

****MINUTES****

December 28, 2022

6:30 P.M.

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

Meeting Called to Order and Roll Call

The meeting was called to order by Mayor Reynolds at 6:30 pm.

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

Absent: None

Also Present: Borough Attorney Joseph Youssouf
Deputy Municipal Clerk/Deputy Finance Officer Laurie Finger
Finance Officer Sylvia Eryan-Hawileh

Discussion Items: None

Workshop Meeting Adjournment Time 6:30pm

<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			
Sabin		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 6:31pm.

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

Absent: None

Also present: Borough Attorney Joseph Youssouf
Deputy Finance Officer/Deputy Municipal Clerk Laurie Finger
Finance Officer Sylvia Eryan-Hawileh

Statement of Compliance with Sunshine Law by:

Mayor Reynolds announced that pursuant to N.J.S.A.10:4-6 notification of this meeting has been (1) Published in the Asbury Park Press and 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

Mayor Reynolds stated that an Executive Session is needed at this time.

**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, 7 of N.J.S.A. 10:4-12b is required to discuss falling within litigation matters.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 28th day of December 2022, pursuant to Section 4,7 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	X			
Mann		X			
Marter		X			
Robilotti		X			
Sabin		X			
Mayor Reynolds	tie vote only				

Council returned to public portion from Executive Session at 6:48pm and no action was necessary

Approval of Minutes

There being no corrections, deletions or additions, a motion to approve the November 21, 2022, Regular Meeting minutes was approved 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	
Marter		X	X		
Robilotti	X	X			
Sabin		X			
Mayor Reynolds	tie vote only				

There being no corrections, deletions or additions, a motion to approve the November 21, 2022, Executive Session meeting minutes and the November 30, 2022, Special Meeting minutes was approved on the following vote:

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

Committee Reports

Councilmember Francisco- Code Enforcement, Public Health & Welfare & Public Events

- None

Councilmember Lewis- Public Utilities

- Reported that the connection for Gordons Corner water was turned up a bit to make sure that the Borough met its contract amount.
- The budget for 2023 will be done this week.

Councilmember Mann- Public Safety

- Read the police activity report for November 2022

Councilmember Marter- Legislative, Insurance and Licenses, Technology

- Reported that the website needs to be taken over as he will be leaving Council on 12/31/22.
- There is one more final invoice that needs to be paid for the current website.

Councilmember Robilotti- Administration, Finance and Personnel

- None

Councilmember Sabin- Public Buildings & Grounds

- None

Correspondence

- None
- Please submit Council reports to the Clerk for inclusion in the minutes.

Open Public Portion/Limited to Agenda Items Only

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

<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			
Sabin		X			
Mayor Reynolds	tie vote only				

Public Comment:

Chief Cooke, E.P.D.

- Stated that the Code Enforcement Officer submitted his report for October, November, and December to him. Chief Cooke read the activity reports to the Council.

Mike Hynes, 12 Harrison Avenue

- Thanked Council for the parking ordinance that is on tonight’s agenda for adoption. Asked when the effective date is. Mayor Reynolds responded 10 days after publication.
- Inquired about having parking at the water tower. Mayor Reynolds stated that the insurance company will not allow it, as it is a huge liability to the Borough.

Barbara Paula Kuchinski, 11 Hamilton Street

- Asked if the Borough is being reimbursed by the insurance company for the fire hydrant damage.
- Inquired where the three cannabis businesses will be in town. Mayor Reynolds stated there is only one location.
- Asked how the Borough is going to use the money from the cannabis tax? Suggested to restore garbage pickup with the money.

Close to Public:

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

<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			
Sabin		X			
Mayor Reynolds	tie vote only				

Old Business: None

New Business:

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2022-014**

PUBLIC HEARING & ADOPTION

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 2.126 (WATER) OF THE
“CODE OF THE BOROUGH OF ENGLISHTOWN, NEW JERSEY”**

BE IT ORDAINED by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey, that the following section of Chapter 2.126 be amended and supplemented as follows:

1. Section 2.126.07 (Installation fees), Subsection A of the “Code of the Borough of Englishtown, New Jersey” is hereby amended and supplemented to read as follows:

A. Taps.

(1) For all taps on installations from the main to the curb stop made by the Water Department, the owner shall be charged the following amounts, to be paid to the Water Department at the time of the issuance of the permit:

\$3,206.00 (three thousand two hundred and six dollars) per E.D.U.

