

***THIS MEETING WILL BE HELD VIA ZOOM.  
INSTRUCTIONS TO ACCESS THE ZOOM MEETING  
WILL BE POSTED ON THE BOROUGH'S WEBSITE.***

**SUBJECT TO CHANGE**

**BOROUGH OF WEST LONG BRANCH**

**COUNCIL MEETING**

May 6, 2020

(Immediately Following Caucus Meeting Which Starts at 6:30 PM)

MAYOR JANET W. TUCCI PRESIDES

MAYOR TUCCI REPORTS SUNSHINE LAW COMPLIED WITH

PRESENT: BRAY, CIOFFI, MANGO, NEYHART, PENTA, SNIFFEN

ABSENT:

READING AND APPROVAL OF MINUTES:

Council Minutes  
September 18, 2019

Caucus Minutes  
April 22, 2020

Executive Session Minutes  
April 22, 2020

Council Minutes  
April 22, 2020

REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

COUNCILMAN CIOFFI (FIRE & EMS):

COUNCILWOMAN MANGO (RECREATION, ENVIRONMENTAL, & SHADE TREE):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

COUNCILMAN SNIFFEN (PUBLIC PROPERTY):

BOROUGH ADMINISTRATOR DOLLINGER:

BOROUGH CLERK COLE:

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

1. Two Rivers Water Reclamation Authority Letter – Public Hearing – May 19, 2020 – Revised Connection Fee

ORDINANCES:

1. Ordinance No. O-20-5  
An Ordinance Providing Procedure to Add Unpaid Board Professional Fees to Property Owners' Taxes in the Borough of West Long Branch  
Second & Final Reading
2. Ordinance No. O-20-6  
Bond Ordinance Providing for Improvements to the West Long Branch Community Center, By and In the Borough of West Long Branch, in the County of Monmouth, State of New Jersey; Appropriating \$1,625,000 Therefor and Authorizing the Issuance of \$1,543,750 Bonds or Notes of the Borough to Finance Part of the Cost Thereof  
Second & Final Reading
3. Ordinance No. O-20-7  
Calendar Year 2020 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14)  
Introduction

RESOLUTIONS:

1. Resolution – Emergency Temporary Appropriations (R-20-61)
2. Resolution Appointing Member to Two Rivers Water Reclamation Authority (R-20-62)
3. Resolution Authorizing the Mayor and Borough Clerk to Execute the FY2021-2023 Agreement With Monmouth County for Cooperative Participation in the Community Development Program Pursuant to the Interlocal Services Act (R-20-63)
4. Resolution Certifying Compliance With the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964" (R-20-64)
5. Municipal Budget Notice (R-19-65)

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

**ORDINANCE NO. O-20-5**

**AN ORDINANCE PROVIDING PROCEDURE TO ADD  
UNPAID BOARD PROFESSIONAL FEES TO  
PROPERTY OWNERS' TAXES  
IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the borough has been experiencing several problems with applicants before the West Long Branch Zoning Board of Adjustment and West Long Branch Planning Board not making payment of required escrows, or not supplementing such payments, creating a deficit in the applicant's escrow account and, therefore, an inability for the borough to make payment to the boards' professionals; and

WHEREAS, the applicants should not receive the benefit of having their cases heard and concluded, or being able to obtain necessary building permits in the event of a successful application, when they have not paid the board's professionals; and

WHEREAS, the current procedure of repeatedly sending notices to applicants who were deficient in such payments has not proved to be successful, requiring the borough to seek alternate means to assure itself of these bills being paid; and

WHEREAS, the governing body has considered a procedure to add unpaid board escrow bills to the tax bills of the property owners for such properties, similar to the procedure the borough follows regarding unkempt properties where the borough has stepped in to undertake property maintenance;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of West Long Branch as follows:

**SECTION 1.**

If any applicant before the West Long Branch Zoning Board or the West Long Branch Planning Board becomes ninety (90) days deficient in paying any required escrow or supplemental escrow for the payment of the board's professional fees, the Board Secretary shall provide a certification to the Borough Clerk setting forth (a) the date of the notice to the applicant; (b) the amount requested/ required; (c) the amount that remains unpaid; and (d) that ninety (90) days has elapsed since the date of request for such payment.

**SECTION 2.**

Upon receipt of the certification of the Board Secretary as set forth in Section 1, the Borough Clerk shall advise the governing body by providing it with a copy of the Board Secretary's certification.

SECTION 3.

If the governing body chooses to impose a lien on the subject property to the extent of the unpaid escrow, it shall advise the property owner in writing at least ten (10) days before the council meeting at which such action will be taken.

SECTION 4.

If the escrow remains unpaid by the expiration of ten (10) days as set forth in the proceeding section, the governing body may adopt a resolution to assess the property owner the amount of the unpaid escrow, such amount to be added to the property owner's tax bill and be a lien against the taxpayer's subject property.

SECTION 5.

This procedure is not intended to relieve the applicant or property owner from paying the required escrow bills. Rather, this ordinance is designed to provide an additional mechanism to collect unpaid escrow bills.

SECTION 6.

If any application to either the zoning board or the planning board is made by other than the owner of the property, in addition to the owner of the property providing its consent for the applicant to proceed, the owner shall also provide a written statement to the board, indicating its awareness that, if any escrow bills are not paid, the borough may impose a lien for the same and add the unpaid escrow bill(s) to the real estate taxes of that property.

SECTION 7.

This ordinance shall take effect immediately upon passage and publication according to law.

**ORDINANCE NO. O-20-6**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO  
THE WEST LONG BRANCH COMMUNITY CENTER, BY AND IN THE  
BOROUGH OF WEST LONG BRANCH, IN THE COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY; APPROPRIATING \$1,625,000 THEREFOR  
AND AUTHORIZING THE ISSUANCE OF \$1,543,750 BONDS OR NOTES  
OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

**SECTION 1.** The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of West Long Branch, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$1,625,000, which sum includes \$81,250 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

**SECTION 2.** For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,625,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,543,750 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,543,750 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3.** (a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued consist of Various Improvements to the West Long Branch Community Center which shall include, but not be limited to, roof improvements, access ramp improvements in accordance with the Americans with Disabilities Act, fire suppression system improvements, exterior and interior improvements and the acquisition and installation, as applicable, of furnishings, fixtures and equipment; such improvements shall also include all architectural, engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration; and all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,543,750.

(c) The estimated cost of said improvements or purposes is \$1,625,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of \$81,250 is comprised of the down payment for said improvements or purposes.

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

**SECTION 5.** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any

sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,543,750 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$325,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

**SECTION 8.** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable

real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

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

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

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

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



**ORDINANCE NO. O-20-7**

**CALENDAR YEAR 2020  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Council of the Borough West Long Branch in the County of Monmouth finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Council of the Borough of West Long Branch hereby determines that a 3.5 % increase in the budget for said year, amounting to \$308,864.57 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Council of the Borough of West Long Branch hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of West Long Branch, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of West Long Branch shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 308,864.57, and that the CY 2020 municipal budget for the Borough of West Long Branch be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION  
EMERGENCY TEMPORARY APPROPRIATIONS**

5/6/20

WHEREAS, the temporary appropriations heretofore adopted will be inadequate to the point when the 2020 Budget will be finally adopted and N.J.S.A. 40A:4-20 provides for the making of emergency temporary appropriations to supplement the temporary appropriations already made;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and is stated that these emergency temporary appropriations shall be included in the 2020 Budget when adopted.

Capital Improvements: Improvements to Buildings and Grounds	\$50,000.00
Public Works: Other Expenses	\$100,000.00
Utilities: Natural Gas	\$15,000.00

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 MEMBER TO TWO RIVERS  
WATER RECLAMATION AUTHORITY**

5/6/20

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that GREGORY J. CHRISTOPHER be appointed as a West Long Branch member to the Two Rivers Water Reclamation Authority for a term of five (5) years, commencing February 1, 2020, and expiring January 31, 2025.

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 THE MAYOR AND BOROUGH CLERK  
TO EXECUTE THE FY2021-2023 AGREEMENT WITH  
MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION  
IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO  
THE INTERLOCAL SERVICES ACT**

5/6/20

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and

WHEREAS, an Agreement has been proposed under which the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and

WHEREAS, it is in the best interest of the Borough to enter into such an agreement;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and the same are hereby authorized to execute said agreement in accordance with the provisions of law; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

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

5/6/20

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

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

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

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN: