

**ANNUAL MEETING**                      **WEST LONG BRANCH**

**JANUARY 1, 2018**                      **12 O'CLOCK NOON**

FLAG SALUTE

INVOCATION:                      Reverend Jonathan Campbell  
Old First United Methodist Church

The Oath of Office is administered to the following:

Fred Migliaccio	Councilman	3 years
Christopher Neyhart	Councilman	3 years
Tim Phillips	Chief, Fire Department	
Victor C. Huhn, Jr.	Asst. Chief, Fire Department	
Michael Rescinio	Captain, First Aid Squad	
Timothy Knotts	1 <sup>st</sup> Lieutenant, First Aid Squad	
Georgette Tucholski	2 <sup>nd</sup> Lieutenant, First Aid Squad	

Mayor Tucci reports Sunshine Law has been complied with.

ROLL CALL:	MAYOR	Janet W. Tucci
	COUNCIL	Stephen A. Bray Susan Juliano MaryLynn Mango Fred Migliaccio Christopher Neyhart John M. Penta, Jr.

MAYOR'S ANNUAL MESSAGE

RESOLUTIONS:

1. Resolution Appointing Borough Attorney and Approving Contract (R-18-1)
2. Resolution Appointing Bond Attorney and Approving Contract (R-18-2)
3. Resolution Appointing Municipal Auditor and Approving Agreement (R-18-3)
4. Resolution Appointing Municipal Prosecutor (R-18-4)
5. Resolution Appointing Alternate Municipal Prosecutor (R-18-5)
6. Resolution Appointing Public Defender (R-18-6)
7. Resolution Appointing Borough Engineer (R-18-7)
8. Resolution Appointing Special Labor Counsel (R-18-8)
9. Mayor's Appointments
10. Mayor's Appointments Approved by Council (R-18-9)
11. Council Appointments (R-18-10)
12. Resolution Fixing Time and Place of Meetings (R-18-11)
13. Resolution Bonding Borough Employees (R-18-12)
14. Resolution Naming Official Depositories (R-18-13)
15. Resolution to Determine Order of Business (R-18-14)
16. Resolution Electing Borough Council President (R-18-15)
17. Resolution Naming Council Representative to Planning Board (R-18-16)
18. Resolution Appointing 2018 Council Committees (R-18-17)
19. Resolution Fixing the Rate of Interest to be Charged on Delinquent Taxes (R-18-18)
20. Resolution Authorizing Tax Sale by Tax Collector (R-18-19)
21. Resolution Authorizing Participation in the Electronic Tax Sale Program (R-18-20)
22. Resolution Authorizing In Lieu of Advertising of Notice of Tax Sale (R-18-21)
23. Resolution Authorizing Mayor & Borough Clerk to Sign Approved Documents (R-18-22)
24. Resolution Permitting Pre-Payment of Certain Items (R-18-23)
25. Resolution Designating Official Newspapers (R-18-24)
26. Resolution Appointing Community Development & Alternate Representatives (R-18-25)
27. Resolution Appointing Insurance Commissioner and Alternate (R-18-26)
28. Resolution Appointing Fund Commissioner & Alternate to the CJHIF for 2018 (R-18-27)
29. Resolution Appointing ADA Coordinator and Compliance Officer (R-18-28)
30. Resolution Fixing Legal Fee Rates for 2018 (R-18-29)
31. Resolution Adopting a Cash Management Plan Pursuant to N.J.S.A. 40A:5-14 (R-18-30)
32. Resolution Renewing Dental Insurance Agreement (R-18-31)
33. Temporary Budget (R-18-32)

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

ADJOURNMENT:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING BOROUGH ATTORNEY AND APPROVING CONTRACT**

WHEREAS, there exists a need for legal services in the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of GREGORY S. BAXTER for appointment as Borough Attorney; and

WHEREAS, the attached contract for services for calendar year 2018 is submitted for approval by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch, County of Monmouth, that the appointment for the year 2018 of GREGORY S. BAXTER as Borough Attorney be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that the attached contract for services to be provided by the Borough Attorney be and the same is hereby approved for calendar year 2018, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that notice of this appointment be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

## 2018 BOROUGH ATTORNEY CONTRACT

THIS AGREEMENT is made this 1st day of January, 2018, at the Borough of West Long Branch, State of New Jersey, between the BOROUGH OF WEST LONG BRANCH, hereinafter referred to as the "Borough", a municipal corporation of the State of New Jersey, and GREGORY S. BAXTER, ESQ., of CARUSO & BAXTER, P.A., an attorney-at-law of the State of New Jersey;

The Borough does hereby engage and retain the services of GREGORY S. BAXTER, ESQ. to act as Borough Attorney for the Borough of West Long Branch for calendar year 2018 for the purpose of providing legal services in certain designated areas under the following conditions:

1. The Borough of West Long Branch agrees to pay GREGORY S. BAXTER a retainer of \$64,601.04 per year beginning (i.e., retroactive to) January 1, 2018, payable \$5,383.42 per month by voucher, and not through the payroll account. The Borough Attorney is considered an independent contractor, and not an employee.

2. The retainer shall cover the following services:

A. Attendance at regular and special meetings of the Mayor and Council and certain council committee meetings, when legal counsel is required;

B. All daily communications with department heads and administrative personnel, the Mayor and members of the Council regarding day-to-day legal and agenda matters involving the Borough;

C. Day-to-day research and rendering of legal opinions; and

D. Preparation of resolutions and ordinances, and attendance at any council committee meetings regarding the same.

\* None of the services in A through D above include matters of a litigated or contract nature.

3. In addition to the annual retainer, the Borough agrees to retain and pay for the services of GREGORY S. BAXTER, ESQ. on all "litigation matters" involving the Borough at a rate of \$150.00 per hour. All time shall be billed at a minimum of .15 hours per service, consistent with past practice. Disbursements shall be reimbursed to the attorney on a dollar-for-dollar basis. "Litigation matters" are defined as (a) any matters involving the Courts or administrative agencies, or any other litigated matter; (b) appearance before any municipal court, board, at a disciplinary or civil service hearing, an arbitration proceeding or the like; (c) matters in which a third party has retained an attorney and/or the third party or its attorney has threatened litigation; (d) legal services regarding the negotiation or contracting by the borough, either with the borough's unions and employees or with other parties, or concerning the lease, purchase or sale of real estate, including easements; or (e) research and rendering of legal opinions in extraordinary matters. Travel time is included in the billing for the services set forth in this paragraph.

4. The attorney shall be entitled to bill the Borough, and be paid from the developer's escrow funds, for legal services rendered by the Borough Attorney concerning the negotiation or review of any developers' agreements, surety agreements, decreases in or releases of performance or maintenance guarantees, or other matters related thereto, or where statute or case law provide for the same. Such bills shall be computed at the same rate set forth in paragraph 3 of this agreement.

5. The Borough agrees to use its appointed bond counsel for any bond work, rendering of legal opinions, preparation of bond ordinances and bond anticipation notes.



6. No deductions shall be made from the Borough Attorney's monthly retainer for tax, Social Security, pension, etc. Similarly, no such deductions shall be made on any itemized bills for the services set forth in paragraph 3 herein. Rather, services shall be billed by the attorney by voucher and paid as a contract service to the attorney's firm (presently Caruso & Baxter, P.A.) in the ordinary course of borough business.

7. Any court or hearing appearances shall be billed, notwithstanding the hourly rate, at a minimum of \$400.00 per appearance.

