

April 3, 2024
6:40 PM

A regular meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
ABSENT: NONE

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the March 20, 2024, executive session meeting, and approved the release of all pages except page 6. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: CIOFFI

Councilman Bray moved the approval of the minutes of the March 20, 2024, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: CIOFFI

Councilman Bray moved the approval of the minutes of the March 20, 2024, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: CIOFFI

REPORTS OF STANDING COMMITTEES:

Mayor Tucci reported on the status of the stop-light installation at the intersection of Monmouth Road and Palmer Avenue; the County has finalized construction plans and utility relocation plans, however, JCPL has been nonresponsive to the County's utility relocation plan, which has hindered progress.

Councilman Bray reported that the budget would be introduced that evening with an adoption date set for May 1st.

Councilman Cioffi reported that the Environmental Commission's Recycling Event is scheduled for Saturday, April 13th from 8:00 AM – 12:00 PM. Councilman Cioffi reported that the Shade Tree Commission has been working on the Arbor Day event. Councilman Cioffi reported that the annual Easter Egg Hunt was the previous Saturday at the community center and it was successful.

Councilman Gomez delivered the Fire and EMS Reports for March 2024.

Councilman Neyhart delivered the March 2024 Police Report

Councilman Penta had nothing to report.

Councilman Sniffen reported that the wall repairs at Franklin Lake are complete. Councilman Sniffen reported that there have been complaints about trash in the lake, however, everyone should be aware that it was only due to the heavy winds that have been occurring of late.

The Borough Administrator had nothing to report.

The Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

COMMUNICATIONS:

1. Thank-You Note from Brocklebank Family
2. Code Enforcement Monthly Report – March 2024
3. Zoning Monthly Report – March 2024
4. EMS Membership Application – Victoria Shacalo – Auxiliary Membership

Councilman Bray moved to accept the above membership application. Seconded by Councilman Gomez and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

ORDINANCES:

ORDINANCE NO. O-24-8

CALENDAR YEAR 2024

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Ordinance No. O-24-8 was read on its **first reading** by title only.

Councilman Bray moved the ordinance be passed on **first reading** by title only and to set the public hearing for April 17, 2024, at 6:30 PM. Seconded by Councilman Sniffen, and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING 2024 FIREWORKS CONTRACT

WHEREAS, the Borough has solicited proposals for a fireworks exhibition through the office of the Purchasing Agent; and

WHEREAS, Zambelli Fireworks Manufacturing Co. was the only vendor to respond with a proposal in the amount of \$26,000 for a fireworks display on July 4th; and

WHEREAS, the Chief Financial Officer and Purchasing Agent recommend accepting it; and

WHEREAS, Zambelli Fireworks Manufacturing Co. submitted the attached contract for approval; and

WHEREAS, funds are or will be available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached contract with Zambelli Fireworks Manufacturing Co. for the 2024 fireworks display on July 4th, with a rain date of July 5th, in the amount of \$26,000, be approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the attached contract with Zambelli Fireworks Manufacturing Co.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CHANGE ORDER AND PAYMENT CERTIFICATE
OF FRANK CYRWUS, INC.**

WHEREAS, FRANK CYRWUS, INC., 227 Hamburg Turnpike (Unit 8), Pompton Lakes, NJ 07442, has completed work in connection with the Borough Hall Roof Replacement Project; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 2, in the amount of \$23,638.50, and Change Order No. 1, which shows a net decrease of \$38,615.00, are in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 2, in the amount of \$23,638.50, is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 1, which shows a net decrease of \$38,615.00; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to make payment in accordance with this resolution.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF
OCEANPORT AND THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the Borough of West Long Branch and the Borough of Oceanport have been involved in negotiations for several months, with a view toward West Long Branch moving its Municipal Court operation to the Borough of Oceanport; and

WHEREAS, Oceanport has agreed to allow West Long Branch to utilize Oceanport's Court Room and to allow West Long Branch to utilize the Oceanport Municipal Court offices effective upon the adoption of a Resolution by each municipality, execution of the Agreement and notice to and the approval of the Administrative Office of the Courts (hereinafter, "the AOC") and the Assignment Judge of Monmouth County Superior Court (hereinafter, "the Assignment Judge"), whichever occurs later; and

WHEREAS, the Borough Councils of both Oceanport and West Long Branch find that it would be in the best interest of the Parties for West Long Branch to utilize the Oceanport Municipal Court Room, Court offices, and to share employees, facilities, and equipment, under the terms and conditions referenced herein; and

WHEREAS, this Agreement is established in accordance with the Uniform Shared Services and Consolidation Act, P.L 2007, c. 63 at N.J.S.A. 40A:65-1, et seq.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached Shared Services Agreement with the Borough of Oceanport to utilize the Oceanport Municipal Court Room, Court offices, and to share employees, facilities, and equipment, be and the same is hereby approved, and the Mayor and Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that this Agreement shall take effect upon the approval of the Administrative Office of the Courts and the Assignment Judge, the adoption of appropriate ordinances of the parties and the execution of the Agreement authorized thereafter by their appropriate respective officials.

BE IT FURTHER RESOLVED that a notice shall be sent by the Borough Clerk to the Division of Local Government Services in the Department of Community Affairs, as required by N.J.S.A. 40A:65-4b.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CONTRACT WITH P.B.A. LOCAL 141
FOR THE YEARS 2024-2027**

WHEREAS, the collective bargaining agreement between the Borough of West Long Branch and the West Long Branch Police Department, P.B.A. Local 141, expired on December 31, 2023; and

WHEREAS, the governing body has been negotiating with the union on terms to be included in a new contract, and has reached a consensus which it feels is both reasonable and satisfactory, and the negotiating committee has recommended the same for approval to the governing body; and

WHEREAS, it is in the best interests of the employees and the borough to have an agreement fixing the responsibilities and obligations of the parties for budgetary purposes and general organizational reasons;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached form of agreement between the Borough of West Long Branch and the West Long Branch Police Department, P.B.A. Local 141, running from January 1, 2024, through December 31, 2027, inclusively, be and the same is hereby approved, and the Mayor and Borough Clerk are hereby authorized to sign the same on behalf of the borough.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING SUMMER CONCERT SERIES CONTRACTS

WHEREAS, the West Long Branch Recreation Commission solicited contracts from bands to perform as part of the 2024 Summer Concert Series; and

WHEREAS, the representatives of the bands below submitted the attached Engagement Contracts for performance:

<u>Band</u>	<u>Date/Time of Performance</u>	<u>Cost</u>
Low on Cash	Friday, July 19, 2024, at 7:00 PM	\$2,000.00
The Gumbo Gumbas	Friday, August 30, 2024, at 7:00 PM	\$2,000.00
Runaway Train	Friday, August 23, 2024, at 7:00 PM	\$1,750.00
The Get-Down Committee	Friday, August 9, 2024, at 7:00 PM	\$2,000.00

WHEREAS, the Recreation Commission Chair recommends that the Borough Council approve these contracts; and

WHEREAS, funds are or will be available for this purpose:

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached Engagement Contracts for performance by the above bands at the dates, times, and costs indicated, be approved;

AND BE IT FURTHER RESOLVED that the performers shall provide an insurance certification in favor of the Borough, and as well as a completed and signed W-9 tax ID form;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign said contracts on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an addendum to, the Engagement Contracts with the bands and a copy of this resolution shall be signed by each contractor.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF WEST LONG BRANCH AND CWA LOCAL 1031

WHEREAS, The Borough of West Long Branch and CWA Local 1031 (“CWA”) wish to enter into a settlement agreement.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Borough of West Long Branch hereby agrees to each and every term as set forth in the attached settlement agreement.

BE IT FURTHER RESOLVED that the Borough Administrator is hereby authorized to sign the attached settlement agreement.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING PROPOSAL BY AUTOMATED BUILDING CONTROLS FOR HVAC SERVICES AT THE WEST LONG BRANCH LIBRARY

WHEREAS, there is a need for maintenance and upgrades of the HVAC equipment located in the Library; and

WHEREAS, Automated Building Controls, Inc. submitted the attached proposal for complete HVAC scope of work at the West Long Branch Library for a total net cost of \$11, 728.88; and

WHEREAS, the cost breakdown is as follows:

Gross Price	\$43,000.00
Incentive	\$31,271.12
Total Net Price as Described	\$11,728.88*

**Process for incentive by Program Ally (Automated Building Controls, Inc)*

WHEREAS, the Borough Administrator recommends accepting the proposal submitted by Automated Building Controls, Inc.; and

WHEREAS, funds are or will be available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached proposal for complete HVAC scope of work at the West Long Branch Library, be approved; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary documents pursuant to said proposal on behalf of the Borough.

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION CERTIFYING COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION’S
“ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND
CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII
OF THE CIVIL RIGHTS ACT OF 1964”**

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

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

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

Seconded by Councilmember GOMEZ and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

April 3, 2024

Mayor Tucci delivered her 2024 Budget Message

Councilmember BRAY offered the following resolution and moved its adoption. The motion was seconded by Councilmember GOMEZ.

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Borough of West Long Branch, County of Monmouth for the Fiscal Year 2024;

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2024;

BE IT FURTHER RESOLVED, that said Budget be published in the Asbury Park Press in the issue of April 10, 2024.

The Governing Body of the Borough of West Long Branch does hereby approve the following as the Budget for the year 2024:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Notice is hereby given that the Budget and Tax Resolution was approved by the COUNCIL MEMBERS of the BOROUGH OF WEST LONG BRANCH, County of MONMOUTH, on April 3, 2024.

A Hearing on the Budget and Tax Resolution will be held at Borough of West Long Branch on May 1, 2024, at 6:30 o'clock PM at which time and place objections to said Budget and Tax Resolution for the year 2024 may be presented by taxpayers or other interested persons.

UNFINISHED BUSINESS:

Councilman Cioffi commented that the work done at Franklin Lake to repair the wall was done so efficiently and well; he thanked everyone involved including T&M and Public Works.

NEW BUSINESS:

None.

BILLS AND CLAIMS:

Councilman Bray moved to approve the bill list. Seconded by Councilmen Penta and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

PUBLIC HEARING:

1. *Melanie Engel, 18 Park Meadow Lane, West Long Branch* informed the governing body that the Shade Tree Commission has tentatively chosen April 26th for their Arbor Day tree planting.

There being no one else wishing to speak, Councilman Neyhart moved to adjourn the Council meeting and to enter Executive Session. Seconded by Councilman Gomez and carried unanimously.

April 3, 2024

EXECUTIVE SESSION RESOLUTION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

WLBFD Ordinance Corrections; Recreation Director Position; Municipal Services Act Obligations; Tax Appeals; 10 Throckmorton Ave; Police Personnel; Residential Complaint

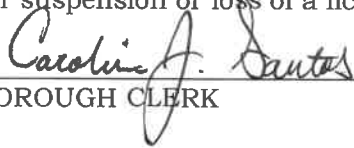
Fire Department Personnel; Police Contract; Municipal Court Agreement; Shared Services Agreement.

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

When the need for privacy as to each item no longer exists.

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- ☐ 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
- ☐ 2. Rendered confidential by State Statute or Court Rule.
- ☐ 3. Would constitute an unwarranted invasion of individual privacy.
- ☐ 4. Deals with collective bargaining or any employment agreement, including negotiations positions.
- ☐ 5. Deals with purchase, lease or acquisition of real property with public funds.
- ☐ 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
- ☐ 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.
- ☒ 8. Related to investigation of violations or possible violations of the law.
- ☒ 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- ☒ 10. Falls within the attorney-client privilege and confidentiality is required.
- ☒ 11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly.
- ☐ 12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.


BOROUGH CLERK