2. Any Ordinance or parts of Ordinances inconsistent herewith are hereby repealed

3. This Ordinance shall take effect following final adoption and publication pursuant thereto.

Open Public Hearing on Ordinance 2022-14

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/Mann, C/Marter, C/Robilotti, C/Sabin

Nays: None

Abstain: None

Absent: None

Public Comment:

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

Motion to Close Public Hearing on Ordinance 2022-14:

Motion was made by C/Francisco, seconded by C/Lewis, and approved on the following vote to close public comment:

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

Motion to Adopt Ordinance 2022-14 on Second Reading:

On second reading, motion was made by C/Robilotti, seconded by C/Mann, with the following vote recorded on Ordinance 2022-14, entitled, “An Ordinance Amending and Supplementing Chapter 2.26 (Water) of the Code of the Borough of Englishtown, New Jersey”:

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

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2022-015**

PUBLIC HEARING & ADOPTION

**ORDINANCE ESTABLISHING LIMITS FOR SALARIES OF THE BOROUGH OF
ENGLISHTOWN, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY**

BE IT ORDAINED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth and State of New Jersey that the following changes shall be incorporated into Chapter 1.37 of the Code of the Borough of Englishtown entitled “Salaries and Compensation”

Section I: The annual salary ranges are established as follows, and the Borough Chief Financial Officer is hereby authorized to transfer such sums of money from such payroll from the time as directed by Salary Resolution of the Governing Body.

<u>POSITION</u>	<u>SALARIES</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
GOVERNING BODY		
MAYOR	\$ 0.00	\$ 0.00
COUNCIL	\$ 0.00	\$ 0.00

Section IV: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section V: This ordinance shall take effect upon its passage and publication according to law.

Open Public Hearing on Ordinance 2022-15

Motion was made by C/Francisco, 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/Mann, C/Marter, C/Robilotti, C/Sabin
 Nays: None
 Abstain: None
 Absent: None

Public Comment:

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

Motion to Close Public Hearing on Ordinance 2022-15:

Motion was made by C/Lewis, seconded by C/Robilotti, and approved on the following vote to close public comment:

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

Motion to Adopt Ordinance 2022-15 on Second Reading:

On second reading, motion was made by C/Francisco, seconded by C/Robilotti, with the following vote recorded on Ordinance 2022-15, entitled, “An Ordinance Establishing Limits for Salaries of the Borough of Englishtown, County of Monmouth, State of New Jersey”:

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

C/Mann stated that this ordinance should be redone next year when there are new councilmembers.

**BOROUGH OF ENGLISHTOWN
ORDINANCE NO. 2022-16**

PUBLIC HEARING & ADOPTION

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
ENGLISHTOWN AMENDING CHAPTER 2.121.07 OF THE BOROUGH CODE**

WHEREAS; members of the governing body have responded to requests for a revision of the parking prohibition ordinance raised and discussed by citizens at public meetings of the governing body regarding the need for parking on part of Hamilton Street.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Englishtown that the following specified section and provision of the Code of the Borough of Englishtown are amended and supplemented as specified below:

ARTICLE I

CHAPTER 2.121 (new language underlined)

2.121.07 Parking Prohibited at all times:

Parking is prohibited on the following specified streets and locations at all times:

Hamilton Street parking restrictions to include the area on the southside between the easterly curb line of Main Street to the easterly curb line of Harrison Avenue. Notwithstanding this provision, parking will be permitted on the southside of Hamilton Street from the easterly curb line of Harrison Avenue to the westerly curb line of Irving Place. Parking will be restricted on Hamilton Street on the north side from the easternly curb line of Harrison Avenue to the westerly curb line of Irving Place.

