilmember Mann made inquiry on how the towers had been chosen and approved. Motion to table this resolution was made in order to obtain information from Chief Cooke in reply.

TO TABLE TO THE MAY 25, 2022 COUNCIL MEETING:

<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. 2022-073

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN
 COUNTY OF MONMOUTH, STATE OF NEW JERSEY SUPPOTING THE 2022
 UDRIVE.UTEXT.UPAY DISTRACTED DRIVING CRACKDOWN**

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians, and bicyclists); and

WHEREAS, in 2019 alone distracted driving-related crashes resulted in 3,142 deaths and 400,000 injuries on our nation’s roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in 40 percent of all motor vehicle crashes in 2019;

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2022 Crackdown* from April 1 – 30, 2022 in an effort raise awareness and decrease driving distraction through a combination of enforcement and education; and

WHEREAS, the national slogan for the campaign is UDrive.UText.UPay; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey declares it’s support for the Distracted Driving 2022 Crackdown both locally and nationally from April 1-30, 2022 and pledges to increase awareness of the dangers of distracted driving.

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

RESOLUTION NO. 2022-074

RESOLUTION SUPPORTING NEW JERSEY SENATE BILL S354

WHEREAS, the School Funding Reform Act of 2008 (“SFRA”), in conjunction with Senate Bill 2, PL. 2018, Chapter 67 (“S2”), establishes the formula for determining the amount of state aid for public school districts in New Jersey; and

WHEREAS, by 2025, the Manalapan Englishtown Regional School District (the “District”) progressively will lose approximately \$12 million in state aid annually (decreasing from approximately \$18.7 million in fiscal year 2017/2018 to approximately \$6.9 million in fiscal year 2024/2025) as a result of the SFRA and S2; and

WHEREAS, the significant reduction in state aid to the District places an unjust burden on its local taxpayers and is detrimental to the education of its students; and

WHEREAS, the District believes that a more equitable distribution of state aid is necessary to ensure its students receive a “thorough and efficient” education as required by the New Jersey Constitution; and

WHEREAS, the New Jersey Senate recently passed S354 unanimously, which seeks to establish a School Funding Formula Evaluation Task Force (“Task Force”) consisting of the Commissioner of Education and six appointed public members to study and recommend revisions to the SFRA; and

WHEREAS, the Borough of Englishtown strongly supports passage of S354 into law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Englishtown hereby requests that the New Jersey Assembly pass a companion bill to S354 and Governor Murphy sign it into law as soon as possible; and

BE IT FURTHER RESOLVED that the Mayor and Borough Council of the Borough of Englishtown hereby further request that the Task Force contain at least one appointed public member from Monmouth County; and

BE IT FURTHER RESOLVED that the Mayor and Borough Council of the Borough of Englishtown hereby further requests that the Task Force specifically consider during its study the impact on the District of the current formula for state aid, including the significant reductions, and submit recommendations to create a more equitable funding formula.

Resolution No. 2022-074 was defeated on the following vote:

<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- 075

AUTHORIZING CHANGE ORDER #1 AND AMENDING PAYMENT CERTIFICATE #3 (FINAL) FOR 2020 ANNUAL ROAD PROGRAM FOR RECONSTRUCTION OF HAMILTON STREET, HERITAGE DRIVE AND RAYMOND COURT.

WHEREAS, the Borough of Englishtown had previously awarded a contract (via Resolution 2021-071) for the project known as the 2020 Annual Road Program for the reconstruction of Hamilton Street, Heritage Drive and Raymond Court, to Earle Asphalt Company in the amount of \$435,413.30; and

WHEREAS, Earle Asphalt Company has submitted Change Order #1 to Borough Engineer Thomas Herits, representing a net reduction in contract price of \$86,628.56; and

WHEREAS, Earle Asphalt Company has submitted invoices to Borough Engineer Thomas Herits, (amended payment certificate #3) in the final amount of amount of \$40,180.30; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey hereby approves Change Order #1, for a net contract reduction of \$86,628.56 and also authorizes payment of \$40,180.30 for amended payment certificate #3 (final) to Earle Asphalt Company of Farmingdale, New Jersey for the 2020 Annual Road Program for the reconstruction of Hamilton Street, Heritage Drive and Raymond Court

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

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

RESOLUTION NO. 2022-076

**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 \$662,123.00 are hereby authorized to be paid on April 27, 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.

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

Tax Collector’s Report:

The March 2022 Tax Collector’s report 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:

Lauren Roth, 40 Tennent Avenue

-
- Gave reminder that the next Community Development Committee meeting would be held on May 12. Also spoke on the purpose of the committee and current membership.
- Spoke of a quarterly newsletter being put together by the Community Development Committee.

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

Enter into Executive Session TIME: 8:18pm

**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 attorney/client privilege and personnel matters.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 27th day of April, 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	X			
Wojyn		X			
Mayor Reynolds	tie vote only				

Council returned to public portion from Executive Session at 8:59pm.

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.

9:00 P.M.

May 25, 2022
Date Approved

Gretchen McCarthy
Municipal Clerk