IN WITNESS WHEREOF, the parties have affixed their signatures below, agreeing to the terms herein.

BOROUGH OF WEST LONG BRANCH

Witness:

\_\_\_\_\_  
LORI COLE,  
Borough Clerk

By: \_\_\_\_\_  
JANET W. TUCCI, Mayor

GREGORY S. BAXTER, ESQ.

By: \_\_\_\_\_  
GREGORY S. BAXTER, ESQ.

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING BOND ATTORNEY AND APPROVING CONTRACT**

WHEREAS, there exists a need for the services of a Bond Attorney for the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of JOHN M. CANTALUPO, of ARCHER & GREINER, P.C., for appointment as Bond Attorney; and

WHEREAS, JOHN M. CANTALUPO, of ARCHER & GREINER, P.C., submitted the attached contract for services for calendar year 2018 for approval by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch, County of Monmouth, that the appointment for the year 2018 of JOHN M. CANTALUPO, of ARCHER & GREINER, P.C., as Bond Attorney be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that the attached contract for services to be provided by the Bond Attorney be and the same is hereby approved for calendar year 2018, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that notice of this appointment be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

**BOND COUNSEL SERVICES  
A G R E E M E N T**

THIS AGREEMENT, made as of this \_\_\_ day of January, 2018, between the BOROUGH OF WEST LONG BRANCH, a body politic of the State of New Jersey, herein designated as the "Borough", party of the first part, and ARCHER & GREINER, P.C., Attorneys at Law with offices at \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, hereinafter designated as "Bond Counsel", party of the second part:

WITNESSETH:

1. The Borough desires to authorize and to issue its bonds for various capital projects and to provide for the terms and the security of such bonds in accordance with the laws of the State of New Jersey. The Borough desires to finance such capital projects through temporary and permanent obligations at the most advantageous terms available to it.

2. Bond Counsel, in consideration of the making and the signing of the within Agreement, agrees to render the following services:

A. Bond Counsel will prepare or review all bond ordinances adopted or to be adopted by the governing body.

B. Bond Counsel will assemble a certified record of proceedings to evidence the proper adoption of each bond ordinance in accordance with the provisions of the Local Bond Law and other applicable New Jersey Statutes.

C. When the Borough determines to issue bonds, Bond Counsel will prepare the necessary resolutions or other operative documents authorizing the bond sale. Bond Counsel will seek the advice of the Auditor in connection with the appropriate maturity schedule for the bonds to be sold. Bond Counsel will coordinate the printing and the distribution of the Official Statement to those financial institutions that customarily submit bids for new issues of New Jersey municipal bonds of that type. It will arrange for the printing of the notice of sale in The Bond Buyer and in the local newspaper, as required by law, and will answer inquiries made by the investment community concerning the bond sale. Bond Counsel will attend the bond sale and will render legal advice as necessary concerning the submission of bids for the bonds in accordance with the notice of sale and the requirements of law. After the bond sale, Bond Counsel will prepare the bonds for execution, will prepare and see to the execution of the necessary closing certificates and will establish the time and the place for the delivery of the bonds to the successful bidder. Bond Counsel will attend the closing with the appropriate officials, at which time the bonds will be delivered, payment will be made for the bonds, and Bond Counsel will issue a final approving legal opinion with respect to the validity of the bonds.

D. When the Borough determines to issue bond anticipation notes or tax anticipation notes, Bond Counsel will prepare any necessary resolutions to authorize the sale of such notes. When the purchaser and the details of the notes have been determined, Bond Counsel will prepare the notes for execution and will prepare the appropriate closing certificates and an approving legal opinion with respect to the notes. Unless requested otherwise, Bond Counsel will forward the notes, closing papers and approving legal opinion to the Borough Attorney for execution and delivery.

E. Bond Counsel will provide basic advice in regard to the effect of the federal arbitrage regulations on the issuance of bonds or bond anticipation notes and the investment of the proceeds thereof.

F. Bond Counsel will provide other legal advice requested by the Borough, provided such advice is within the legal expertise of Bond Counsel's law firm.

G. Bond Counsel will prepare, review and distribute the Preliminary and Final Official Statements in connection with any bond or note financing.

H. Bond Counsel will provide legal services, prepare the necessary documentation and review and comment upon all documents in connection with any capital equipment lease financing or pooled loan financing undertaken by the Borough.

I. Bond Counsel will provide legal services listed in the Borough's solicitation of proposals, which are incorporated herein by this reference.

3. The Borough will make payment to Bond Counsel for services rendered in accordance with the following schedule:

A. For services rendered or in connection with each bond sale, a fee of \$2,750, plus \$0.95 per thousand dollars of bonds issued. Time relating to the review of the Official Statement, the continuing disclosure document or other disclosure document will be billed at the hourly rates described in Section 3F below.

B. For services rendered in connection with the preparation of each bond ordinance, a fee of \$400 for each single purpose ordinance and \$500 for each multipurpose ordinance. If the preparation of the ordinance involves consultations, meetings or discussions that are out of the ordinary, that is, services that are not described in Section 2 hereof such as attendance at meetings, attention to litigation or other matters described in Section 3F, there will be additional fees to be charged at the hourly rates of the attorneys in effect at the time of providing the services. The fees for services in connection with the ordinances will be charged periodically during the course of the year.

C. The fee for any temporary financing involving a private placement and not involving numerous notes, preparation of an Official Statement, complicated arbitrage analysis, investment yield restrictions or attendance at the closing shall be \$750.00 for Bond Counsel's approving legal opinion in connection with such a financing and \$.50 per thousand dollars of bond or tax anticipation notes or emergency notes issued. If additional services are required, such as with issues involving advance refundings or the combination of numerous ordinances, the additional time required will be billed at the hourly rates in effect when the services are performed.

D. In the event that a Letter of Credit or similar credit enhancement facility is used in connection with either a bond or note issue, an additional fee based on the responsibility assumed and time involved will be billed at the hourly rates described in Section 3F below.

E. In the event of an advance refunding bond issue providing for an escrow agreement and an investment of the proceeds consistent with the restrictions of the Internal Revenue Code to provide for the payment of a prior issue of bonds, there will be a fee of \$2,500 in addition to the fees described herein.

F. Services rendered beyond the scope of those described above will be billed at the hourly rates in effect when the services are rendered. The present hourly rates range from \$75 to \$140 per hour depending on the paralegal or attorney involved. Such services include, but are not limited to, attendance at meetings, work involved in the preparation or review of the Official Statement and a continuing disclosure agreement, if applicable, for a bond sale or the review or the preparation of an Official Statement and a continuing disclosure agreement, if applicable, for a bond anticipation note sale, diligence for a bond ordinance, review of authorization proceedings for a bond ordinance, preparation of prequalification packages for bond insurance, preparation of a rating agency package, analysis of any credit enhancement facility, the preparation or review of a Local Finance Board application, attention to or services rendered with regard to any litigation that may occur or any legal question posed by the Borough, tax work, complicated arbitrage analysis or applications to the Federal Reserve Bank for investments of bond or note proceeds in State and Local Government Series federal obligations and legal services, the preparation of the necessary documentation and reviewing and commenting upon all documentation in connection with any capital equipment lease financing or pooled loan financing undertaken by the Borough.

G. In the event that a bond sale is held but all bids are rejected or the sale is cancelled, or this Agreement is terminated prior to the sale of bonds, the fee to be charged shall be a reasonable one, based on the services performed.

