

**** MINUTES ****

March 23, 2022

6:30 P.M.

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

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 6:31 P.M.

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

Absent: None

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

1. Mayor Reynolds amended the agenda to read the following proclamation and to also present the Women's History Month Proclamation to Borough resident Kim Sabin

Whereas, Women's History Month had its origins as a national celebration in 1981 when Congress passed Public Law 97-28 which authorized and requested President Ronald Reagan to proclaim the week beginning March 7, 1982 as "Women's History Week", and

Whereas, after being petitioned by the National Women's History Project, Congress passed and the President signed Public Law 100-9 which designated the month of March 1987 as "Women's History Month", and

Whereas, on April 26, 2021, the Historic Village Inn of Englishtown was severely damaged as a result of a truck striking the Inn, and

Whereas, a request was made by the Inn for Englishtown residents to help raise funds to repair the Inn and rekindle awareness of this historic landmark, Kimberly Sabin, a resident of Englishtown, stepped up to answer the call, and

Whereas, Kimberly Sabin, through her volunteer work, is helping bring the historical past of Englishtown alive as a re-enactor from the Revolutionary War-era for residents and visitors to the Village Inn, and

Whereas, Kimberly Sabin, has now volunteered to portray the legendary Molly Pitcher from the Battle of Monmouth, in the forthcoming American Legion Memorial Day Parade, and

Whereas, Kimberly Sabin, whose family ties and service to the citizens of Englishtown and Monmouth County date back to the 1800s, is also helping drive efforts to reclaim the abandoned Wood Avenue cemetery to help identify and restore the headstones of military veterans from the Civil War and departed residents from Englishtown, and

Whereas, Kimberly Sabin, whose community service at large, and efforts to preserve the historical roots of Englishtown, is in keeping with the core values which make Women's History Month such a landmark day in the United States.

Now, Therefore, I, Thomas Reynolds, Mayor of the Borough of Englishtown, do hereby proclaim, Kimberly Sabin, our Women's History Month Honoree this March 22, 2022 in the Borough of Englishtown.

Discussion Items

- Fire District Defeated 2022 Budget
Matt O'Brien, Fire Department Captain along with George Lang, Accountant for the Fire District explained the fire district budget as presented for public vote. It was explained that many expenses are out of the control of the district due to PEOSHA and gear/equipment mandates. The 2022 budget did not increase from the 2021 budget A breakdown of expenditures was given. Deputy Finance Officer Finger asked questions with regard to the budget surplus. Mayor Reynolds asked for a motion to reduce the fire district budget as presented to the taxpayers. No motion was made for a reduction. Attorney Youssouf explained that, per State statute, the Mayor and Council must adopt a resolution to authorize no changes be made to the defeated fire district budget.

RESOLUTION No. 2022-068

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN UPON REVIEW OF THE 2022 ENGLISHTOWN FIRE DISTRICT #1 TIE VOTE BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:14-72, New Jersey Fire District elections are held on the third Saturday in February annually; and

WHEREAS, said elections afford an opportunity to the voters to accept or reject the annual fire district budget as put forth by the Board of Fire Commissioners; and

WHEREAS, on Saturday, February 19, 2022, the Fire District #1 election was held in the Borough of Englishtown and resulted in a tie vote to neither approve nor disapprove the Fire District budget for 2022, thereby requiring the budget to be submitted to the Mayor and Council of the Borough of Englishtown for their review and consideration; and

WHEREAS, at the regularly scheduled governing body meeting held on March 23, 2022, the Englishtown Borough Mayor and Council did so review the Fire District #1 budget and found no need to reduce said budget as originally submitted to the voters; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englishtown hereby approves the Fire District #1 budget for the year 2022, with total appropriations equaling \$625,297.00 and amount to be raised by taxation equaling \$512,000.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Fire District #1.

