

**** WORKSHOP AGENDA ****

September 27, 2023

7:30 P.M.

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

- 1. Meeting Called to Order and Roll Call**
- 2. Discussion Items**
- 3. Adjournment**

**** AGENDA ****

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

- 1. Meeting Called to Order and Roll Call**
- 2. Statement of Compliance with Sunshine Law**
- 3. Moment of Silence and Salute to the Flag**
- 4. Councilmember Committee Reports**
 - Councilmember Krawiec- Public Buildings & Grounds
 - Councilmember W. Lewis- Public Safety
 - Councilmember Robilotti- Administration, Finance, Personnel and Technology
 - Councilmember Francisco- Code Enforcement, Public Health, Welfare & Public Events
 - Councilmember Mann- Public Utilities
 - Council member M. Lewis- Legislative, Insurance and Licenses
- 5. Correspondence**
- 6. Open Public Portion Limited to Agenda Items Only**

Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

7. Old Business

A. Ordinance 2023-08 Public Hearing and Adoption

Bond Ordinance Providing for Various Road Improvements by and in the Borough of Englishtown, in the County of Monmouth, State of New Jersey; Appropriating \$225,000 Therefor (Including a Portion of a Grant from the New Jersey Department of Transportation in the Amount of \$288,100) and Authorizing the Issuance of \$12,500 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

B. Ordinance 2023-09 Public Hearing and Adoption

Bond Ordinance Providing for the Construction of a Water Supply Well, by and in the Borough of Englishtown, in the County of Monmouth, State of New Jersey; Appropriating \$1,400,000 Therefor and Authorizing the Issuance of \$1,330,000 Bonds or Notes of the Borough to Finance Part of the Cost Thereof

8. New Business:

A. Ordinance 2023-10 First Reading and Introduction

An Ordinance Amending Chapter 620 of the Borough of Englishtown Borough

B. Resolution 2023-127

Authorization of Refund of Tax Sale Certificate

C. Resolution 2023-128

Authorization of Refund of Tax Sale Certificate

D. Resolution 2023-129

Authorizing Accelerated Tax Sale to be held December 14, 2023

E. Resolution 2023-130

Authorizing Amendment t to 2023 Designation of Salaries

F. Resolution 2023-131

Governing Body Certification of Annual Audit

G. Resolution 2023-132

Authorizing the Cancellation/Refund of 2023 Taxes for 100% Disabled Veteran

H. Resolution 2023-133
Authorizing Payment of Borough Bills

9. Tax Collector's Report – August 2023

10. Public Portion- Non-Agenda Items

Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

**11. Executive Session- Attorney Client Privilege Matter
Personnel**

12. Adjournment

NEXT COUNCIL MEETING WEDNESDAY, OCTOBER 25, 2023 @ 7:30 P.M.

BOROUGH OF ENGLISHTOWN

**** MINUTES ****

September 27, 2023

7:30 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 7:30 P.M.

Roll Call Present: C/Francisco, C/Krawiec, C/M.Lewis, C/W.Lewis, C/Mann, C/Robilotti
and Mayor Reynolds

Absent: None

Also Present: Borough Attorney Jonathan Cohen, Police Chief Cooke, CFO Jeffrey
Elsasser, Deputy CFO Laurie Finger, Municipal Clerk Kerry Killeen

Adjournment:

There being no further discussion items a motion to adjourn the workshop was offered by
C/Robilotti, seconded by C/Mann, with all present Council members in favor of adjournment. Time
of adjournment was 7:31 P.M.

**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 7:30 P.M.

Roll Call Present: C/Francisco, C/Krawiec, C/M.Lewis, C/W.Lewis, C/Mann,
C/Robilotti and Mayor Reynolds

Absent: None

Also Present: Borough Attorney Jonathan Cohen, Police Chief Cooke, CFO Jeffrey
Elsasser, Deputy CFO Laurie Finger, Municipal Clerk Kerry Killeen

Statement of Compliance with Sunshine Law

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 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.

Borough Audit Report for 2022:

James Nemeth, of Holman, Frenia, Allison P.C., provided a synopsis of the Borough's 2022 audit, and stated the Borough is in good financial standing.

Councilmember Committee Reports:

Councilman Krawiec- Public Buildings and Grounds-

- Water meter readings are ongoing
- The retention ponds and storm drains need clearing due to overgrowth of weeds and grass, in the past they have conducted controlled burns in the retention basins to assist with this. Council Krawiec suggested this be done to help with drainage issues, specifically the retention basin on Raymond Court and McDonald Way.

Councilman Lewis- Public Safety, Code Enforcement, Public Health, Welfare –

- The police department is currently waiting on parts to outfit the new vehicle, and vehicle #6 is in need of a replacement part that is no longer manufactured.
-Chief Cooke reads the August police activity report

Councilwoman Robilotti – Administration, Finance, Personnel and Technology –

- The Mayor and Council will be conducting interviews for the part-time Public Works position

Councilman Francisco – Public Events –

- Halloween party and Trunk or Treat will be hosted by the Recreation Committee at the Fire House on October 21st at 12:30 PM.
- Scarecrows participating in the scarecrow contest will be displayed in front of Town Hall on October 14th. Anyone interested in participating can pick up a display stand at Town Hall. Winners will be announced at the Halloween Party.
- Code Enforcement office hours will be changing to allow residents more access to the office to address questions and concerns.

Councilman Mann – Public Utilities –

- The Council had a special meeting with the Borough Engineer and Water Superintendent to discuss necessary repairs to the water plant, including drilling a new water well supply.

- Should the Borough choose to move forward with selling the water plant, they will need to do a referendum
- CFO Jeff Elsasser added that the Borough Engineer will be able to assist the Borough with a cost analysis of the water plant.

Councilwoman Lewis – Legislative, Insurance and Licenses –

- Will provide an update to the Council in executive session.

Open Public Portion Limited to Agenda Items Only:

Motion was made to open the Public Portion by C/W. Lewis, seconded by C/Francisco. All in favor.

There were no public comments made. Motion was made to close public comment by C/Mann, seconded by C/W. Lewis.

Mayor Reynolds read the tax collectors report aloud.

OLD BUSINESS:

**BOROUGH OF ENGLISHTOWN PUBLIC HEARING AND ADOPTION
ORDINANCE NO. 2023-08**

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS, BY AND IN THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$225,000 THEREFOR (INCLUDING A PORTION OF A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$288,100) AND AUTHORIZING THE ISSUANCE OF \$12,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the “Borough”). For the said

improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$225,000, which sum includes a portion of a grant from the New Jersey Department of Transportation in the amount of \$288,100 (the “Grant”) and \$11,250 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payment is now available therefor by virtue of an appropriation in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$225,000 appropriation not provided for by application hereunder of a portion of the Grant and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$12,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$12,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued are various road improvements by and in the Borough including, but not limited to, Harrison Avenue, said improvements to include, but not be limited to, excavation, milling, paving, reconstruction, boxing out, and resurfacing or full depth pavement replacement, and, as applicable, the repairing and/or installation, of associated curbs, curb ramps (including ADA compliance), sidewalks and driveway aprons, drainage work, roadway painting, landscaping and aesthetic improvements and traffic control; and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits,

bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$12,500.

(c) The estimated cost of said improvements or purposes is \$225,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor are a portion of the Grant in the amount of \$288,100 and the down payment for said purpose in the amount of \$11,250.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature

later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as a

general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$12,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

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

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of

this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

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

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

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

DATE OF FIRST READING AND ADOPTION: September 13, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco				x	
Krawiec		x			
M. Lewis					x
W. Lewis					x
Mann	x	x			
Robilotti		x	x		
Mayor Reynolds	tie vote only				

Public Hearing:

A motion was made by C/Mann, seconded by C/Krawiec to open public hearing on Bond Ordinance 2023-08. There being no comments on Bond Ordinance No. 2023-08, a motion was made by C/Mann, seconded by C/Robilotti to close the public hearing. All in favor.

DATE OF SECOND READING AND PUBLIC HEARING: September 27, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco				x	
Krawiec		x			
M Lewis				x	
W. Lewis	x			x	
Mann		x			
Robilotti		x	x		
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 ORDINANCE NO. 2023-09**

PUBLIC HEARING AND ADOPTION

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A WATER SUPPLY WELL, BY AND IN THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,330,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW

JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,400,000 from the Water Utility of the Borough, including \$70,000 as the amount of down payment for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). Said down payment is now available therefor by virtue of an appropriation in the Water Capital Fund.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,400,000 appropriation not provided for by application hereunder of the down payment, negotiable bonds of the Water Utility of the Borough are hereby authorized to be issued in the principal amount of \$1,330,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Water Utility of the Borough in a principal amount not exceeding \$1,330,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the construction of a water supply well, including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,330,000.