H. Customary at-cost disbursements shall be added to the fees referred to in this Agreement. These may include photocopying, express or overnight delivery charges and postage costs, newspaper publication costs and the costs of printing

official statements, travel expenses, telecommunications, filing fees, book binding, messenger service or other costs advanced on behalf of the Borough.

I. If the Borough likes the qualifications of Archer & Greiner's Public Finance Team and would like Archer & Greiner to reduce the above fees to meet or come in below another proposal received by the Borough, Archer & Greiner would be happy to negotiate a mutually beneficial fee structure from that set forth above.

J. This Agreement shall be in full force and effect until such time as either party gives written notice to the other of termination.

4. Bond Counsel and the Borough hereby incorporate into this contract the mandatory language of Subsection 3.4(a) and the mandatory language of Section 5.3 of the Regulations promulgated by the Treasurer of the State of New Jersey pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time, and Bond Counsel agrees to comply fully with the terms, the provisions and the conditions of Subsection 3.4(a) and of Section 5.3, provided that Subsection 3.4(a) shall be applied subject to the terms of Subsection 3.4(d) of the Regulations.

IN WITNESS WHEREOF, the BOROUGH OF WEST LONG BRANCH has caused this Agreement to be duly executed by its proper officers and has caused its corporate seal to be hereto affixed, and Bond Counsel has caused this Agreement to be duly executed by the proper party as of the day and year first above written.

BOROUGH OF WEST LONG BRANCH

ATTEST:

BY: \_\_\_\_\_  
\_\_\_\_\_,  
Authorized Officer

\_\_\_\_\_  
\_\_\_\_\_,  
Borough Clerk

ARCHER & GREINER P.C.

BY: \_\_\_\_\_  
JOHN M. CANTALUPO

P.L. 1975, C. 127 (N.J.A.C. 17:27)  
MANDATORY AFFIRMATIVE ACTION LANGUAGE

PROCUREMENT, PROFESSIONAL AND SERVICE CONTRACTS

During the performance of this Contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to attempt in good faith to employ minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c.127, as amended and supplemented from time to time.

The contractor or subcontractor agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national

origin, ancestry, marital status, sex, affectional or sexual orientation, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

The contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation, and conform with the applicable employment goals, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor and its subcontractors shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).



(REVISED 4/10)

**EXHIBIT A**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE**

**N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)**

**N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING MUNICIPAL AUDITOR AND APPROVING AGREEMENT**

WHEREAS, there exists a need for the services of a Registered Municipal Accountant to prepare the statutory annual audit for the year 2017 for the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of ROBERT S. OLIWA, of the firm of OLIWA & COMPANY, for appointment as Borough Auditor; and

WHEREAS, ROBERT S. OLIWA, of the firm of OLIWA & COMPANY, submitted the attached engagement letter agreement for services for calendar year 2018 for approval by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch, County of Monmouth, that the appointment for the year 2018 of ROBERT S. OLIWA, of the firm of OLIWA & COMPANY, as Municipal Auditor be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that the attached engagement letter agreement for services to be provided by the Borough Auditor be and the same is hereby approved for calendar year 2018, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that notice of this appointment be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

# *Oliwa & Company*

## Certified Public Accountants

November 28, 2017

Honorable Mayor Tucci and Members  
of the Borough Council  
Borough of West Long Branch, New Jersey

We are pleased to confirm our understanding of the services to be provided to the Borough of West Long Branch (the "Borough") for the year ended December 31, 2017. Also, we confirm and understand that our term as Borough auditor is for calendar year 2018. We will audit the financial statements of the Borough as of and for the year ended December 31, 2017 and provide other services as detailed on page four of this letter. Also, supplementary information accompanying the basic financial statements will be subjected to the auditing procedures applied in our audit of the financial statements.

### **Audit Objectives**

The objective of our audit is the expression of opinions about whether your financial statements are fairly presented, in all material respects, in conformity with the regulatory basis of accounting prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey and to report on the fairness of the supplementary information referred to in the first paragraph when considered in relation to the financial statements taken as a whole. The objective also includes reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts and award agreements, noncompliance with which could have a material affect on the financial statements in accordance with Government Auditing Standards, and if applicable, internal over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and the Uniform Guidance.

Our audit will be conducted in accordance with U.S. generally accepted auditing standards, the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and if applicable, the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. If our opinion on the financial statements is other than unmodified, we will discuss the reasons with management in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The Government Auditing Standards report on internal control over financial reporting and on compliance and other matters will include a paragraph that states (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance and not to provide an opinion on the effectiveness of internal control or on compliance, (2) that the report is an integral part of an audit performed in accordance with Government Auditing Standards, and (3) that the report is not suitable for any other purpose.

## **Management Responsibilities**

Management is responsible for establishing and maintaining effective internal control and for compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. In fulfilling this responsibility, estimates and judgments by management are required to assess the expected benefits and related costs of the controls.

The objectives of internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorizations and recorded properly to permit the preparation of financial statements in accordance with the statutory basis of accounting prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

Management is responsible for making all financial records and related information available to us. We understand that you will provide us with such information required for our audit and that you are responsible for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the fair presentation of the financial statements in conformity with the statutory basis of accounting prescribed by the Division of Local Government Services, Department of Community Affairs, State of New Jersey.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the Borough involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Borough received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the Borough complies with applicable laws and regulations and for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report.

You agree to assume all management responsibilities relating to the financial statements and related notes, and if applicable, the schedule of expenditures of federal awards and/or the schedule of state financial assistance. You will be required to acknowledge in the management representation letter our assistance with the preparation of the financial statements and related notes, and if applicable, the schedule of expenditures of federal awards and/or the schedule of state financial assistance, and that you have reviewed and approved the financial statements and related notes, and if applicable, the schedule of expenditures of federal awards and/or the schedule of state financial assistance, prior to their issuance and accepted responsibility for them.

## **Management Responsibilities (continued)**

You agree to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

With regard to using the auditor's report, you understand that you must obtain our prior written consent to reproduce or use our report in bond offering official statements or other documents.

## **Audit Procedures-General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Borough or to acts by management or employees acting on behalf of the Borough. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, and any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. If applicable, we will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from the Borough's attorneys as part of the engagement, and they may bill the Borough for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; if applicable, the schedule of expenditures of federal awards and/or the schedule of expenditures of state financial assistance; federal and state award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.



## **Audit Procedures-Internal Control**

Our audit will include obtaining an understanding of the Borough and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Auditing Standards.

If applicable, as required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and if applicable, the Uniform Guidance.

## **Audit Procedures-Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Borough's compliance with applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

If applicable, the Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the Borough has complied with applicable laws, regulations and the terms and conditions of awards applicable to its major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the Borough's major programs. The purpose of these procedures will be to express an opinion on the Borough's compliance with requirements applicable to its major programs in our report on compliance issued pursuant to the Uniform Guidance.

## **Audit Administration, Fees, and Other**

The preparation of the 2017 audit report, preparation of the 2017 unaudited annual financial statement, preparation of the 2017 annual debt statement and assistance in preparation of the 2018 budget will be \$24,800.00. The conduct of the 2017 audit and preparation of the 2017 unaudited annual financial statement, 2017 annual debt statement and 2018 budget will be performed in a timely and efficient manner.

## **Audit Administration, Fees, and Other (continued)**

2018 budget services include meetings and consultation with Borough officials as requested, review and preparation of the official budget document, preparation of the summarized official budget document for advertisement, preparation of budget amending resolutions, drafting of a budget narrative with informative schedules and analysis, and meeting attendance at budget introduction, budget hearing and budget adoption.

