

****MINUTES****

October 26, 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 6:32 pm.

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

Absent: C/Mann, C/Robilotti

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

Discussion Items:

- Best Practices Inventory Worksheet
Finance Officer Sylvia Eryan-Hawileh and Deputy Finance Officer Laurie Finger reported and fielded inquiry on the answers to be provided for questions on the Best Practices Worksheet regarding Englishtown Borough. Some of the question topics included the Borough website, cyber security and electric vehicle charging stations. Englishtown has sufficient points to receive 100% state aid.
- Cannabis Ordinance 2022-012
Mayor Reynolds described the survey sent to residents in 2021, only a quarter of which were returned. The majority of those surveys were against cannabis businesses in town. Mayor Reynolds gave history of the current cannabis ordinance decision and suggested a referendum question be placed on the ballot in 2023, allowing the residents to determine what is wanted by them. Borough Attorney Youssouf urged that the Unified Planning/Zoning Board be given the opportunity to provide input at their November meeting on the 6 cannabis classes to be allowed in the Borough. Mayor Reynolds indicated that he will contact the Borough Engineer, Planning Board Attorney and Board Secretary on the matter.
- Review of Professional Services Contracts – Councilmember Francisco
Mayor Reynolds stated that current professional rates have been provided to Council as requested. The rates are not exorbitant. Borough professionals are appointed annually and requests for proposals would need to be prepared should Council decide to go that route. Councilmembers Lewis and Francisco inquired on the amounts spent annually for professionals and whether contracts

automatically renew. The annual costs for Borough professionals are to be provided to Council for discussion at the November Council meeting.

- **Formation of Recreation Committee – Councilmember Francisco**
Borough Attorney Youssouf gave explanation on committees versus commissions and after further discussion an advisory ad hoc recreation committee was agreed upon. Councilmember Francisco named three persons who have agreed to participate: Kim Reque, Nicole Fiore, and Kim Sabin.
- **Recording of Council Meetings – Councilmember Lewis**
Mayor Reynolds suggested that this matter be considered in 2023 so necessary equipment could be researched and included in the 2023 budget. Deputy Finance Officer Finger indicated that the equipment could be capitalized. Councilmember Lewis suggested looking into a shared service agreement with Manalapan Township. Mayor Reynolds said that he will reach out to Manalapan Township.
- **Councilmember Salaries – Councilmember Sabin**
Mayor Reynolds expressed his disagreement with changing Councilmember salaries as two of the current councilmember’s terms are expiring on December 31 and it would be a disservice to make changes before the incoming members could decide for themselves. Councilmember Sabin stated that he made a motion at the previous meeting and expected the required ordinance to be included on the agenda for this meeting. Borough Attorney Youssouf spoke to required steps for ordinance introduction and adoption and the need for a written ordinance.
- Mayor Reynolds stated that he had received correspondence from the person that coordinates Town Planner Calendar. They are requesting dates for the Borough’s usual events, like the Easter Egg Hunt, Halloween, the Memorial Day Parade, and the 9/11 Ceremony. The dates will need to be provided soon as their deadline for printing is approaching.

Workshop Meeting Adjournment Time 7:13pm

<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				

**** 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 7:13pm.

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

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

Statement of Compliance with Sunshine Law 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

Approval of Minutes

There being no corrections, deletions or additions, a motion to approve the September 28, 2022 Executive Session meeting minutes and the September 28, 2022 Regular and Executive Session Meeting minutes was made by C/Marter, seconded by C/Sabin, and approved on the following vote:

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

Committee Reports

Councilmember Francisco- Code Enforcement, Public Health & Welfare & Public Events
Reported on Code Enforcement activities and announced the Halloween Party scheduled for October 30th from 2:30-5:30pm at the firehouse.

Councilmember Lewis- Public Utilities

Reported on planned water/sewer matters and read emails he had received on various solid waste utility matters. Further discussion ensued that the landlord should be the party billed for the solid waste utility. Mayor Reynolds described his research into the number of rental properties in the Borough.

Councilmember Mann- Public Safety, was absent.

Councilmember Marter- Legislative, Insurance and Licenses, Technology

Reported that he has gained access to the Facebook page and has removed the links. Also, Freehold I.T. has provided a cost estimate of \$300.00 per month for content updates on the Borough website.

Councilmember Robilotti- Administration, Finance and Personnel was absent.

Councilmember Sabin- Public Buildings & Grounds reported a discrepancy on the Borough website regarding the size of brush that is allowed to be collected. DPW activities for the month were also reported.

Correspondence

The following correspondence was noted as having been received:

- From the Chief Financial Officer, dated October 4, 2022, the September 2022 Budget report
- From the Monmouth County Board of Commissioners, a Resolution establishing a County Opioid Advisory Council for the disbursement of settlement funds from the national opioid litigation settlement
- From the Monroe Township, a public notice of a public hearing and consideration of adoption of their Master Plan, which is scheduled for Thursday October 27, 2022 at 6:30pm
- A letter dated October 4, 2022 from AMBE Holding, LLC, advising of no objection of use of 20 parking spots in their Harrison Avenue parking lot during events held approximately once per month.
- 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/Marter, seconded by C/Lewis, and approved on the following roll call vote to open to public comment:

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

Public Comment:

Chief Cooke, E.P.D.

- Read the police activity report in the Police Commissioner's absence.

Jesse Tossetti, 37 Hospitality Way

- Inquired why only cannabis ordinance discussion was posted on the front sign.

Lauren Roth, 40 Tennent Avenue

- Would like to see a referendum regarding cannabis businesses
- Would like to hear the benefits of having a cannabis business in town
- The League of Municipalities is holding a webinar on the topic of cannabis businesses on October 28 and suggested the governing body participate.
- An open package of drug paraphernalia was recently found on her property, causing concern.

Barbara Paula Kuchinski, 11 Hamilton Street

- Inquired why cannabis businesses seem so important to some Councilmembers
- Inquired whether cannabis businesses are permitted within close proximity to a school property.
- Remarked that Councilmembers should be respectful of each other.
- Inquired about the change in her home value should a cannabis business be opened in Englishtown.
- Asked why Council should forego their salaries as most people do not wish to work for free.

Jesse Tossetti, 37 Hospitality Way

- Stated that he does not get paid as a Board of Education member.
- Stated that other business opportunities are available other than cannabis dispensaries.
- Council salaries could prospectively be used to lower solid waste costs.

Wayne Krawiec, 31 Lasatta Avenue

- Feels the waiving of council salaries is an unfair decision and individual councilmembers should be allowed to make their own decisions.

Brendan Sharkey, 23 English Club Drive

- Spoke in favor of recording Council meetings as it is helpful to residents.

Close to Public:

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

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

Old Business:

Ordinance No. 2022-012- Public Hearing, Second Reading

AN ORDINANCE REPEALING SECTION 2.130.09 “PROHIBITED USES” OF CHAPTER 2.130 “ZONING”, AS AMENDED, OF THE CODE OF THE BOROUGH OF ENGLISHTOWN PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESS WITHIN THE BOROUGH OF ENGLISHTOWN

WHEREAS; The Borough Council adopted an Ordinance amending the Zoning Ordinance of the Borough of Englishtown pursuant to Section 31b. of P.L. 2021, c.16 the “New Jersey Cannabis Regulatory

Enforcement and Assistance and Marketplace Modernization Act” which permits municipalities to prohibit the application of the provisions of the “Act” by adoption of an Ordinance; and

WHEREAS; Upon due reconsideration, the Governing Body of the Borough has determined that the adoption of the ordinance prohibiting the application of the Act within the Borough should be repealed forthwith.

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

ARTICLE 1: The ordinance amendment prohibiting the operation of all classes of Cannabis Businesses within the Borough of Englishtown is repealed in its entirety.

ARTICLE II: Any article, section, paragraph, subsection or provision of this Ordinance inconsistent with the provisions of this Ordinance amendment is hereby repealed to the extent of such inconsistency.

ARTICLE III: Should any article, section, paragraph, subsection, clause or provision of this ordinance amendment be adjudged invalid or unconstitutional by a court of competent jurisdiction such adjudication shall apply only to the section, paragraph, subsection, or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

ARTICLE IV: This ordinance shall take effect upon its passage and publication, publication with the Monmouth County Planning Board, and as otherwise provided by law.

Open Public Hearing on Ordinance 2022-12

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

Public Comment:

Brendan Sharkey, 23 English Club Drive

- Inquired why the cannabis survey was only done by mail and not email.

Wayne Krawiec, 31 Lasatta Avenue

- Spoke in favor a referendum on this matter as a lot of residents are unaware of what is being decided.
- What bearing would this have on a possible merger with Manalapan Township?

Paula Kuchinski, 11 Hamilton Street

- Stated that statistics show that home values will drop – what is the rush in adopting this ordinance?

Lauren Roth, 40 Tennent Avenue

- Inquired about costs for all the steps needed for the 6 classes of businesses?

Borough Attorney Youssouf advised that conditions of uses are not set and the Borough would need to deal with applicants on a case-by-case basis. Should the ordinance be repealed, the Borough has no control. Attorney Youssouf also described what would need to be done in order for a question to be placed on the ballot as suggested. The question would appear on the next general election ballot. Suggested structuring an ordinance to have some controls in place and currently there is no permitted zone. Attorney Youssouf urged the Borough follow procedure and refer this matter to the Unified Planning/Zoning Board, following the procedure he had outlined and to eliminate any questions of transparency.

Motion to Close Public Hearing on Ordinance 2022-12:

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

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

Motion to Adopt Ordinance 2022-12 on Second Reading:

On second reading, motion was made by C/Francisco, seconded by C/Lewis, with the following vote recorded on Ordinance 2022-13, entitled, “An Ordinance Repealing Section 2.130.09 “Prohibited Uses” of Chapter 2.130 “Zoning”, As Amended, Of The Code Of The Borough Of Englishtown Prohibiting The Operation Of Any Class Of Cannabis Business Within The Borough Of Englishtown”:

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

Ordinance No. 2022-013- Public Hearing, Second Reading

AN ORDINANCE REPEALING ORDINANCE NO. 2020-06 OF THE BOROUGH OF ENGLISHTOWN, ENTITLED, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE CODE OF THE BOROUGH OF ENGLISHTOWN ADDING NEW SECTION 2.136 ‘GARAGE AND YARD SALES IN THE BOROUGH OF ENGLISHTOWN’.”

WHEREAS; The Borough Council desires to repeal Ordinance No. 2020-06, said ordinance controlling, regulating and licensing garage and yard sales within the Borough; and

WHEREAS; It is the intent and purpose of this Ordinance amendment to delete in its entirety, all ordinance sections referring to said control, regulation and license requirements to further amend Chapter 2 Section 2.136 “GARAGE AND YARD SALES IN THE BOROUGH OF ENGLISHTOWN” of the Code of the Borough of Englishtown by deleting Section 2.136, and all articles contained therein, completely.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council of the Borough of Englishtown that the above referenced ordinance amendments and sections thereof are repealed in their entirety.

Open Public Hearing on Ordinance 2022-13

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/Marter, C/Sabin
 Nays: None
 Abstain: None
 Absent: C/Mann, C/Robilotti

Public Comment:

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

Motion to Close Public Hearing on Ordinance 2022-13:

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/Marter, C/Sabin
 Nays: None
 Abstain: None
 Absent: C/Mann, C/Robilotti

Motion to Adopt Ordinance 2022-13 on Second Reading:

On second reading, motion was made by C/Lewis, seconded by C/Francisco, with the following vote recorded on Ordinance 2022-13, entitled, “An Ordinance Repealing Ordinance 2020-06 of the Borough of Englishtown, entitled, ‘An Ordinance Amending and Supplementing Chapter 2 of the Code of the Borough of Englishtown Adding New Section 2.136 ‘Garage and Yard Sales in the Borough of Englishtown’”:

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

New Business:

RESOLUTION NO. 2022-123

RESOLUTION OF AUTHORIZATION TO ADD TO A SHARED SERVICES AGREEMENT WITH FREEHOLD TOWNSHIP FOR OFF-SITE CLOUD BASED DATA STORAGE

WHEREAS, the “Uniform Shared Services and Consolidation Act” N.J.S.A. 40A:65-1 through 40A:65-35 (the “Act”), authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, the Borough of Englishtown did enter into an agreement via Resolution 2021-093 with Freehold Township for the provision of Information Technology services; and

WHEREAS, the Township of Freehold is now offering off-site, cloud-based data storage services that would be utilized by the Borough Administration and Police Department at an additional monthly cost of \$100.00; and

WHEREAS, the Borough of Englishtown wishes to add said services to its current agreement for Information Technology services with the Township of Freehold; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Englishtown in the County of Monmouth, State of New Jersey that it hereby agrees to the addition of off-site, cloud-based data storage services to the existing agreement between the Borough of Englishtown and the Township of Freehold for Information Technology services, at an added cost of \$100.00 per month.

<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				

RESOLUTION NO. 2022-124

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 Double G Keen Mgt. Corp.:

Tax Sale Certificate No. 19-00008
 Block 25, Lot 24.01
 Main Street Rear

in the amount of \$6,582.53
 premium of \$0
 total of **\$6,582.53**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$6,582.53.