(c) The estimated cost of said improvements or purposes is \$1,400,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the down payment for said purpose in the amount of \$70,000.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough, for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer

shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Water Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs of the Water Utility as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,330,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$400,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the improvements or purposes hereinbefore described.

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

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

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

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

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

DATE OF FIRST READING & INTRODUCTION: September 13, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco				x	
Krawiec		x			
M. Lewis					x
W. Lewis					x
Mann	x		x		
Robilotti		x	x		
Mayor Reynolds	tie vote only				

Public Hearing:

A motion was made by C/Mann, seconded by C/Robilotti to open public hearing on Bond Ordinance 2023-09. There being no comments on Bond Ordinance No. 2023-09, a motion was made by C/Mann seconded by C/Robilotti to close the public hearing. All in favor.

DATE OF SECOND READING AND PUBLIC HEARING: September 27, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco				x	
Krawiec		x			
M Lewis				x	
W. Lewis				x	
Mann	x		x		
Robilotti		x	x		
Mayor Reynolds	tie vote only				

NEW BUSINESS:

**BOROUGH OF ENGLISHTOWN FIRST READING AND INTRODUCTION
 ORDINANCE NO. 2023-10**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
 ENGLISHTOWN AMENDING CHAPTER 2.130 OF THE BOROUGH CODE**

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the Mayor and Council submit this Ordinance to amend the Borough’s zoning ordinance (Chapter 2.130) to effectuate the February 15, 2023 Master Plan & Development Regulations Reexamination performed in accordance with N.J.S.A. 40:55D-89, and adopted by the Unified Planning/Zoning Board.

PURPOSE

The purpose of this Ordinance is to amend certain portions of the Zoning Ordinance, in accordance with an updated Zoning Map, to effectuate the redevelopment plans of the municipality.

SECTION 1

The Chapter 2.130, Zoning, shall be amended as follows:

§ 2.130

The boundaries of the zoning districts are to be modified in accordance with an updated “Zoning Map of the Borough of Englishtown” dated 2023, which shall be kept on file in the office of the Borough Clerk. The 2023 Zoning Map shall be amended to provide that the block between Pine Street and Center Street, areas along Main Street, all of Water Street up to Lasatta Avenue, and all of Tennent Road up to Harrison Avenue, shall be redesignated as Commercial Zones subject to §§2.130.13, 13.1 or .14 of the Zoning Ordinance.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing, to publish notice of its passage and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

DATE OF FIRST READING & INTRODUCTION: September 27, 2023

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco	x	x			
Krawiec		x			
M Lewis		x			
W. Lewis	x	x			
Mann		x			
Robilotti		x			
Mayor Reynolds	tie vote only				

DATE OF SECOND READING AND PUBLIC HEARING: October 25, 2023

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-127**

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 Innovation Title:

Tax Sale Certificate No. 22-00006
 Block 2, Lot 22
 53 Queens Way
 in the amount of \$1,419.55
 premium of \$2,200.00
 total of **\$3,619.55**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$3,619.55.

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 \$3,619.55 to Trystone Capital Assets, LLC P.O Box 1030 Brick, NJ 08723:

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			
Krawiec		x			
M. Lewis		x			
W. Lewis	x	x			
Mann		x			
Robilotti	x	x			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-128**

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 CoreLogic:

Tax Sale Certificate No. 22-00009
 Block 2, Lot 22 Qualifier #C0078
 78 English Club Drive

in the amount of \$2,006.54
 premium of \$3,000.00
 total of **\$5,206.54**

WHEREAS, the above-mentioned certificate has been redeemed by the tax collector and the lienholder is to obtain said total refund amount of \$5,206.54.

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 \$5,206.54 to Trystone Capital Assets, LLC P.O Box 1030 Brick, NJ 08723:

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			
Krawiec		x			
M. Lewis		x			
W. Lewis		x			
Mann		x			
Robilotti	x	x			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-129**

**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 14, 2023 at 10:30 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 14, 2023, 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
Francisco		x			
Krawiec	x	x			
M. Lewis		x			
W. Lewis		x			
Mann		x			
Robilotti	x	x			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-130**

2023 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 as set forth in Resolution 2023-101, shall be amended as follows for the year 2023:

<u>Position</u>	<u>Name</u>	<u>2023 Annual Salary</u>
Deputy Chief Financial Officer	Laurie Finger	\$12,734.50 eff 9/01/23

Council Member	Motion/Second	Aye	Nay	Abstain	Absent
Francisco		x			
Krawiec	x	x			
M. Lewis		x			
W. Lewis		x			
Mann		x			
Robilotti	x	x			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
RESOLUTION NO. 2023-131**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Committee of the Borough of Englishtown, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby

submit a certified copy of this resolution and the required affidavit to said Board 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			
Krawiec		x			
M. Lewis		x			
W. Lewis		x			
Mann	x	x			
Robilotti		x			
Mayor Reynolds	tie vote only				

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-132**

**AUTHORIZING THE CANCELLATION/REFUND OF TAXES FOR 100% DISABLED
 VETERAN**

BE IT RESOLVED by the Borough Council of the Borough of Englishtown that in accordance with the request of the Tax Collector taxes be cancelled and/or refunded due to tax exemption for 100% disabled veterans as per N.J.S.A. 54:4-3.30a, b and c:

<u>Name/Prop Address</u>	<u>Block/Lot</u>	<u>Year/Qtr.</u>	<u>Amount</u>	<u>Action</u>
Eric Mann 2 Center Street	10/1.02	2024/Prelim. 2023/4	\$5,627.78 \$2,932.05	Cancel Cancel
CoreLogic Tax Refund 3001 Hackberry Road Irving, TX 75063 For: Eric Mann, 2 Center Street	10/1.02	2023/3	\$2,932.06	Refund

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Englishtown that the Clerk forward a certified true copy of this Resolution to the Borough Chief Financial Officer, Borough Auditor, and Tax Collector.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco		x			
Krawiec		x			
M. Lewis		x			

W. Lewis		x	x			
Mann			x			
Robilotti	x		x			
Mayor Reynolds	tie vote only					

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-133**

**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 \$600,062.85 are hereby authorized to be paid on September 27, 2023,
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			
Krawiec		x			
M. Lewis		x			
W. Lewis	x	x			
Mann		x			
Robilotti	x	x			
Mayor Reynolds	tie vote only				

Public Portion:

Motion was made to open the Public Portion by C/Mann, seconded by C/Francisco. All in favor. There were no public comments made. Motion was made to close public comment by C/W. Lewis, seconded by C/Mann.

Executive Session (Litigation/Personnel):

**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 28th day of June, 2023, 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.

Enter into Executive Session: Time: 8:22 P.M.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco	x	x			
Krawiec		x			
M. Lewis		x			
W. Lewis	x	x			
Mann		x			
Robilotti		x			
Mayor Reynolds	tie vote only				

Council returned from Executive Session at 9:55 P.M.

**BOROUGH OF ENGLISHTOWN
 RESOLUTION NO. 2023-134**

APPOINTMENT OF BOROUGH ATTORNEY

WHEREAS, the Council of the Borough of Englishtown is knowledgeable that there is a need for the appointment of an Attorney to advise the Council of legal matters; and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40:11-1-et seq.) requires that the Resolution authorizing the appointment of an Attorney for "Professional Services" without competitive bids must be publicly advertised:

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

- Jonathan Cohen, Esq. be appointed as the Borough Attorney for the term of September 27, 2023 to December 31, 2023.
- The said party be appointed above during the term of their appointment shall provide such legal services as may be approved by the Borough Council under and pursuant to

law. Salary is \$170.00 per hour and is not to exceed \$75,000.00.

<u>Council Member</u>	<u>Motion/Second</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Francisco	x	x			
Krawiec		x			
M. Lewis		x			
W. Lewis		x			
Mann	x	x			
Robilotti		x			
Mayor Reynolds	tie vote only				

Adjournment:

There being no further business a motion to adjourn was offered by C/Mann seconded by C/W. Lewis. All in favor. The time being 9:59 P.M.

December 18, 2023
 Date Approved

Kerry Killeen, R.M.C.
 Municipal Clerk