Reimbursements for out of pocket costs will not be billed to the Borough. Our fees for the aforementioned services will be billed as work progresses.

The following hourly rates will apply to other professional accounting and auditing services requested by the Borough.

Principal/RMA \$115.00  
Manager \$90.00  
Senior Accountant \$75.00  
Staff Accountant \$60.00  
Para-Professional \$30.00

As to bond sales executed by the Borough, professional services are billed at a fixed fee, dependent upon the complexity and nature of the transaction.

Please be assured that our firm is financially sound and has sufficient resources to execute a professional service agreement with the Borough, all audit and accounting work performed for the Borough will be performed by employees of Oliwa & Company, CPAs and no members or associates of our firm are suspended or prohibited from performing auditing services in the State of New Jersey.

We understand that our contract with the Borough is being awarded subject to a "Fair and Open Process" adopted by the Borough. We will comply with all applicable requirements of State Statute relative to the "Fair and Open Process" selection.

A copy of our business registration certificate, our most recent system review report and the certificate of employee information report are attached to this letter. In addition, attached is "Exhibit A" relative to Mandatory Equal Employment Opportunity Language required for this contract.

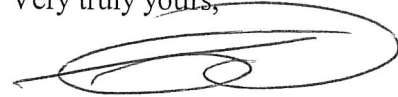
### **Hold Harmless Clause**

During the course of executing this agreement, we shall hold harmless the Borough, and representatives thereof from all suits, actions, or claims at any time brought on account of any injuries or damages sustained by any persons or property in consequences of any negligent act or omission in safeguarding work, or on account of any act or omission of accounts by the firm or our employees, or from claims or amounts arising from violation of law, bylaw, ordinance, regulation or decree.



We appreciate the opportunity to be of service to the Borough and believe this letter accurately summarizes the significant terms of our engagement. If you have questions, please let us know. If you agree with the terms of our engagement as described in this letter, please have an authorized Borough official sign the enclosed copy and return it to us.

Very truly yours,



Robert S. Oliwa  
Certified Public Accountant  
Registered Municipal Accountant #414

*Oliwa & Company*

RESPONSE:

This letter correctly sets forth the understanding of the Borough of West Long Branch.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_



## STATE OF NEW JERSEY BUSINESS REGISTRATION CERTIFICATE

Taxpayer Name:	R S OLIWA LIMITED LIABILITY COMPANY
Trade Name:	OLIWA AND COMPANY CPA'S
Address:	3 BROAD STREET FREEHOLD, NJ 07728-1742
Certificate Number:	0957491
Date of Issuance:	October 16, 2004

For Office Use Only:

20041016093522400

October 24, 2016

To Oliwa & Company, CPA  
and the Peer Review Committee of the NJCPA Peer Review Program

We have reviewed the system of quality control for the accounting and auditing practice of Oliwa & Company, CPA (the firm) in effect for the year ended March 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*.

In our opinion, the system of quality control for the accounting and auditing practice of Oliwa & Company, CPA in effect for the year ended March 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. Oliwa & Company, CPA has received a peer review rating of *pass*.

*Davie Kaplan, CPA, P.C.*

DAVIE KAPLAN, CPA, P.C.

Certification 18728

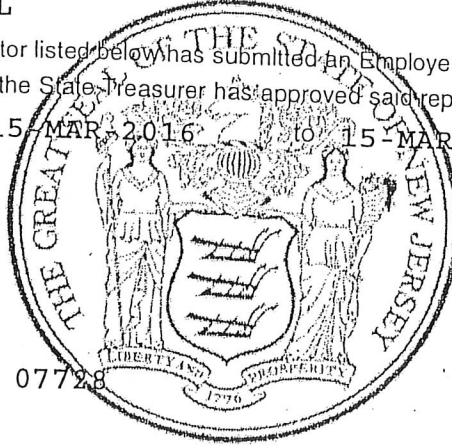
# CERTIFICATE OF EMPLOYEE INFORMATION REPORT RENEWAL

This is to certify that the contractor listed below has submitted an Employee Information Report pursuant to N.J.A.C. 17:27-1.1 et. seq. and the State Treasurer has approved said report. This approval will remain in effect for the period of

15-MAR-2016 to 15-MAR-2023

OLIWA & COMPANY, CPAS  
3 BROAD STREET  
FREEHOLD

NJ 07728



*Ford M. Scudder*

FORD M. SCUDDER  
Acting State Treasurer

(REVISED 4/10)

**EXHIBIT A**

**MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE  
N.J.S.A. 10:5-31 et seq. (P.L. 1975, C. 127)  
N.J.A.C. 17:27**

**GOODS, PROFESSIONAL SERVICE AND GENERAL SERVICE CONTRACTS**

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will ensure that equal employment opportunity is afforded to such applicants in recruitment and employment, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such equal employment opportunity shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor will send to each labor union, with which it has a collective bargaining agreement, a notice, to be provided by the agency contracting officer, advising the labor union of the contractor's commitments under this chapter and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq., as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to meet targeted county employment goals established in accordance with N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, and labor unions, that it does not discriminate on the basis of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personnel testing conforms with the principles of job related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the targeted employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval

Certificate of Employee Information Report

Employee Information Report Form AA302 (electronically provided by the Division and distributed to the public agency through the Division's website at [www.state.nj.us/treasury/contract\\_compliance](http://www.state.nj.us/treasury/contract_compliance))

The contractor and its subcontractors shall furnish such reports or other documents to the Division of Public Contracts Equal Employment Opportunity Compliance as may be requested by the office from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Public Contracts Equal Employment Opportunity Compliance for conducting a compliance investigation pursuant to **Subchapter 10 of the Administrative Code at N.J.A.C. 17:27.**

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING MUNICIPAL PROSECUTOR**

WHEREAS, there exists a need for a Municipal Prosecutor in the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of JOSEPH G. HUGHES for appointment as Municipal Prosecutor;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of West Long Branch that the appointment for the year 2018 of JOSEPH G. HUGHES as Municipal Prosecutor be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that a copy of this resolution be published upon adoption as required by law.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING ALTERNATE MUNICIPAL PROSECUTOR**

WHEREAS, there exists a need for an Alternate Municipal Prosecutor in the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of JOHN T. LANE, JR., for appointment as Alternate Municipal Prosecutor;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of West Long Branch that the appointment for the year 2018 of JOHN T. LANE, JR., as Alternate Municipal Prosecutor be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that a copy of this resolution be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:



Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING PUBLIC DEFENDER**

1/1/18

WHEREAS, there exists a need for a Public Defender in the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of MICHAEL G. CELLI, JR., for appointment as Public Defender;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough Council of the Borough of West Long Branch that the appointment for the year 2018 of MICHAEL G. CELLI, JR., as Public Defender be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that a copy of this resolution be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING BOROUGH ENGINEER**

1/1/18

WHEREAS, there exists a need for engineering services in the Borough of West Long Branch, County of Monmouth; and

WHEREAS, the Borough solicited proposals for this service in accordance with the fair and open process as required by Ordinance No. O-06-9; and

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

WHEREAS, the Mayor has submitted the name of FRANCIS W. MULLAN, P.E., C.M.E., of the firm of T&M ASSOCIATES, for appointment as Borough Engineer;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the appointment for the year 2018 of FRANCIS W. MULLAN, P.E., C.M.E., of the firm of T&M ASSOCIATES, as Borough Engineer be and the same is hereby confirmed; and