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				

- **Smoke Free Facility Ordinance**
 Mayor Reynolds explained that this matter is only for discussion and would only pertain to Borough properties. Council member Mann commented that his right to not smoke trumps someone else’s right to smoke and agrees with such an ordinance banning smoking on Borough properties. Council member Wojyn also spoke in support of the reasons for such ordinance, noting that Public Works employees find various smoking materials discarded at the borough parks. A draft ordinance will be placed on the April 27th council meeting agenda for consideration.

- **COVID-19 Ratepayer Relief Measures**
 Mayor Reynolds spoke regarding a federally funded Department of Community Affairs program to assist low-income rate payers with their water and sewer bills that are in arrears. Deputy Finance Officer Finger explained an installment plan must also be offered to those in arrears that would not qualify for the aforementioned low-income program. Council discussed the matter further and will consider a resolution later on the agenda.

Workshop Meeting Adjournment Time: 6:58pm

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

**** MINUTES ****

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

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 6:58 P.M.

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

Absent: None

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

Statement of Compliance with Sunshine Law

Borough Attorney Youssef announced that pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and notification made to the News Transcript the Official Newspapers of the Borough, (2) Posted to the Public at Borough Hall, (3) Copy has been filed with the Municipal Clerk, (4) Copy of this agenda and the Sunshine Statement has been filed with the Mayor and Council. The meeting was deemed in compliance with the Open Public Meetings Act.

Moment of Silence and Salute to the Flag

Led by Mayor Reynolds.

Approval of Minutes

January 26, 2022 Regular Council Meeting

January 26 2022 Executive Session
February 23, 2022 Regular Council Meeting
February 23, 2022 Executive Session
March 9, 2022 Special Meeting

A correction was noted to change former Council member Krawiec's name to Councilmember Lewis. There being no further corrections, deletions or additions, a motion to approve the January 26, 2022 Regular and Executive Session meeting minutes, the February 23, 2022 Regular and Executive Session meeting minutes and March 9, 2022 special meeting minutes was made by C/Robilotti, 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

Councilmember Committee Reports

Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events
Congratulated Kim Sabin and spoke about great events at the Village Inn the past month or two. On April 9, an easter egg hunt/festival will also be held at the Village Inn from Noon to 4pm and pictures with the Easter Bunny will also be available. Discussions on the Memorial Day parade will be held soon. Community events for the summer are being planned and also working to get word out to the community.

Councilmember Lewis- Public Utilities reported the following:

- Well #2- The continued issue of pumping sand for the first 3000 gallons.
 - We manage the operation to limit starts on the pump to control the issue.
 - VFD install should correct this
 - VFD is on order. 8-week lead time for parts

Replacement Well- In preparation for the inevitable, Jim has reached out to Tom Herits to provide a proposal for the engineering for a replacement well and any modifications that would be required as well as permitting/budget estimation.

Asset Management

- Jim has asked Tom to prepare a proposal for the asset management to include an assessment of the Borough's water main inventory with a proposed main replacement schedule.
- Operations support- Rob Smith, continues to provide backup support when required.
- Proposals have been obtained for filter inspection and cleaning in the treatment plant. To take place after the VFD install.
- VFD install- \$20,000 cost. Estimated date of installation this fall

Operations

- We will not be doing a spring flush this year. We will be moving only to do annual.
- This will adequately clean the main. (proved during covid)
- This will save money and resources.
- Looking at the pumpage, we may have a small leak in the system. We will monitor the trends, and if it sustains, we will do a leak location assessment in the spring.

Compliance

- Supply- Renewal of the water allocation permit is coming up
- The application will be completed this month for submission to the NJDEP
- Water Quality Accountability Act-
- Budget, inventory, and Technical Managerial and Financial Capacity items need to be submitted by April 19.
- The documents are being reviewed.
- The CFO will need to support Jim with revenue, debt, and various items. (I have confirmed Jim will be sharing this with the CFO)

Licensed Operator

- Our current backup operator listed with the NJDEP has retired. (same person since 1993)
- We need to find another Licensed operator.
- It was listed and did not have a cost to the borough in the past.
- Jim will be asking Tom Herits if he would like to cover. If not, Jim will find someone else at a cost.

We are working on getting quotes for the West Dey Street tank piping repair.

Follow up Items

- Executing improvements to the GIS mapping as quoted by Colliers

Councilmember Mann- Public Safety, read the February police report.

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

Councilmember Wojyn- Public Buildings & Grounds, Technology, reported that DPW has been busy with maintenance. Plows will be left on trucks until mid-April. A protective fence has been installed by the Lake Weamaconk dam. DPW has also noticed that there is a lot of wear and tear at the parking spaces by the lake as well. Signs will be posted shortly to indicate that parking is only allowed during park hours which are from sunrise to sunset. Questions have also been raised about the locking of the gates at Sanford Park. Police officers will be taking care of locking the park gates at dusk and unlocking them at dawn. On technology matters, the microphones in the courtroom are now working again as the amplifier has been repaired. The

Borough website domain has been transferred to Host Gator from Network Solutions. This affected borough emails for about a day.

Councilmember Robilotti- Administration, Finance and Personnel.

Reported that on the Planning Board meeting where two variance applications for pools were heard – one was approved and the other postponed. The drug alliance report was also read.

Correspondence

On March 5th, 2022, a memo from the CFO to the Mayor & Council regarding the February 2022 Budget Report.

A news release dated March 3, 2022, from the Monmouth County Sheriff, Clerk and Surrogate inviting fourth grade students to participate in the annual “My County” Poster Contest. A notice containing the particulars is posted on the front door.

Received March 18, 2022 from AMBE Holding LLC a public notice regarding a continued public hearing on an application before the Manalapan Township Zoning Board to be held remotely on April 7, 2022 at 7:30 pm for Preliminary and Final Major site plan approval with a “D” variance and other variances for the Englishtown Industrial Park.

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

Open Public Portion Limited to Agenda Items Only

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

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

Public Comment:

Kim Sabin, 22 Tennent Avenue

- Inquired whether the Village Inn would be charged for solid waste utility

Patrick McGinn, Lasatta Avenue

- Inquired about the project slated for the industrial park

Gerry Maresca, 24 Main Street

- Inquired about industrial park traffic increase due to the slated project

Close to Public:

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

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

Old Business:

ORDINANCE NO. 2022-03

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE No. 2022-01 OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY CREATING A SOLID WASTE UTILITY AND SETTING FORTH THE METHOD OF CALCULATION AND COLLECTION OF SERVICE FEES FOR SAME.

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

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

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

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

57.05 SOLID WASTE UTILITY

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

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

57.05.01 Recovery of costs; fees.

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

57.05.02 Service charge.

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

57.05.03 Computation of service charge.

The solid waste service charge for residential properties served, unless and until nonresidential properties are served shall be computed by dividing the approved annual budget of the Solid Waste Utility by the number of residential units to which the service will be made available by the Borough. The annual service fee for solid waste collection shall be three hundred sixty dollars (\$360.00) per annum per residential unit. Said service fee shall begin on April 1st of the initial year of 2022 and shall be prorated for said year to two hundred seventy dollars (\$270.00).

57.05.04 Payment of service charge.

Annual service charges for solid waste collection and disposal shall be levied against each recipient of said services based upon the number of residential units served. Bills shall be submitted twice annually and shall be due and payable in two equal installments on April 1 and October 1 of each year. All charges and costs imposed hereby shall be payable and collected in the same manner as municipal real property taxes. The Borough shall have the same remedies for collection of the charges hereby imposed, with interest, costs and penalties, as it has by law for collection of taxes.

Open Public Hearing on Ordinance 2022-03

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 to Public:

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. 2202-03, entitled, “An Ordinance Amending and Supplementing Ordinance No. 2022-01 of the Borough of Englishtown, County of Monmouth, State of New Jersey Creating a Solid Waste Utility and Setting Forth the Method of Calculation and Collection of Service Fees for Same.”