Additional parking restrictions will be as follows:

Irving Place eastside from the curb line of Hamilton Street to the northernly curb line of Tennent Avenue.

West Dey Street South Side from Main Street to Cul-de-Sac West Dey Street, North Side from Main Street to a point 156 feet West.

Center Street, South Side, from Main Street to Harrison Avenue.

Tennent Avenue, North Side from Main Street to the Manalapan Township Border.

Main Street, West Side from West Dey Street to Water Street from the Northerly Side of the bridge to Water Street. Main Street from the East Side to both Sides, from Park Avenue to Tennent Avenue.

Pine Street, North Side, from Main Street to Harrison Avenue.

ARTICLE II

SEVERABILITY

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

ARTICLE III

EFFECTIVE DATE

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

Open Public Hearing on Ordinance 2022-16

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

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

Public Comment:

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

Motion to Close Public Hearing on Ordinance 2022-16:

Motion was made by C/Lewis, seconded by C/Mann, and approved on the following vote to close public comment:

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

Motion to Adopt Ordinance 2022-16 on Second Reading:

On second reading, motion was made by C/Lewis, seconded by C/Mann, with the following vote recorded on Ordinance 2022-16, entitled, "An Ordinance Of The Mayor and Council of the Borough of Englishtown, Amending Chapter 2.121.07 of the Borough Code":

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-127**

RESOLUTION AWARDING A CONTRACT FOR THE 2022 ROAD PROGRAM

WHEREAS, Englishtown Borough has received grants from the NJDOT Trust Fund FY 2021 and FY 2022 in the amounts of \$120,000 and, \$212,800 and \$270,000 respectively, for the applications known as West Dey Street, and, Lasatta Avenue and Mt Vernon Street, Safe Streets to Transit for Conover Street, Park Avenue and Station Street; and,

WHEREAS, the Borough advertised for bids for both projects as the project known as the 2022 Road Program (Project); and,

WHEREAS, the Borough received six, (6) proposals on November 16, 2022 at 11:00 am, in the Borough offices, for the Project; and,

WHEREAS, Earle Asphalt of Wall, New Jersey is determined to be the lowest responsible bidder after careful review of all of the bids submitted, with a low bid of \$648,013.13

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council awards a contract to Earle Asphalt of Wall, New Jersey in the amount of \$648,013.13, total bid, for the reconstruction of West Dey Street, and, Lasatta Avenue and Mt Vernon Street; and for curbs and sidewalks on Conover Street, Park Avenue and Station Street

BE IT FURTHER RESOLVED, that the award of the contract is conditioned upon the Borough Attorney’s review and approval of the bid documents, NJDOT approval, and certification by the Borough’s Chief Financial Officer of the availability of funds for this project.

BE IT FURTHER RESOLVED, that the Clerk’s Office is authorized to forward a copy of this Resolution to the Borough Attorney, the Borough Engineer, Earle Asphalt of Wall, NJ, and the Borough’s 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	X		
Lewis	X		X		
Mann			X		
Marter			X		
Robilotti			X		
Sabin			X		
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-128**

RESOLUTION AUTHORIZING APPROPRIATION TRANSFER

WHEREAS, N.J.S.A. 40A: 4-58 provides that during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$22,300.00 be made in the 2022 budget as attached.

Current Fund:

From:

Solid Waste Collection OE \$5,000.00
 Streets & Roads S&W \$4,800.00
 Streets & Roads OE \$7,500.00

To:

Tax Assessment S&W \$ 1,200.00
 Engineering Services OE \$10,000.00
 Telephone \$ 1,200.00

Reason

Allocate Salary
 Engineer Cost
 Telephone Cost

Gasoline	\$ 3,600.00	Gasoline Cost
Animal Control OE	\$ 500.00	Animal Contract
Note Principal OE	\$ 800.00	Note Payment

Sewer Fund:

From:

Sewer S&W \$5,000.00

To:

Sewer OE

Reason

Sewer Cost

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-137**

**RESOLUTION AUTHORIZING CANCELLATION OF
UNEXPENDED BALANCE**

WHEREAS, the following 2022 Water Operating Fund Budget appropriation balance remain unexpended:

Water Capital Outlay	
Other Expenses	\$50,000.00

WHEREAS, the following 2022 Solid Waste Operating Fund Budget appropriation balances remain unexpended:

Solid Waste	
Salary & wages	\$ 2,000.00
Other expenses	\$ 3,000.00
Disposal	\$ 3,000.00

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, that the above listed unexpended balances of the Water Operating Fund be canceled and the unexpended balances of the Solid Waste Operating Fund.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-138**

RESOLUTION AUTHORIZING APPROPRIATION TRANSFER

WHEREAS, N.J.S.A. 40A: 4-58 provides that during the last 2 months of the fiscal year, to expend for any of the purposes specified in the budget an amount in excess of the respective sums appropriated therefore and there shall be an excess in any appropriation over and above the amount deemed to be necessary to fulfill the purpose of such appropriation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that the transfers in the amount of \$3,900.00 be made in the 2022 budget as attached.

Current Fund:

From:

Finance S&W	\$1,000.00
Planning Board OE	\$ 100.00
Streets & Roads OE	\$1,800.00
Municipal Court OE	\$1,000.00

To:

Finance OE	\$ 1,000.00	<u>Reason</u> Year-end Supplies
Tax Collector S&W	\$ 300.00	Salary Adjustment
Engineer Services OE	\$ 1,500.00	Engineer Cost
Planning Board S&W	\$ 100.00	Salary Adjustment
Municipal Court S&W	\$ 1,000.00	Salary Adjustment

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-139**

2022 DESIGNATION OF SALARIES

WHEREAS, the Mayor and Council of the Borough of Englishtown adopted an Ordinance entitled "An Ordinance establishing limits for salaries of the Employees in the Borough of Englishtown, County of Monmouth, State of New Jersey"; and

WHEREAS, said salaries provided certain ranges for the positions set forth; and

NOW, THEREFORE, BE IT RESOLVED that it is the determination of the Mayor and Council of the Borough of Englishtown that annual salaries for said positions be adjusted and shall be fixed as follows for the year 2022 effective 1/1/2022 unless otherwise indicated.

Position		2022 Annual Salary
Chief Financial Officer	Sylvia Eryan-Hawileh	\$ 31,212.00 eff 1/1/22
Chief Financial Officer	Sylvia Eryan-Hawileh	\$ 12,484.80 eff 7/1/22
Deputy Chief Financial Officer	Laurie Finger	\$ 10,484.80 eff 1/1/22
Deputy Chief Financial Officer	Laurie Finger	\$ 29,212.00 eff 7/1/22
Court		
Magistrate	Judge Newman	\$ 21,409.29
Court Administrator	Lisa Langlois	\$ 54,879.31
Water Department		
Supervisor	Jim Mastrokalos	\$ 17,682.95
Sewer Department		
Supervisor	Jim Mastrokalos	\$ 17,682.95
Housing Inspector	John Marini	\$ 8,194.48
Zoning Officer	John Marini	\$ 6,438.52
Fire District Shared Service	John Marini	\$ 5,000.00 \$19,633.00
Tax Department		
Tax Collector	Consetta Ellison	\$ 12,484.80
Planning/Zoning Bd.		
Secretary	Celia Hecht	\$ 4,161.60
Police Chief	Peter Cooke, Jr.	\$ 123,457.50 eff 1/1/2021 \$ 126,018.45 eff 1/1/2022 \$ 128,538.81 eff 1/1/2023

<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			
Sabin		X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-140**

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:

CoreLogic Tax Services
For 5 Park Avenue, Block 23, Lot 1.01
in the amount of \$1,573.24

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of \$1,573.24 to CoreLogic Refunds Dept, 001 Hackberry Road, Irving TX 75063.

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			
Marter		X			
Robilotti		X			
Sabin	X	X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-141**

AUTHORIZING REFUND OF TAX SALE CERTIFICATE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to Trade Money LLC:

Tax Sale Certificate No. 21-00013
 Block 23, Lot 1.01
 5 Park Avenue
 in the amount of \$809.50
 premium of \$400.00
 total of **\$1,209.50**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$1,209.50.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of \$1,209.50 to Trade Money LLC, 29 Palisades Road, Old Bridge, NJ 08857:

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

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

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2022-142**

AUTHORIZING REFUND OF TAX SALE CERTIFICATE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to US Bank Cust/PC8 Firstrust Bank US Bank Global Trust Services :

Tax Sale Certificate No. 21-00005
 Block 4, Lot 27
 14 Water Street
 in the amount of \$2,348.21
 premium of \$700.00
 total of **\$3,048.21**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$3,048.21.

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 \$3,048.21 to US Bank Cust/PC8 Firstrust US Bank Global Trust Services, 50 South 16th St., Suite 2050, Philadelphia, Pennsylvania 19102:

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	X			
Lewis		X			
Mann		X			
Marter	X	X			
Robilotti		X			
Sabin		X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-143**

**RESOLUTION ACCEPTING THE RESIGNATION OF MICHAEL DuPONT
PUBLIC DEFENDER**

WHEREAS, Public Defender, Michael DuPont has served the Borough of Englishtown since January 1, 2019, with dedication and commitment; and

WHEREAS, Michael DuPont has tendered his resignation with the Borough of Englishtown with his last day of employment being December 31, 2022.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Englishtown regretfully accept the resignation from the Borough's Public Defender Michael DuPont and wish him well in his future.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the personnel file of Michael DuPont and to the Chief Financial Officer.

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

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2022-144**

**RESOLUTION ACCEPTING THE RESIGNATION OF LAURIE FINGER, RMC
 DEPUTY MUNICIPAL CLERK**

WHEREAS, Laurie Finger has served the Borough of Englishtown since August 2015 as Deputy Municipal Clerk, with dedication and commitment; and

WHEREAS, Laurie Finger has tendered her resignation with the Borough of Englishtown as Deputy Municipal Clerk with her last day of employment being December 31, 2022.

NOW THEREFORE BE IT RESOVED that the Mayor and Council of the Borough of Englishtown regretfully accept the resignation from Deputy Municipal Clerk Laurie Finger and thank her for years of service and dedication to the Borough.

BE IT FURTHER RESOLVED that a certified copy of this resolution be given to the personnel file of Laurie Finger and to the Chief Financial Officer.

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

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2022-145**

**RESOLUTION REGRETFULLY ACCEPTING THE
 RESIGNATION OF ALEXANDER PIRES**

WHEREAS, Alexander Pires has served as a special class II police officer for the Borough of Englishtown since March 2, 2021; and

WHEREAS, Alexander Pires has notified the Chief of Police that his last day of employment shall be November 28, 2022.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Englishtown Borough Council regretfully accepts the resignation of Alexander Pires.
2. That a certified copy of this Resolution be delivered to the Chief Financial Officer.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-146**

**APPOINTMENT OF CLASS II
SPECIAL LAW ENFORCEMENT OFFICER**

WHEREAS, there is a need to hire a Class II Special Law Enforcement Officer; and

WHEREAS, the Chief of Police has recommended Rafael Ramierz, of Long Branch, N.J. for the position; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that Rafael Ramirez is hereby appointed Class II Special Law Enforcement Officer for the Borough of Englishtown as follows:

1. Appointment is effective and conditional upon passing a background investigation, psychological evaluation, physical examination, drug testing by urinalysis, and firearms qualifications; and
2. Salary is payable upon commencement of work, in the amount of \$15.00 per hour, paid semi-monthly per the salary ordinance.
3. Said appointment is probationary for one year and said probation shall culminate one (1) year from the start date of employment.
4. That said appointment is for the remainder of this calendar year and subject to re-appointment annually.

BE IT FURTHER RESOLVED, that a certified true copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, the Police Training Commission, the Police Commission and Rafael Ramierz.

<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		
Sabin			X		
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION No. 2022-147**

**RESOLUTION AUTHORIZING THE AWARD OF AN EMERGENCY
 PROCUREMENT OF REPLACEMENT OF A FIRE HYDRANT BY
 B & W CONSTRUCTION CO.**

WHEREAS, the Borough of Englishtown was notified by the Borough Water & Sewer Superintendent on or about November 14, 2022, of a fire hydrant at 13 Tennent Avenue being hit by a vehicle 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 \$10,228.60 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 replacement of the fire hydrant located at 13 Tennent Avenue in an amount not to exceed \$10,228.60 all in accordance with the attached quote.

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

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2022-148**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN SUPPORTING THE
 APPLICATION OF PLANTOPIA LLC TO THE STATE OF NEW JERSEY CANNABIS
 REGULATORY COMMISSION FOR A CLASS 5 CANNABIS MICROBUSINESS RETAILER
 LICENSE WITHIN ENGLISHTOWN, NEW JERSEY**

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed Cannabis businesses, including Class 5 Cannabis Retailer Licenses, for businesses involved in retailing cannabis; and

WHEREAS, pursuant to N.J.A.C. 17:30-7.10 Applicants for cannabis business licenses (“license applicants”) need to submit proof of local support in the form of municipal approval from the governing body as part of their application (cannabis business license applicants); and

WHEREAS, the Borough of Englishtown has vetoed and repealed Ordinance No. 2022-012 on November 21, 2022, the ban on the operation of any licensed cannabis businesses within certain designated areas of its geographic boundaries; and

WHEREAS, under N.J.S.A. 24:6I, if a municipality does not enact an ordinance or repeals an ordinance banning one or more classes of cannabis businesses, then cannabis businesses will automatically be permitted to operate in the following areas for the next 5 years: A cultivator, manufacturer, wholesaler, distributor, or delivery service shall be permitted uses in all industrial zones of the municipality and a retailer shall be a conditional use in all commercial zones or retail zones, though they must still meet any applicable zoning ordinance or get a variance in accordance with the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.). However, the Borough may still pass an ordinance addressing the permissible hours of operation and manner of operation at a later date; and

WHEREAS, the Borough Council has not imposed a limit on the number of licensed cannabis businesses within its jurisdiction, and has therefore determined that the issuance of a license to the below license-applicants by the State Cannabis Regulatory Commission would not exceed any licensing limits; and

WHEREAS, the Borough Council submits no preferences in regard to licensing; and

WHEREAS, in providing this letter of local support, the Borough Council expresses no opinion regarding the completeness of any application, its compliance with the Cannabis Regulatory Commission’s application requirements or any applicable Borough zoning, land use, or planning requirements; and

WHEREAS, Plantopia, LLC is registered to do business in the State of New Jersey and intends to apply to the New Jersey Cannabis Regulatory Commission for conversion of its conditional license to

an annual Cannabis Retailer License to operate an adult-use cannabis retail business within the Borough of Englishtown, New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Englishtown that the Borough of Englishtown hereby supports the application of Plantopia LLC to the State of New Jersey Cannabis Regulatory Commission for conversion of its conditional license to an annual Cannabis Retailer License to operate an adult-use cannabis retail business within the Borough of Englishtown, New Jersey’s jurisdiction in accordance with the repeal of Ordinance No. 2022-012, as adopted on November 21, 2022.

BE IT FURTHER RESOLVED that the Municipal Clerk shall provide the Applicant with a sealed copy of this resolution to be included as part of their applications to the State of New Jersey Cannabis Regulatory Commission.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-149**

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN SUPPORTING THE
APPLICATION OF GREEN TORCH LLC TO THE STATE OF NEW JERSEY CANNABIS
REGULATORY COMMISSION FOR A CLASS 5 RETAIL CANNABIS LICENSE WITHIN
ENGLISHTOWN, NEW JERSEY**

WHEREAS, Green Torch LLC (the “Applicant”) is registered to do business in the State of New Jersey, and seeks authorization to operate an adult-use cannabis retail facility as a Class 5 Retailer at 37 Main Street, Englishtown, New Jersey, within the Borough of Englishtown, New Jersey (the “Borough”); and

WHEREAS, the Borough has repealed its previous prohibition of cannabis business, which previously opted out of permitting such businesses, pursuant to the terms of the New Jersey Cannabis Regulatory, Enforcement, Assistance and Marketplace Modernization Act (N.J.S.A. §§ 24:6I-31 *et seq.*) and accompanying regulations (N.J.A.C. §§ 17:30-1 *et seq.*);

WHEREAS, in applying to the State of New Jersey Cannabis Regulatory Commission, the Applicant is required to provide proof of local support for its application in the form of a resolution of support by the governing body of the Borough; and

WHEREAS, the Borough Council believes it to be in the best interests of the Borough and its residents to pass such a resolution of support in favor of the Applicant.

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of December, 2022, that the Borough of Englishtown supports the application of Green Torch LLC to the State of New Jersey Cannabis Regulatory Commission for a Class 5 Retailer License to operate an adult-use cannabis retail facility at 37 Main Street within the Borough of Englishtown; and

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide the Applicant with a sealed copy of this resolution to be included as part of the Applicant’s application to the State of New Jersey Cannabis Regulatory Commission.

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

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2022-150**

**RESOLUTION FOR LOCAL SUPPORT AND SUITABILITY IN THE
BOROUGH OF ENGLISHTOWN OF LICENSED, CLASS V CANNABIS
RETAILER RUUTED, LLC**

WHEREAS, Ruuted, LLC, a conditionally licensed Class V cannabis retailer through the New Jersey Cannabis Regulatory Commission, seeking to own and operate a proposed cannabis business is required to demonstrate local support for the suitability and appropriateness of its business from a municipality pursuant to applicable state statutes and regulations; and

WHEREAS, Borough officials are required to review and consider a request of an Applicant to conduct a cannabis business within the municipality;

NOW THEREFORE BE IT RESOLVED that the Borough Council of Englishtown, County of Monmouth, and State of New Jersey hereby approves this Resolution of Support to Ruuted, LLC for the issuance of a Class V retail cannabis facility in the borough.

<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		
Sabin		X			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2022-151**

**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 \$690,151.53 are hereby authorized to be paid on December 28, 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			
Sabin		X			
Mayor Reynolds	tie vote only				

Tax Collector’s Report – none submitted for the month of November 2022.

Public Portion

Motion was made by and approved on the following roll call vote to open to public comment at 7:10PM:

<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	X			
Mann		X			
Marter		X			
Robilotti		X			
Sabin		X			
Mayor Reynolds	tie vote only				

Public Comment:

Scott Christofides, 8 Northgate Drive

- Commented about vehicles being vandalized in his area during the month of November. Feels that Englishtown is becoming unsafe and the Police Dept. needs more officers.

Lisa Healy, 3 Northgate Drive

- Also commented on the vandalization and had her car broken into. She has been a resident since 2000 and never had to even lock her door. She feels the Englishtown is extremely unsafe.

Eileen Cox, 8 Northgate Drive

Commented that she is alone a lot of the time in her house and Englishtown needs trained professionals to make her feel safe in her own home.

Kyle Thomas, 10 Northgate Drive

- Commented on the lack of police officers during the evening hours.

Close to Public Portion

Motion was made by and approved on the following roll call vote to close to public comment at 7:25PM:

<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			
Marter	X	X			
Robilotti		X			
Sabin		X			

Mayor Reynolds stated that an Executive Session is needed for personnel matters.

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 or real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may become a party. Any matters, falling within the attorney-client privilege, to the extent that confidentiality is required.
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current officer or employee, employed or appointed by the public body.
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or suspension or loss of a license or permit.

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

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

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the public be excluded from this portion of the public meeting convened this 21st day of November, 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.

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

Council returned to public portion from Executive Session at 7:34pm.

C/Francisco thanked Councilman Marter for his time serving on Council.

Meeting Adjournment

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

7:35 P.M.

February 22, 2023

Date Approved

Laurie Finger

Deputy Municipal Clerk