BE IT FURTHER RESOLVED that this appointment is made under the fair and open process as required by Borough Ordinance No. O-06-9; and

BE IT FURTHER RESOLVED that notice of this appointment be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING SPECIAL LABOR COUNSEL**

WHEREAS, the Borough of West Long Branch has the necessity of retaining special counsel to provide advice to the Borough and certain of its officials, and also to represent the Borough's interest in labor-related issues; and

WHEREAS, funds are or will be available for this purpose from the budgeted line item for legal representation; and

WHEREAS, the Local Public Contracts Law requires that any resolution awarding a contract for legal services state the supporting reasons and be printed in a newspaper of general circulation; and

WHEREAS, the Mayor submitted the name of JAMES L. PLOSIA, JR., of the firm PLOSIA COHEN, LLC, for appointment as Special Labor Counsel;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that JAMES L. PLOSIA, JR., of the firm PLOSIA COHEN, LLC, be appointed as Special Labor Counsel to provide advice on an as needed basis to the Borough and certain of its officials and also to represent the Borough's interest in labor-related issues, if necessary; and

BE IT FURTHER RESOLVED that JAMES L. PLOSIA, JR., be compensated in accordance with the terms of Resolution No. R-18-29 (i.e., at the rate of \$150.00 per hour, plus costs); and

BE IT FURTHER RESOLVED this appointment is made without competitive bidding as a "professional service" under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) because he is a person authorized by law to the practice of the legal profession; and

BE IT FURTHER RESOLVED that a copy of this resolution or its contents be published in an officially approved newspaper as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

JANUARY 1, 2018

BOROUGH COUNCIL  
WEST LONG BRANCH  
NEW JERSEY

Dear Members of the Borough Council:

As Mayor of the Borough of West Long Branch, I do hereby make the following appointments pursuant to the statutes made and provided for same:

PLANNING BOARD

CLASS II	JAMES MILLER	(2018)
CLASS IV	ANTHONY SCALISE	(2018-2021)
	DON BROCKLEBANK	(2018-2021)
ALTERNATE NO. 1	NO APPOINTMENT MADE	(2018-2019)
ALTERNATE NO. 2	NO APPOINTMENT MADE	(Unexpired Term Through 2018)
ENVIRONMENTAL COMMISSION	ELLEN TWIGG	(2018-2020)
	MARGARET JOHNSON	(2018-2020)
	NO APPOINTMENT MADE	(2018-2020)
	NO APPOINTMENT MADE	(Unexpired Term Through 2019)
SHADE TREE COMMISSION	ELLEN WHITFORD	(2018-2022)
	NO APPOINTMENT MADE	(2018-2022)
RECREATION COMMISSION		
ALTERNATE NO. 1	CARRIE SNIFFEN	(2018-2022)
OFFICE OF AGING REPRESENTATIVE	LAWRENCE NEYHART	(2018)

THANK YOU.  
JANET W. TUCCI  
MAYOR

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION  
MAYOR'S APPOINTMENTS APPROVED BY COUNCIL**

1/1/18

BOROUGH COUNCIL  
WEST LONG BRANCH  
NEW JERSEY

Members of the West Long Branch Borough Council:

I hereby submit for your approval and confirmation appointments covering various Borough Offices for the year 2018:

BOROUGH ADMINISTRATOR	STEPHANIE C. MURRAY	(2018)
EMERGENCY SERVICES RECORDS ADMINISTRATOR	RONALD GUIDETTI	(2018)
MUNICIPAL HOUSING LIAISON	NO APPOINTMENT MADE	(2018)
PUBLIC AGENCY COMPLIANCE OFFICER	LORI COLE	(2018)
PURCHASING AGENT	DAVID J. SPAULDING, JR.	(2018)
TREASURER	NO APPOINTMENT MADE	(2018)
TAX SEARCH OFFICER	TONI MULLEN	(2018)
PUBLIC WORKS DIRECTOR	EARL S. REED, JR.	(2018)
ZONING OFFICER	JAMES MILLER	(2018)
CODE ENFORCEMENT OFFICER	JAMES MILLER	(2018)
ANIMAL CONTROL WARDEN	JAMES MILLER	(2018)
HOUSING INSPECTOR	TIMOTHY GRIFFIN	(2018)
COMMUNICATIONS COORDINATOR	COUNCILMAN FRED MIGLIACCIO	(2018)
BOROUGH PHYSICIAN	DR. BARRY RUBINO	(2018)
SENIOR CITIZENS COMMISSION	ROBERT VAN BRUNT	(2018-2022)
	NO APPOINTMENT MADE	(Unexpired Term Through 2021)
SECRETARY – BOARD OF HEALTH	TONI MULLEN	(2018)
SPECIAL POLICE OFFICERS		
CLASS I	JUSTIN BLAKE	(2018)
CLASS I	JUDE MAYO	(2018)
CLASS I	JAMES MILLER	(2018)
CLASS II	AMANDA FARRELL	(2018)
LOCAL HISTORIAN	ARTHUR GREEN	(2018-2020)

THANK YOU.  
JANET W. TUCCI  
MAYOR

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION  
COUNCIL APPOINTMENTS**

1/1/18

Council submits the following appointments for the terms indicated:

ASSESSMENT SEARCH OFFICER	LORI COLE	(2018)
FIRE INSPECTOR	TIMOTHY GRIFFIN	(2018)
ZONING BOARD OF ADJUSTMENT	MICHAEL HABECK	(2018-2021)
	PAUL GIGLIO	(2018-2021)
ALTERNATE NO. 1	AUGUST STOLL	(2018-2019)
SCHOOL CROSSING GUARDS	ROSE MARIE CIAGLIA	(2018)
	CARMELA FERRARO	(2018)
	MARIANNE SMITH	(2018)

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION FIXING TIME AND PLACE OF MEETINGS**

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the meetings of the West Long Branch Mayor and Council shall be held at Borough Hall, 965 Broadway, West Long Branch, New Jersey 07764, on the following dates during calendar year 2018:

January 17, 2018	6:30 PM
February 7, 2018	6:30 PM
February 21, 2018	6:30 PM
March 7, 2018	6:30 PM
March 21, 2018	6:30 PM
April 4, 2018	6:30 PM
April 18, 2018	6:30 PM
May 2, 2018	6:30 PM
May 16, 2018	6:30 PM
June 6, 2018	6:30 PM
June 20, 2018	6:30 PM
July 11, 2018	6:30 PM
August 1, 2018	<b>6:00 PM</b>
September 5, 2018	<b>6:00 PM</b>
September 19, 2018	6:30 PM
October 3, 2018	6:30 PM
October 17, 2018	6:30 PM
November 7, 2018	6:30 PM
December 5, 2018	6:30 PM
December 19, 2018	6:30 PM

AND BE IT FURTHER RESOLVED that the meetings will open with a caucus (workshop) and be followed immediately by council (regular) meetings, at which time formal action may be taken; and

BE IT FURTHER RESOLVED that the Reorganization Meeting for 2019 shall be held on January 1, 2019, at 12:00 noon, in Borough Hall Council Chambers, 965 Broadway, West Long Branch, New Jersey 07764; and

BE IT FURTHER RESOLVED that the Borough Clerk shall post a certified copy of this resolution on the bulletin board in Borough Hall and publish same in one issue of the Atlanticville, one issue of the Link, one issue of the Asbury Park Press, and on the Word on the Shore website.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION BONDING BOROUGH EMPLOYEES**