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 \$6,582.53 to Double G Keen Mgt. Corp., P.O. Box 325, Manalapan, New Jersey 07726

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				

RESOLUTION NO. 2022-125

RESOLUTION AUTHORIZING AN ACCELERATED TAX SALE TO BE HELD IN ACCORDANCE TO THE RULES AND REGULATIONS PURSUANT TO N.J.S.A. 54:5-19

WHEREAS, according to the amended regulations set forth in N.J.S.A. 54:5-19 et seq., all taxes and municipal water and sewer, and other lienable charges payable through the eleventh day of the eleventh month of the current fiscal year shall be subject to tax sale and offered for sale of lien to the lowest bidder or highest premium bidder at a tax sale to be held on December 15, 2022 at 10:00 A.M., at the Borough of Englishtown Municipal Building, 15 Main Street Englishtown, New Jersey; and

WHEREAS, there are delinquencies appearing in the records of the Borough of Englishtown for monies levied on the owners of record as they appear in the official tax list filed in the office of the Collector of Taxes of the Borough of Englishtown, as well as listings from the Borough of Englishtown Municipal Sewer Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth State of New Jersey that the Tax Collector of the municipality be and is hereby authorized, to hold a Tax Sale for tax and sewer arrears for properties located in our municipality on December 15, 2022, with official notices of sale being advertised and notice the owners of record according to the requirement of N.J.S.A. 54:5-19 et seq.

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

RESOLUTION NO. 2022-126

**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 \$810,624.15 are hereby authorized to be paid on October 26, 2022.
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.

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

Tax Collector’s Reports of August, 2022 and September, 2022 were read by Mayor Reynolds

Public Portion

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

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

Absent: C/Mann, C/Robilotti

Public Comment:

Michael Hynes – 12 Harrison Avenue

- Spoke regarding the parking prohibition on Harrison Avenue, asking the Mayor and Council revisit the matter.

Tim Ivins, 10 Harrison Avenue

- Complained of cars flying up and down the road due to the street being wide open.
- Does not have enough room in his driveway for the vehicles of his household.

Chief Cooke, E.P.D.

- For the safety of residents, feels it is not a good idea to allow parking on both sides of the street as fire apparatus cannot fit should there be a fire.

Lou Sarti, 73 English Club Drive, Chief E.F.D.

- Warned of potential problems in case of fire due to a lack of room for fire equipment.
- It is the recommendation of the Englishtown Fire Department to prohibit parking.
- As Vice President of the English Club Homeowners Association, giving notice that they development will most likely be opting out of Borough trash collection.

Jesse Tossetti, 37 Hospitality Way

- Spoke regarding the Town Planner
- Spoke regarding the number of units ‘opting out’ of Borough trash collection.

Michael Hynes, 12 Hamilton Street

- Inquired why parking is an issue now, but not the previous 22 year he has lived in his home.
- Feels borough is unable to keep businesses in town due to the lack of parking, which is being further prohibited.

Jack Smith, 29 Hamilton Street

- Spoke in favor of the parking prohibition.

Lauren Roth, 40 Tennent Avenue

- Gave update on the Community Development Committee
- Suggested improved communications with Manalapan Township

Wayne Krawiec, 31 Lasatta Avenue

- Suggested councilmembers take part/interest in the Community Development Committee

Close to Public Portion

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

Roll Call Ayes: C/Francisco, C/Lewis, C/Marter, C/Sabin

Nays: None
Abstain: None
Absent: C/Mann, C/Robilotti

Motion was made by C/Lewis, seconded by C/Sabin, with all present Councilmembers in favor to have Borough Attorney Youssef prepare an ordinance allowing garage sales on Saturdays, Sundays and holidays from dawn to dusk, with fines for violations.

Motion was made by C/Sabin, C/Lewis to eliminate Mayor and Council salaries effective January 1, 2023 with all present Councilmembers in favor of having an ordinance prepared for the next meeting.

Motion was made by C/Francisco, seconded by C/Lewis with all present Councilmembers in favor of having the Borough Attorney prepare an ordinance to lift the parking ban on both sides of Hamilton Street, Harrison Avenue and Irving Place after the Planning Board conveys their opinion.

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 26th day of October, 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
Marter			X		
Robilotti					X
Sabin	X		X		
Mayor Reynolds	tie vote only				

Meeting Adjournment

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

10:30 P.M.

November 21, 2022
Date Approved

Gretchen McCarthy
Municipal Clerk