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

New Business:

ORDINANCE NO. 2022-04

**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.

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

RESOLUTION NO. 2022-056

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964”

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *Borough Council* of the Borough of Englishtown, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

<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. 2022-057

**RESOLUTION INTRODUCING THE MUNICIPAL BUDGET
 OF THE BOROUGH OF ENGLISHTOWN, COUNTY OF MONMOUTH,
 FOR FISCAL YEAR 2022, WITH STATEMENTS OF REVENUES AND
 APPROPRIATIONS WHICH SHALL CONSTITUTE THE LOCAL BUDGET FOR THE
 YEAR 2022**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal budget for the year 2022.

BE IT FURTHER RESOLVED, that the said budget be published in The Asbury Park Press in the issue of April 5, 2022.

The Governing Body of the Borough of Englishtown does hereby approve the following as the budget for the year 2021:

1. Appropriation within "Caps"
 Municipal purposes (Item H-1, Sheet 19)
 (N.J.S. 40a:4-45.2) \$ 2,080,883.00

2. Appropriations excluded from "Caps"
 Municipal purposes (Item H-2, Sheet 28)
 (N.J.S. 40a:4-45.3 as amended) \$ 348,560.46

- Total general appropriations excluded
 from "Caps" (Item 0, Sheet 29) \$ 348,560.46

3. Reserve for uncollected taxes (Item M,

	sheet 29) - based on estimated 98.26% of tax collections	\$ 113,311.00
4.	Total general appropriations (Item 9, Sheet 29)	\$ 2,542,754.46
5.	Less: Anticipated revenues other than current property tax (Item 5, Sheet 11) (i.e. surplus, misc. revenues and receipts from delinquent taxes)	\$ 766,725.65
6.	Difference: Amount to be raised by taxes for support of Municipal Budget (As Follows)	
	A. Local tax for Municipal purposes including reserve for uncollected taxes (Item 6 (A), Sheet 11)	\$1,776,028.81

Notice is hereby given that the Budget and Tax Resolution is approved by the Mayor and Council of the Borough of Englishtown, County of Monmouth on March 23, 2022.

A hearing on the Budget and Tax Resolution will be held at 15 Main Street, Englishtown, NJ 07726 on April 27, 2022 at 6:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year may be presented by taxpayers or other interested persons.

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

RESOLUTION No. 2022-058

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN
 APPROVING THE GRANT OF AN INGRESS/EGRESS EASEMENT ACROSS WEST DEY
 STREET TO A PROPOSED SUBDIVISION OF BLOCK 5 LOT 6 AS SHOWN ON THE TAX
 MAP OF THE BOROUGH OF ENGLISHTOWN**

WHEREAS, the Mayor and Council of the borough of Englishtown have been requested to grant an ingress/egress easement consisting of approximately 10,000 sq. ft. from Borough property at the end of Dey Street to facilitate the construction of a four-lot single family home subdivision; and

WHEREAS, the requested easement has been appraised and a value of \$7,000.00 has been established and agreed to by and between the parties to this easement agreement; and

WHEREAS, an application was submitted to the Western Monmouth Utilities Authority as the proposed easement will run access the existing WMUA Weamaconk Brook Interceptor line and related 50’ wide sewer easement dedicated to the WMUA; and

WHEREAS, the developer has agreed to the conditions imposed by the WMUA that to utilize the easement area as a roadway any repairs to the WMUA pipe at any time in the future would be the responsibility of the WMUA including road restoration once the subdivision is approved and built; and

WHEREAS, the Mayor and Council have carefully considered the proposed easement and have concluded that the proposed easement may be granted without imposing adverse development impacts on the Borough and neighboring property owners and without adversity impacting the rights of the WMUA.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown that the Borough will grant the requested ingress/egress easement upon satisfaction of all conditions requested by the WMUA and the Englishtown Borough Unified Planning Zoning Board.

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

RESOLUTION NO. 2022-059

AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF ENGLISHTOWN

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance , water management, biological control, and chemical control to exterminate the mosquito population within the county of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Englishtown is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

NOW, THEREFORE, BE IT FURTHER RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies.
 - b. Such operations will be performed in compliance with applicable Federal and State regulations.
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

<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. 2022-060

AUTHORIZING REFUND OF TAX SALE CERTIFICATE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificates have been sold to the lienholders listed:

Tax Sale Certificate #	Block/lot	Address	Amount	Premium	Total	Lienholder
21-00004	B4, L14.09	15 W. Dey Street	\$2,280.15	\$14,600.00	\$16,880.15	Trystone Capital Assets, LLC
21-00010	B17, L8	16 Victory Drive	\$1,725.49	\$8,000.00	\$9,725.49	Trystone Capital Assets, LLC
21-00009	B16, L4	6 Irving Place	\$2,247.43	\$14,100.00	\$16,347.43	Trystone Capital Assets, LLC

21-00006	B6, L14.08, Q C08	8 Oxford Court	\$1,237.57	\$8,000.00	\$9,237.57	Trystone Capital Assets, LLC
21-00002	B2, L22.53, Q C23	53 Queens Way	\$1,216.77	\$4,000.00	\$5,216.77	Christiana T C/F CE1 Firsttrust
21-00015	B25, L23.01	11A Main Street	\$845.99	\$2,000.00	\$2,845.99	Double G Keen MGT Corp.

WHEREAS, the above-mentioned certificates have been redeemed by the tax collector and the lienholder is to obtain said calculated refund amount specified on the above list.

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 payments in the amounts listed to the specified lienholders:

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

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

RESOLUTION NO. 2022-061

AUTHORIZING REFUND OF DUPLICATE TAX PAYMENT

WHEREAS, the Borough of Englishtown Tax Collector has reported that, a refund is due to a duplicate payment being received from:

Lereta, LLC
For 4 Center Street, Block 10, Lot 1.03
in the amount of \$2,809.52

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of \$2,809.52 to Lereta, LLC, 901 Corporate Center Drive, Pomona, CA 91768.

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

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

RESOLUTION No. 2022-062

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

WHEREAS, the Borough of Englishtown was notified by the Borough Water & Sewer Superintendent on or about February 14, 2022, of a service main break on Pine Street with work needing to be completed due to the emergent nature.

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

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

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

WHEREAS, the maximum amount of the purchase is \$9,383.43 and funds are available in as evidenced by the Chief Financial Officer's Certification;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, as follows: 1. The Chief Financial Officer is hereby authorized and directed to forward a purchase requisition to B & W Construction Co., P. O. Box 574, South River, NJ, for the emergency repair of the service main in the area of Pine Street, in an not to exceed \$9,383.43 all in accordance with the attached quote.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		X			
Lewis		X			
Mann	X	X			
Marter		X			
Robilotti	X	X			

Wojyn			X			
Mayor Reynolds	tie vote only					

RESOLUTION No. 2022-063

RESOLUTION AUTHORIZING THE BOROUGH OF ENGLISHTOWN TO ACCEPT A GRANT FROM THE STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, IN THE AMOUNT OF \$20,380.00, UNDER THE SFY21- BODY WORN CAMERA PROGRAM AWARD NUMBER 21-BWC-137 AND AUTHORIZING THE MAYOR AND CHIEF OF POLICE TO EXECUTE, AND THE BOROUGH CLERK TO ATTEST TO A GRANT AWARD, AND ANY DOCUMENTS IN CONNECTION WITH THIS GRANT

BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, in the County of Monmouth, State of New Jersey, as follows:

1. The Borough is authorized to accept a grant award from the State of New Jersey, Department of Law and Public Safety, Office of the Attorney General, in the amount of \$20,380.00, under the SFY21 Body Worn Camera Program, Award No. 21-BWC-137, with zero Borough match;
2. The Borough of Englishtown acknowledges the award period began on January 1, 2021 and concludes on December 31, 2025;
3. The Borough of Englishtown will and does accept the grant funds for the purpose described in its application.

BE IT FURTHER RESOLVED, Mayor Reynolds and Chief of Police Cooke are hereby authorized to execute and the Borough Clerk to attest to any and all documents for the program and award identified herein with this grant.

<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. 2022-064

**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 \$684,520.53 are hereby authorized to be paid on March 23, 2022.
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.

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

RESOLUTION NO. 2022-065

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN COUNTY OF MONMOUTH,
 STATE OF NEW JERSEY AUTHORIZING A VENDOR AGREEMENT FOR
 IMPLEMENTING THE LOW-INCOME HOUSEHOLD WATER ASSISTANCE
 PROGRAM BETWEEN THE STATE OF NEW JERSEY DEPARTMENT OF
 COMMUNITY AFFAIRS AND THE ENGLISHTOWN WATER DEPARTMENT**

WHEREAS, The State of New Jersey Department of Community Affairs has informed the Borough of Englishtown Water Department of the availability of Low-Income Household Water Assistance Program (LIHWAP) for low-income water and sewer utility customers experiencing delinquent balances on their water and sewer utility accounts.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the Mayor is hereby authorized to sign said vendor agreement for data sharing/contract for services between the

Borough of Englishtown and the State of New Jersey Department of Community Affairs to enable the LIHWAP program for qualified Englishtown Borough residents.

<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				

Tax Collector’s Report – February 2022

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

Open Public Portion Non-Agenda Items

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:

Joe Miczak, President of the Battleground Historical Society, 2 Water Street

- spoke of a fire started at the fence of the Village Inn caused by people smoking while waiting for their laundry at the laundromat. A lot of trash is also finding its way onto the Village Inn property.

Barbara Kuchinsky, Hamilton Street

- Inquired who is responsible for the trees lining Main Street as they need attention.

Patrick McGinn, Lasatta Avenue

- Asked if the Code Enforcement position would be advertised
- Also inquired about bulk garbage collection

Lauren Roth, 40 Tennent Avenue

- Spoke of a quarterly newsletter being put together by the Community Development Committee.
- Also spoke about trying to keep springtime plantings cost effective
- Also inquired about speed bumps to slow speeders on Borough roads.

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

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

Executive Session

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN MAYOR AND
COUNCIL FOR A CLOSED OR EXECUTIVE SESSION
PURSUANT TO N.J.S.A. 10:4-13.**

WHEREAS, N.J.S.A. 10:4-12B provides that a public body may exclude the public from that portion of a meeting at which the body discusses contract negotiations;

1. Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records or personal material including health records, legal defense, insurance, etc.
4. Any collective bargaining agreement or terms and conditions related thereto;
5. Any matter involving the purchase, lease or acquisition of real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may become a party. Any matters, falling within the attorney-client privilege, to the extent that confidentiality is required.
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current officer or employee, employed or appointed by the public body.
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or suspension or loss of a license or permit.

WHEREAS, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public.

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

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 23rd day of March, 2022, pursuant to Section 4 of the Open Public Meetings Act.

BE IT FURTHER RESOLVED, that the subject matter of this executive session will be made public when it is no longer required that the subject matter discussed be kept privileged.

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

Upon return from Executive Session, Council considered the following resolutions

RESOLUTION No. 2022-066

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN APPROVING RELIEF MEASURES FOR CUSTOMERS OF THE ENGLISHTOWN WATER AND SEWER UTILITY

WHEREAS, Due to the COVID-19 pandemic, Governor Murphy issued Emergency Orders creating a moratorium on the charging of interest and discontinuation of services for water, sewer, and electric utilities; and

WHEREAS, P.L. 2021, c. 317 and P.L. 2021, c. 97 have established various relief measures for residential customers of local government water, sewer and electric services experiencing delinquencies on their utility accounts during the aforementioned moratorium time period; and

WHEREAS, the Borough of Englishtown does operate water and sewer utilities that have been affected by the institution of said moratoriums; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey are in agreement with the relief measures instituted by the State of New Jersey and agree to offer the 12-month installment plans on delinquent water and sewer balances as set forth by P.L. 2021, c. 317 and P.L. 221, c.97, including but not limited to the distribution of notices to ratepayers of the availability of the programs to assist in bringing their accounts current.

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

RESOLUTION No. 2022-067

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN
 OPPOSING THE EXTENSION OF EXECUTIVE ORDERS BY GOVERNOR MURPHY
 BEYOND THE PUBLIC HEALTH EMERGENCY**

WHEREAS, on March 9, 2020, Governing Murphy declared a Public Health Emergency relating to the COVID-19 pandemic; and

WHEREAS, the Governor’s temporary emergency powers at the outset served the purpose of handling the COVID-19; and

WHEREAS, Governor Murphy renewed this Public Health Emergency every 30 days thereafter until June of 2021; and

WHEREAS, at that time, the New Jersey Legislature granted Governor Murphy the authority to continue certain emergency powers with respect to 14 Executive Orders only until January 11, 2022; and

WHEREAS, at that time, the New Jersey legislature granted Governor Murphy the authority to continue certain emergency powers with respect to 4 Executive Orders only until January 11, 2022; and

WHEREAS, the Legislature allowed Governor Murphy to request an extension of these powers or up to 90 days after January 11, 2022; and

WHEREAS, the New Jersey Legislature refused to extend these emergency powers; and

WHEREAS, Governor Murphy ignored the Legislature’s refusal to extend his remaining emergency powers and announced on January 12, 2022, that he was reinstating a statewide Public Health Emergency, thereby allowing himself the ability to continue statewide mandates without the proper checks and balances afforded to New Jersey residents by virtue of the New Jersey Constitution; and

WHEREAS, since January 12, 2022, the New Jersey Legislature has failed to overrule or contest this declaration of emergency power, despite New Jersey’s high vaccination rate; and

WHEREAS, after almost two years since Governor Murphy’s Public Health Emergency Declaration, local governments, businesses, and the public at large have adjusted to the pandemic and have learned how to take appropriate actions to protect themselves and constituents against COVID-19; and

WHEREAS, Governor Murphy promised on January 12, 2022, in declaring a new State of Emergency that he would not impose any new universal mandates; and

WHEREAS, just days later, Governor Murphy imposed a universal vaccine mandate for health care workers and correctional officers, in contradiction to his promise; and

WHEREAS, Governor Murphy imposed no mandate on inmates in the same facilities; and

WHEREAS, Governor Murphy also imposed the requirement for discipline of employees up to and including termination for failing to comply with his mandates, regardless of personal preference; and

WHEREAS, health decisions are best managed locally, and county and local governments should have the ability to select options which are best suited for the local conditions faced by each jurisdiction, after considering all of the relevant factors; and

WHEREAS, the residents of the Borough of Englishtown, County of Monmouth, deserve a system of checks and balances as guaranteed by both the United States and New Jersey Constitutions; and

WHEREAS, to date, Governor Murphy has issued over 200 Executive Orders relating to the pandemic; and

WHEREAS, the Mayor and Council of the Borough of Englishtown agrees with the Board of County Commissioners of the County of Monmouth that it is well past time to return to the regular order of government in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englishtown be and hereby opposes Governor Murphy’s declaration of a new Public Health Emergency and his recent imposition of a vaccine mandate for health care workers and correctional officers.

BE IT FURTHER RESOLVED, that the Mayor and Council strongly urges the Legislature to act forthwith to repeal the Public Health Emergency and to restore the constitutional balance of power guaranteed by the United States and New Jersey Constitution.

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

Adjournment

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

8:23 P.M.

April 27, 2022
Date Approved

Gretchen McCarthy
Municipal Clerk