1/1/18

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch  
that the:

Chief Financial Officer be bonded in the amount of \$95,000.00;

Tax Collector in the amount of \$130,000.00;

Municipal Judge in the amount of \$17,500.00;

All Municipal Employees are covered under a Blanket Bond in the amount of \$250,000.00  
per loss;

and that the Borough Clerk be and is hereby directed to arrange for the negotiation of said  
bonds for the year 2018 at Borough expense.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:



Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION NAMING OFFICIAL DEPOSITORIES**

1/1/18

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Wells Fargo, M&T Bank, Santander Bank, TD Bank, Two River Community Bank, Valley National Bank, Investors Bank, and New Jersey Cash Management be and are hereby named and designated as the official depositories of the Borough of West Long Branch for the year 2018; and

BE IT FURTHER RESOLVED that, until otherwise changed, all checks, warrants, notes, and other financial papers for the Borough of West Long Branch bank accounts be signed by two of the following officials: the Mayor or Council President; the Chief Financial Officer or Tax Collector; the Borough Clerk; and

BE IT FURTHER RESOLVED that, until otherwise changed, all domestic wire transfers and transfer of funds between Borough of West Long Branch accounts be authorized by the Chief Financial Officer, the Tax Collector, or the Borough Clerk; and

BE IT FURTHER RESOLVED that, until otherwise changed, all domestic wire transfers and transfer of funds between Borough of West Long Branch accounts be verified by one of the officials designated above to authorize the transaction; however, the official verifying the transaction must be someone other than the official who authorized it; and

BE IT FURTHER RESOLVED that certified copies of this resolution be transmitted to the banking institutions with whom the Borough does business and to the Chief Financial Officer; and

BE IT FURTHER RESOLVED that a copy of this resolution be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION TO DETERMINE ORDER OF BUSINESS**

1/1/18

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following shall be the order of business to be observed in conducting the regular meetings of the Mayor and Borough Council during 2018.

- ROLL CALL
- READING AND APPROVAL OF MINUTES
- REPORTS OF STANDING COMMITTEES
- COMMUNICATIONS
- ORDINANCES
- RESOLUTIONS
- UNFINISHED BUSINESS
- NEW BUSINESS
- BILLS AND CLAIMS
- OPPORTUNITY FOR ANY PERSON TO BE HEARD
- ADJOURNMENT

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION ELECTING BOROUGH COUNCIL PRESIDENT**

BE IT RESOLVED that Councilmember CHRISTOPHER NEYHART be nominated  
and elected to the office of President of the Borough Council for the year 2018.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION NAMING COUNCIL REPRESENTATIVE TO PLANNING BOARD**

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Councilmember STEPHEN A. BRAY be appointed the Class III member of the Planning Board for the year 2018.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING 2018 COUNCIL COMMITTEES**

BE IT RESOLVED that the following committees of the West Long Branch Borough Council be appointed for calendar year 2018 with the first named Councilmember to serve as chair:

FINANCE AND ADMINISTRATION -  
    Stephen A. Bray, John M. Penta, Jr., MaryLynn Mango  
PUBLIC WORKS -  
    John M. Penta, Jr., Christopher Neyhart, Fred Migliaccio  
POLICE -  
    Christopher Neyhart, Stephen A. Bray, Susan Juliano  
FIRE AND FIRST AID -  
    Susan Juliano, MaryLynn Mango, Stephen A. Bray  
RECREATION, ENVIRONMENTAL AND SHADE TREE -  
    MaryLynn Mango, Fred Migliaccio, Christopher Neyhart  
PUBLIC PROPERTY -  
    Fred Migliaccio, Susan Juliano, John M. Penta, Jr.  
SHORE REGIONAL HIGH SCHOOL LIAISON -  
    Christopher Neyhart, MaryLynn Mango, Stephen A. Bray  
LOCAL SCHOOL LIAISON -  
    Fred Migliaccio, John M. Penta, Jr., Susan Juliano  
MONMOUTH UNIVERSITY LIAISON -  
    Fred Migliaccio, Susan Juliano, John M. Penta, Jr.  
ORDINANCE REVIEW -  
    MaryLynn Mango, Stephen A. Bray, Christopher Neyhart

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION FIXING THE RATE OF INTEREST TO BE  
CHARGED ON DELINQUENT TAXES OR ASSESSMENTS**

1/1/18

WHEREAS, N.J.S.A. 54:4-67 permits the Governing Body of each municipality to fix the rate of interest to be charged for non-payment of taxes or assessments subject to any abatement or discount for the late payment of taxes as provided by law;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that:

1.     The Tax Collector is hereby authorized and directed to charge 8% per annum on the first \$1,500.00 of taxes becoming delinquent after due date; 18% per annum on any amount of taxes in excess of \$1,500.00 becoming delinquent after due date; and, if a delinquency is in excess of \$10,000.00 and remains in arrears beyond December 31<sup>st</sup>, an additional penalty of 6% shall be charged against the delinquency in excess of \$10,000.00;

2.     Effective January 1, 2018, there will be a ten (10) day grace period of quarterly tax payments made by cash, check, or money order;

3.     Any payments not made in accordance with paragraph two of this resolution shall be charged interest from the due date as set forth in paragraph one of this resolution;

4.     This resolution shall be published in its entirety once in an official newspaper of the Borough of West Long Branch;

5.     A certified copy of this resolution shall be provided by the Borough Clerk to the Tax Collector, Chief Financial Officer, Borough Attorney, and Borough Auditor for the Borough of West Long Branch.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION AUTHORIZING TAX SALE BY TAX COLLECTOR**

WHEREAS, N.J.S.A. 54:5-19 et. seq. provides to the Municipal Tax Collector the power to conduct a tax sale for the purpose of enforcing the collection of delinquent taxes in the Borough against which such delinquent taxes are in arrears for the prior fiscal year, in the manner and form prescribed in said Statute, on or before the 31<sup>st</sup> day of December 2018;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the West Long Branch Tax Collector is hereby authorized and directed to conduct a tax sale in the manner and form prescribed in the Statute on or before the 31<sup>st</sup> day of December 2018 for the purpose of enforcing the collection of delinquent taxes in the Borough against which such delinquent taxes are in arrears as of November 11, 2017; and

BE IT FURTHER RESOLVED that the Tax Collector shall provide notices to the property owners and by publication, in accordance with law, and schedule a sale for a date and time during normal business hours during 2018, the exact date to be left to the discretion of the Tax Collector, at which time a tax sale shall be held on all properties on which the reported liens remain outstanding; and

BE IT FURTHER RESOLVED that the Tax Collector shall charge costs to each such property, together with outstanding interest due on such lien.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING PARTICIPATION IN  
THE ELECTRONIC TAX SALE PROGRAM**

1/1/18

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs; and

WHEREAS, the Director of the Division of Local Government Services has approved New Jersey Tax Lien Investors/Real Auctions.com to conduct pilot programs; and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Borough of West Long Branch wishes to participate in the pilot program for an electronic tax sale;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the West Long Branch Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:



Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION AUTHORIZING IN LIEU OF ADVERTISING OF NOTICE OF TAX SALE**

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations require a municipality to send three (3) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing, and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of West Long Branch wishes to charge \$25.00 per notice mailed, which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2018 electronic tax sale.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING MAYOR AND BOROUGH CLERK  
TO SIGN APPROVED DOCUMENTS**

1/1/18

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Mayor and Borough Clerk be and are hereby authorized to sign all contracts, application forms, and other formal documents in order to carry out the previously adopted actions of the Borough Council during the calendar year 2018.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION PERMITTING PRE-PAYMENT OF CERTAIN ITEMS**

WHEREAS, the Borough of West Long Branch has budgeted funds for 2018 for payment of such items as utilities, payroll, vehicle leases, debt service, governmental fees, insurance, and for the printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body does not meet for a period of one month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense for 2018:

1. Utilities (electric, gas, water, sewer, and telephone).
2. Payroll.
3. Monthly vehicle lease payments.
4. Debt service as evidenced by pre-existing notes.
5. Health, dental and other insurance premiums.
6. Federal, state and county fees.
7. Postage for tax bills, newsletters, and other Borough mailings.
8. School taxes.
9. Bills pertaining to the Community Development Block Grant Program.
10. Third Party Tax Lien Redemptions.
11. Purchase of Gasoline/Diesel Fuel.
12. Municipal Court Lease Payments.
13. Purchase of Road Equipment, Vehicle Parts and Repairs, and Road Department Supplies When an Emergent Situation Exists.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION DESIGNATING OFFICIAL NEWSPAPERS**

1/1/18

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Asbury Park Press, the Atlanticville, the Link News, and Word on the Shore are hereby designated as the official newspapers for the Borough of West Long Branch as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING COMMUNITY DEVELOPMENT  
AND ALTERNATE COMMUNITY DEVELOPMENT REPRESENTATIVES**

1/1/18

WHEREAS, the positions of Community Development and Alternate Community Development Representative for 2018 need to be filled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that COUNCILWOMAN SUSAN JULIANO be and is hereby appointed to serve in the position of Community Development Representative for calendar year 2018; and

BE IT FURTHER RESOLVED that COUNCILMAN CHRISTOPHER NEYHART be and is hereby appointed to serve in the position of Alternate Community Development Representative for calendar year 2018.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING INSURANCE COMMISSIONER AND ALTERNATE**

WHEREAS, it is necessary to appoint an Insurance Commissioner and an Alternate;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that LORI COLE be and is hereby appointed Insurance Commissioner for 2018; and

BE IT FURTHER RESOLVED that COUNCILMAN STEPHEN A. BRAY be and is hereby appointed to serve in the position of Alternate Insurance Commissioner for 2018.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPOINTING FUND COMMISSIONER  
AND ALTERNATE TO THE  
CENTRAL JERSEY HEALTH INSURANCE FUND FOR 2018**

1/1/18

WHEREAS, the Borough of West Long Branch is a member of the Central Jersey Health Insurance Fund, a self-insured health fund; and

WHEREAS, the bylaws of the Central Jersey Health Insurance Fund require that each member appoint a Fund Commissioner and may appoint an Alternate;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that LORI COLE be and is hereby appointed as Fund Commissioner to the Central Jersey Health Insurance Fund, effective January 1, 2018, to represent the Borough of West Long Branch; and

BE IT FURTHER RESOLVED that Councilwoman MARYLYNN MANGO be and is hereby appointed as the Alternate Commissioner for calendar year 2018.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION APPOINTING ADA COORDINATOR AND COMPLIANCE OFFICER**

WHEREAS, the Borough of West Long Branch is a participant in the Community Development Block Grant Program as sponsored by the County of Monmouth; and

WHEREAS, in order to comply with the basic Level 4 requirements, the Borough is required to appoint a Coordinator under Section 504 of the Rehabilitation Act of 1973, which provides for the Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that LORI COLE, the West Long Branch Borough Clerk, be and is hereby appointed to the position of ADA Coordinator for 2018; and

BE IT FURTHER RESOLVED that JAMES MILLER, the West Long Branch Code Enforcement Officer, be and is hereby appointed to the position of ADA Compliance Officer for 2018; and

BE IT FURTHER RESOLVED that a certified copy of this resolution, including the telephone number and address of LORI COLE and JAMES MILLER, be forwarded to the Monmouth County Community Development Office and the Monmouth County Office on Disabilities.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:



Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION FIXING LEGAL FEE RATES FOR 2018**

WHEREAS, there is expected to be a need for the Borough to retain the legal services of other than the Borough Attorney for representation in litigated matters during 2018, such representation to be provided by the attorneys for the Zoning Board and Planning Board, the Municipal Prosecutor, or, perhaps, special counsel; and

WHEREAS, it is in the Borough's best interest to fix a rate for such services for the calendar year in order to promote uniformity in billing and avoid the necessity of contracting for such services on a case-by-case basis; and

WHEREAS, funds are or will be available for the purpose of retaining counsel for representation in litigated matters which may not necessarily involve the Borough of West Long Branch or its boards or officials as a party to such litigation;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch, County of Monmouth, that the rate of \$150.00 per hour for legal services is hereby fixed as the contract rate for the providing of legal services to the Borough of West Long Branch for calendar year 2018; and

BE IT FURTHER RESOLVED that the aforementioned rate shall apply only to legal services incurred in litigation in which the Governing Body, board, or appropriate authority has formally taken action to retain an attorney to perform such services; and this resolution shall not be read in such a way as to conflict with the terms of the Borough Attorney's contract for 2018, which will provide for a fixed retainer and an hourly rate after a fixed number of litigation hours have been provided.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION ADOPTING A CASH MANAGEMENT PLAN  
PURSUANT TO N.J.S.A. 40A:5-14**

1/1/18

WHEREAS, N.J.S.A. 40A:5-14 provides that each local unit shall adopt a Cash Management Plan and shall deposit, or invest, or both deposit and invest its funds pursuant to that plan; and

WHEREAS, the Cash Management Plan shall be prepared and adopted annually; and

WHEREAS, the Borough of West Long Branch has prepared said Cash Management Plan, a copy of which is attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached Cash Management Plan is hereby adopted; and

BE IT FURTHER RESOLVED that the Borough Council authorizes the administration of same by the appropriate staff members regarding the handling of municipal deposits and/or investments.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

**CASH MANAGEMENT PLAN OF THE BOROUGH OF WEST LONG BRANCH,  
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**STATEMENT OF PURPOSE**

This Cash Management Plan (the "Plan") is prepared to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investment ("Permitted Investments") of certain public funds of the Borough, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

**IDENTIFICATION OF FUNDS AND ACCOUNTS TO BE COVERED BY  
THE PLAN**

The Plan is intended to cover the deposit and/or investment of the accounts of the Borough:

ALL FUNDS

It is understood that this Plan is not intended to cover certain funds and accounts of the Borough, specifically;

STATE AND FEDERAL GRANTS

**DESIGNATION OF OFFICIALS OF THE BOROUGH AUTHORIZED TO  
MAKE DEPOSITS AND INVESTMENTS UNDER THE PLAN**

The Chief Financial Officer of the Borough is the designated official and is hereby authorized and directed to deposit and/or invest the funds referred to in the Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Borough are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

### **DESIGNATION OF DEPOSITORIES**

The following banks and financial institutions are hereby designated as official depositories for the deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

**NEW JERSEY CASH MANAGEMENT**  
**WELLS FARGO BANK**  
**SANTANDER BANK**  
**TD BANK**  
**M&T BANK**  
**TWO RIVER COMMUNITY BANK**  
**VALLEY NATIONAL BANK**  
**INVESTORS BANK**

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official referred to above.

### **AUTHORIZED INVESTMENTS**

Except, as otherwise specifically provided for herein, the Designated Official is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments:

- (1) Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America;
- (2) Government money market mutual funds;
- (3) Any obligation that a federal agency or a federal instrumentality has issued in accordance with an act of Congress, which security has a maturity date not greater the 397 days from the date of purchase, provided that such obligation bears a fixed rate of interest not dependent on any index or other external factor;
- (4) Bonds or other obligations of the Local Unit or bonds or other obligations of school districts of which the Local Unit is a part or within which the school district is located;
- (5) Bonds or other obligations, having a maturity date not more than 397 days from the date of purchase, approved by the Division of Investment of the Department of the Treasury for investment by Local Units;

- (6) Local Government investment pools;
- (7) Deposits with the State of New Jersey Cash Management Fund established pursuant to section 1, P.L. 1977, c.281 (C.52:18a-90.4) or;
- (8) Agreements for the repurchase of fully collateralized securities if:
  - (a) the underlying securities are permitted investments pursuant to paragraphs (1) and (3) of this subsection;
  - (b) the custody of collateral is transferred to a third party;
  - (c) the maturity of the agreement is not more than 30 days;
  - (d) the underlying securities are purchased through a public depository as defined in section 1, P.L. 1970, c.236 (C.17:9-41) and;
  - (e) a master repurchase agreement providing for the custody and security of collateral is executed.

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION RENEWING DENTAL INSURANCE AGREEMENT**

WHEREAS, the Borough of West Long Branch maintains a group dental policy with DELTA DENTAL OF NEW JERSEY, INC. under Group No. 1582-01 and 1582-02, which policy expired on December 31, 2017; and

WHEREAS, the Borough has investigated this matter and discussed options regarding renewal of the agreement and for what length time period would be in the best financial interest of the Borough; and

WHEREAS, funds are or will be available for purchasing dental insurance, as required by the various union agreements between the Borough and its employees; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1) requires that the resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation after passage;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a contract for dental insurance be awarded to DELTA DENTAL PLAN OF NEW JERSEY, INC. for Group No. 1582-01 and 1582-02 for a term running from January 1, 2018, through December 31, 2018, at the following rates:

<u>Coverage</u>	<u>Monthly Charges</u>	<u>Monthly Charges</u>
	<u>01</u>	<u>02</u>
One Party	\$27.09	\$27.09
Two Party	\$52.71	\$52.01
Three Party	\$90.27	\$87.06

AND BE IT FURTHER RESOLVED that this agreement is made without competitive bidding as an extraordinary unspecifiable service under the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(ii)(m)) because insurance contracts are exempted thereunder; and

BE IT FURTHER RESOLVED that a copy of this resolution be published upon adoption as required by law.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

1/1/18

**RESOLUTION - TEMPORARY BUDGET**

WHEREAS, the Local Budget Law (N.J.S.A. 40A:4-19) provides that where any contracts or payments are to be made prior to the final adoption of the 2018 Budget, temporary appropriations should be made for the purposes and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following temporary appropriations be made and that a certified copy of this resolution be transmitted to the Chief Financial Officer.

**ADMINISTRATIVE & EXECUTIVE:**

Salaries and Wages-----	\$50,000.00
Other Expenses-----	\$8,000.00

**MUNICIPAL CLERK:**

Salaries and Wages-----	\$30,000.00
Other Expenses-----	\$3,000.00

**FINANCE:**

Salaries and Wages-----	\$20,000.00
Other Expenses-----	\$10,000.00

**AUDIT:**

Other Expenses-----	\$7,000.00
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**ASSESSMENT OF TAXES:**

Salaries and Wages-----	\$5,500.00
Other Expenses-----	\$5,880.00

**COLLECTION OF TAXES:**

Salaries and Wages-----	\$17,000.00
Other Expenses-----	\$4,300.00

**LEGAL SERVICES AND COSTS:**

Other Expenses-----	\$31,500.00
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**ENGINEERING SERVICES AND COSTS:**

Other Expenses-----	\$10,000.00
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**PUBLIC BUILDINGS & GROUNDS:**

Other Expenses-----	\$22,000.00
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**PLANNING BOARD:**

Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$6,000.00

**ZONING BOARD OF ADJUSTMENT:**

Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$4,500.00

ENVIRONMENTAL COMMISSION:	
Salaries and Wages-----	\$250.00
Other Expenses-----	\$5,000.00
SENIOR CITIZEN COMMISSION:	
Salaries and Wages-----	\$250.00
Other Expenses-----	\$250.00
SHADE TREE COMMISSION:	
Salaries and Wages-----	\$150.00
Other Expenses-----	\$2,000.00
INSURANCE:	
Group Plans – Hospitalization/Dental-----	\$350,000.00
Other Premiums-----	\$156,000.00
FIRE:	
Fire Hydrant Service-----	\$21,000.00
Other Expenses-----	\$21,000.00
POLICE:	
Salaries and Wages-----	\$720,000.00
Other Expenses-----	\$55,000.00
TRAFFIC LIGHT MAINTENANCE:	
Other Expenses-----	\$2,100.00
FIRST AID ORGANIZATION CONTRIBUTION-----	\$8,000.00
EMERGENCY MANAGEMENT SERVICE:	
Other Expenses-----	\$1,000.00
PUBLIC WORKS:	
Salaries and Wages-----	\$158,000.00
Other Expenses-----	\$47,000.00
MUNICIPAL COURT:	
Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$850.00
PUBLIC DEFENDER:	
Salaries and Wages-----	\$2,250.00
SERVICES OF MONMOUTH COUNTY	
REGIONAL HEALTH COMMISSION-----	\$22,500.00
REGISTRAR:	
Salaries and Wages-----	\$840.00
Other Expenses-----	\$600.00
DOG REGULATION:	
Other Expenses-----	\$2,500.00



## BOARD OF RECREATION COMMISSIONERS:

Salaries and Wages-----	\$500.00
Other Expenses-----	\$10,000.00

## TRANSPORTATION OF CHILDREN:

Other Expenses-----	\$5,000.00
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## LIBRARY:

Salaries and Wages-----	\$12,200.00
Other Expenses-----	\$6,065.00

## UTILITIES

Electricity-----	\$23,000.00
Street Lighting-----	\$21,000.00
Telephone-----	\$10,000.00
Water-----	\$3,600.00
Natural Gas-----	\$9,200.00
Sewer-----	\$1,100.00
Gasoline/Diesel-----	\$40,000.00

LANDFILL DUMPING FEES-----	\$57,000.00
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## STATE UNIFORM CODE:

## Code Enforcement Official:

Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$600.00

## Zoning Official:

Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$210.00

## Life Hazard Fire Protection:

Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$1,000.00

## Housing Inspector:

Salaries and Wages-----	\$2,250.00
Other Expenses-----	\$500.00

MUNICIPAL COURT SHARED SERVICE-----	\$36,000.00
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FINANCIAL ADMINISTRATION SHARED SERVICE-----	\$17,500.00
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INFORMATION TECHNOLOGY SHARED SERVICE-----	\$20,000.00
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CONTINGENT-----	\$315.00
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## STATUTORY EXPENDITURES:

## Other Expenses:

Social Security & Medicare-----	\$43,000.00
DCRP-----	\$265.00
SDI-----	\$2,700.00

## MUNICIPAL DEBT SERVICE

Green Trust Loan Repayments -----	\$10,000.00
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CONDO SERVICES-----	\$2,300.00
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Seconded by Councilmember

and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN: