# SUBJECT TO CHANGE BOROUGH OF WEST LONG BRANCH COUNCIL MEETING

June 15, 2022 (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: NONE

READING AND APPROVAL OF MINUTES:

Caucus Minutes June 1, 2022

Executive Session Minutes June 1, 2022

Council Minutes June 1, 2022

#### REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

COUNCILMAN CIOFFI (RECREATION, ENVIRONMENTAL, & SHADE TREE):

COUNCILWOMAN MANGO (FIRE & EMS):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

COUNCILMAN SNIFFEN (PUBLIC PROPERTY):

BOROUGH ADMINISTRATOR DOLLINGER:

ACTING BOROUGH CLERK SANTOS:

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

#### ORDINANCES:

 O-22-7 An Ordinance Fixing Fees for Farmers Market Functions At Franklin Lake and/or Sorrentino Park in the Borough of West Long Branch

#### Introduction

- O-22-8 An Ordinance Granting Renewal of Municipal Consent to Comcast of Monmouth County to Construct, Connect, Operate and Maintain a Cable Television and Communications System in The Borough of West Long Branch, Monmouth County, New Jersey Introduction
- 3. O-22-9 An Ordinance Amending Ordinance O-21-4 Regarding Stormwater Best Management Practices in the Borough of West Long Branch *Introduction*

# RESOLUTIONS:

- R-22-96 Resolution Approving Payment Certificate of Precise Construction, INC.
- 2. R-22-97 Resolution Authorizing Release of Performance Guarantees for Parikh Minor Subdivision Project at 53 Victor Avenue
- 3. R-22-98 Resolution Renewing Maintenance Agreements with Warshauer Generator, LLC
- 4. R-22-99 Resolution Authorizing Closure of Delaware Avenue on August 13, 2022
- 5. R-22-100 Resolution Renewing Liquor Licenses for 2022-2023
- 6. R-22-101 Resolution Approving Summer Concert Series Contract with "The Get Down Committee"
- 7. R-22-102 Resolution Approving Summer Concert Series Contract with "The Bilsby Brothers Band"
- 8. R-22-103 Resolution Approving Summer Concert Series Contract with "Rock'N Rythm"

#### UNFINISHED BUSINESS:

# NEW BUSINESS:

1. 50/50 On-Premises Raffle License Application – WLB Lions Club

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

#### **ORDINANCE NO. 0-22-7**

# AN ORDINANCE FIXING FEES FOR FARMERS MARKET FUNCTIONS AT FRANKLIN LAKE AND/OR SORRENTINO PARK IN THE BOROUGH OF WEST LONG BRANCH

WHEREAS, the Borough has an existing fee structure for permitting peddlers, transient merchants, and the like; and

WHEREAS, the Environmental Commission has advised the governing body of its plans to hold a farmers' market during the summer, and possibly into September, at Franklin Lake and/or Sorrentino Park; and has requested that the Borough consider reducing the applicable permit fees for such vendors; and

WHEREAS, the governing body has considered the request, and agrees that a change is appropriate;

NOW, THEREFORE, BE IT RESOLVED that Ordinance 4-3.10 shall be amended as follows:

# SECTION 1. Fee Schedule

"f. The permit fee for any vendors at any farmers market held by the Borough or its commissions at either Franklin Lake or Sorrentino Park shall be a flat fee of \$50.00 for the season." 'Season' shall be defined as a calendar year."

# SECTION 2. Effective Date

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

Introduced: Passed: Adopted:	
MAYOR	ACTING BOROUGH CLERK

#### **ORDINANCE NO. 0-22-8**

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF MONMOUTH COUNTYTO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF WEST LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WEST LONG BRANCH, MONMOUTH COUNTY, NEW JERSEY, AS FOLLOWS:

#### SECTION 1. PURPOSE OF THE ORDINANCE.

The BOROUGH hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Borough of a cable television and communications system.

# SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 <u>C.F.R.</u> Subsection 76.1 <u>et seq.</u>, and the Cable Communications Policy Act, 47 <u>U.S.C.</u> Section 521 <u>et seq.</u>, as amended, and the Cable Television Act, <u>N.J.S.A.</u> § 48:5A-1 <u>et seq.</u>, and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "BOROUGH" or "Borough" is the Borough of West Long Branch, County of Monmouth, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of Monmouth County, L.P.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, <u>N.J.S.A.</u> § 48:5A-1, <u>et seq.</u>
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or 'BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.

- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
  - i. "Primary Service Area" or 'PSA" consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

# SECTION 3. STATEMENT OF FINDINGS.

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the Borough having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

# SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

# SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, N.J.S.A. 48:5A-30(d), the Company shall, during each year of operation under the consent granted herein, pay to the Municipality 3.5% of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law. The current franchise fee paid to the Borough is 3.5%.

#### SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

# SECTION 7. EXTENSION OF SERVICE.

The company shall, during the franchise period, be required to offer service to any present or future dwelling unit, school, institution, and business located and to be located along any public rights-of-way in the primary service area, as set forth in the company's application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line from which a usable cable signal may be obtained. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is occupied and within two hundred seventy-five (275) feet of the public right of way.

# SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work. If the Company finds it necessary to install or repair any cable line(s), then the Company must repave in accordance with the curb-to-curb requirements of the borough's ordinances.
- b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay or relocate its equipment, at the expense of the Company. In requiring Company to remove, re-lay or relocate any portion of its property, the Borough shall treat Company the same as, and require no more of Company than, any other similarly situated entity utilizing the Public Rights of Way, including with respect to reimbursement of costs.

- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables. Except in an emergency, the Company will not, without the prior consent of the Supervisor of the Borough 's Department of Public Works, or his/her delegate, trim or remove trees in the public rights-of-way or parks in the Borough the Supervisor or delegate will respond to a request for authorization within 48 hours, Monday through Friday. If requested, the company will perform any trimming under the direct supervision of the Supervisor or his designee.
- d. Installation of Equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.
- e. Temporary removal of cables: The Company shall, upon request of the Borough, at the Company's expense, temporarily raise, lower or remove its cables and associated facilities in order to facilitate the moving of Borough owned buildings, equipment, vehicles and machinery and to accommodate other like circumstances. In light of a temporary removal request by other than the Borough for non-Borough owned buildings, equipment, vehicles and machinery, the cost of such temporary removal shall be the responsibility of the requesting party.

# SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Borough Council upon written request of the Borough Manager or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1.

# SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

# SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall continue to provide Basic cable television service to one (1) to outlet to Borough Hall, the Community Center, the Department of Public Works building, the Police Headquarters and the Fire/EMS/Rescue Buildings, provided the building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.

- b. The Company shall continue to provide Basic cable television service to one (1) to outlet to each qualified existing school and library in the Borough, public and private, elementary, intermediate, and secondary provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school or library requesting service.
- c. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

# SECTION 15. EDUCATION AND GOVERNMENTAL ACCESS

- a. The Company shall continue to make available to the Borough one governmental access channel at no cost to the borough. The channel is currently administered by the Borough.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for access use. An EG access user whether an educational or government user acquires no property or other interest by virtue of the use of a channel so designated and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- c. The Company will maintain the cable, modulators, and equipment necessary for the Borough or its designee to send a signal to the Company, and to receive the return feed of the signal.
- d. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of any educational or governmental access program that contains obscenity, indecency, or nudity.

- e. Government Access. "Government Access" shall mean noncommercial use by the Borough for the purpose of showing the local government at work.
- f. Company Use of Fallow Time. Because blank or underutilized E/G channels are not in the public interest, in the event the Borough or other qualified E/G access users elect not to fully program their E/G access channel, Company may program unused time on those channels subject to reclamation by the Borough upon no less than 60 days written notice.
- g. Indemnification. The Borough shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the rules for or administration of E/G access channel and its programming.
- h. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time E/G Access Capital Grant in the amount of \$15,000 to meet the E/G Access capital needs of the community.
- i. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### SECTION 16. EMERGENCY USES.

- a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

#### SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

#### SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

# SECTION 19. COMPETITIVE EQUITY.

Should the BOROUGH grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

# SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

#### **SECTION 21. PROPRIETARY INFORMATION**

The Company shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature. The Borough agrees to treat any information disclosed by the Company as confidential and only to disclose it to those employees, representatives, and agents of the Borough that have a need to know in order to enforce this Ordinance Agreement and who agree to maintain the confidentiality of all such information, unless such information is deemed to be subject to New Jersey's Open Public Records Act.

The Company shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or state privacy law. For purposes of this Section, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Company to be competitively sensitive. The Company may make proprietary or confidential information available for inspection but not copying or removal by the Borough's representative. In the event that the Borough has in its possession and receives a request under a state "sunshine," public records, or similar law for the disclosure of information the Company has designated as confidential, trade secret or proprietary, the BOROUGH shall notify the Company of such request and cooperate with Company in opposing such request.

# SECTION 22. FORCE MAJEURE.

The Company shall not be liable or responsible for, in whole or in part, any delay or failure to perform any of its obligations hereunder which may result from accidents, pandemics, floods, fires, earthquakes, tornadoes or other acts of God; war, acts of war (whether or not a declaration of war is made), civil disobedience; civil disturbance, sabotage or vandalism, customer tampering or interference, or act of public enemy; strikes, other labor or job actions or unavailability of materials or equipment; or other events or circumstances beyond the reasonable control of the Company.

# SECTION 23. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

# **SECTION 24. NEW DEVELOPMENTS**

The Borough, for its part, shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

# SECTION 25. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Adopted on second and final reading on	
JANET TUCCI, Mayor	
offiver rocci, mayor	
ATTEST:	
CAROLINA SANTOS, Acting Borough Clerk	
Introduced:	
Passed:	
Adopted:	
MAYOR	ACTING BOROUGH CLERK

#### ORDINANCE NO. 0-22-9

# AN ORDINANCE AMENDING ORDINANCE 0-21-4 REGARDING STORMWATER BEST MANAGEMENT PRACTICES IN THE BOROUGH OF WEST LONG BRANCH

WHEREAS, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the Borough of West Long Branch and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Borough of West Long Branch was accepted for participation in the National Flood Insurance Program on January 16, 1981 and the West Long Branch Mayor and Borough Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

WHEREAS, the Borough of West Long Branch is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

WHEREAS, the Borough of West Long Branch is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

WHEREAS, the Borough of West Long Branch is required, pursuant to N.J.S.A.58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of West Long Branch that the following floodplain management regulations are hereby adopted.

Introduced: Passed: Adopted:	
MAYOR	ACTING BOROUGH CLERK

offered the following resolution and moved its adoption:

# RESOLUTION APPROVING PAYMENT CERTIFICATE OF PRECISE CONSTRUCTION, INC.

6/15/22

WHEREAS, PRECISE CONSTRUCTION, INC. 1016 Highway 33, Freehold, NJ 07728, has completed work in connection with the West Long Branch FY 2021 Park Improvements Project; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 1, in the amount of \$76,322.40, is in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 1, in the amount of \$76,322.40, as set forth in the Borough Engineer's letter dated June 6, 2022, is hereby approved; and

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

Seconded by Councilmember

and carried upon the following roll call vote:

AYES: NAYS: ABSENT: ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES FOR PARIKH MINOR SUBDIVISION PROJECT AT 53 VICTOR AVENUE

6/15/22

WHEREAS, a request was received for the release of the performance guarantees in

connection with the Parikh Minor Subdivision Project on 53 Victor Ave, known as Lots 13,

14 & 15 in Block 10; and

WHEREAS, the Borough Engineer has reviewed the degree of completion of the

project and reported by letter dated May 26, 2022, that the applicant has satisfactorily

completed all the bondable improvements required by the performance guarantee and

recommended the release of the performance guarantees posted for the project; and

WHEREAS, the Borough Engineer recommends the amount currently remaining in

the escrow account be held for the maintenance guarantee.

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

Branch that the maintenance bond guarantees on the above referenced project are hereby

released.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to

act in accordance with this resolution.

Seconded by Councilmember

and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

offered the following resolution and moved its adoption:

RESOLUTION RENEWING MAINTENANCE AGREEMENTS WITH WARSHAUER GENERATOR, LLC

6/15/22

WHEREAS, the Maintenance Agreements with Warshauer Generator, LLC for

preventive maintenance for the emergency generators that service Borough Hall, the Police

Building, Emergency Medical Services, Fire Company No. 2, and the Public Works

Garage/Fire Company No. 1 will expire on June 30th; and

WHEREAS, Warshauer Generator, LLC submitted the attached Maintenance

Agreements for a one-year period in the amount of \$675.00 for each generator except for

the Police Building generator, which is in the amount of \$1,150.00, for a total of \$3,850.00;

and

WHEREAS, the Administrator recommends approving said Agreements; and

WHEREAS, fund are or will be available for this service;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

West Long Branch that the attached Maintenance Agreements with Warshauer Generator,

LLC for maintenance of five generators as outlined above are hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby

authorized to sign the same.

Seconded by Councilmember

and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING CLOSURE OF DELAWARE AVENUE ON AUGUST 13, 2022

6/15/22

WHEREAS, the Governing Body has received a request on behalf of the residents of

Delaware Avenue to close that street off, between Virginia Terrace and Maryland Avenue,

on August 13, 2022, with a rain date of August 14th, to hold a neighborhood block party;

and

WHEREAS, the request has been submitted to the Governing Body, who has

approved the same provided that the West Long Branch Police Chief has no objections, so

long as someone be available during the block party to move the barriers in the event of an

emergency and that the roadway not be completely impassable so as to allow emergency

vehicles (police cars, fire trucks, and ambulances) access, if necessary.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

West Long Branch that the section of Delaware Avenue running between its intersections

with Virginia Terrace and Maryland Avenue shall be closed to vehicular traffic on August

13, 2022, with a rain date of August 14th, from 1:00 PM until 9:00 PM, and barriers shall

be placed at the Virginia Terrace and Maryland Avenue ends of the area being closed off,

which shall be done under the supervision, and with the approval, of the West Long Branch

Police Department; and

BE IT FURTHER RESOLVED that detour signs, if necessary, must be installed in

accordance with the directions of the West Long Branch Police Department; and

BE IT FURTHER RESOLVED that someone be available during the block party to

move the barriers in the event of an emergency and that the roadway is not completely

impassable so as to allow emergency vehicles (police cars, fire trucks, and ambulances)

access, if necessary.

Seconded by Councilmember

and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT: ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

Councilmember offered the following resolution and moved its adoption:

# RESOLUTION RENEWING LIQUOR LICENSES FOR 2022-2023

BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following liquor licenses be renewed subject, however, to the rules, regulations, and ordinances affecting the same, said licenses to expire on June 30, 2023.

# PLENARY RETAIL CONSUMPTION LICENSE

NAME	<u>LOCATION</u>	LICENSE NUMBER
Ravi Randal Corporation	Inactive	1353-32-003-003
Rodeio Grill Bar & Restaurant, LLC T/A: Rodeio Grill Bar & Restaurant	78 Oceanport Avenue	1353-33-002-015
Neamoni, Inc. T/A: Zachary's Restaurant	67-71 Oceanport Avenue	1353-33-005-008
Myway B and G, Inc. T/A: Myway Bar & Grill	823 Broadway	1353-33-006-005
Branches Catering, LLC	123 Monmouth Road	1353-33-001-005

# PLENARY RETAIL DISTRIBUTION LICENSE

$\underline{\text{NAME}}$	LOCATION	LICENSE NUMBER
Ravi Randal Corporation T/A: Paddock Liquors	145 Monmouth Road Suite 8	1353-44-004-006

# CLUB LICENSE

NAME	LOCATION	LICENSE NUMBER
Monmouth University Pub Association T/A: Monmouth College Pub Association	400 Cedar Avenue	1353-31-008-004

# HOTEL/MOTEL EXCEPTION LICENSE

<u>NAME</u>	<u>LOCATION</u>	<u>LICENSE NUMBER</u>
WLB Empire LLC	109 Route 36	1353-36-010-001
La Quinta Inn by Wyndham		

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

AYES: NAYS: ABSENT: ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

6/15/22

offered the following resolution and moved its adoption:

RESOLUTION APPROVING SUMMER CONCERT SERIES CONTRACT WITH "THE GET DOWN COMMITTEE"

6/15/22

WHEREAS, the West Long Branch Recreation Commission solicited a contract from

THE GET DOWN COMMITTEE to perform as part of the 2022 Summer Concert Series; and

WHEREAS, ALEXANDER MCDANIEL, the representative of the band, submitted the

attached Engagement Contract for a performance by THE GET DOWN COMMITTEE on

Friday, July 8th, at 7:00 PM, at Franklin Lake, at a cost of \$2,000.00; and

WHEREAS, the Recreation Commission Chair recommends that the Borough

Council approve this contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

West Long Branch that the attached Engagement Contract for a performance by THE GET

DOWN COMMITTEE on Friday, July 8th, in the amount of \$2,000.00, be approved;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby

authorized to sign said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an

addendum to, the Engagement Contract with THE GET DOWN COMMITTEE, and a copy of

this resolution shall be signed by the contractor.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as

adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

Councilmember offered the following resolution and moved its adoption:

RESOLUTION APPROVING SUMMER CONCERT SERIES CONTRACT WITH "THE BILSBY BROTHERS BAND"

6/15/22

WHEREAS, the West Long Branch Recreation Commission solicited a contract from

THE BILSBY BROTHERS BAND to perform as part of the 2022 Summer Concert Series; and

WHEREAS, THE BILSBY BROTHERS BAND submitted the attached Engagement

Contract for a performance by THE BILSBY BROTHERS BAND on Friday, August 5th, at

7:00 PM, at Franklin Lake, at a cost of \$1,000.00; and

WHEREAS, the Recreation Commission Chair recommends that the Borough

Council approve this contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

West Long Branch that the attached Engagement Contract for a performance by THE

BILSBY BROTHERS BAND on Friday, August 5th, at 7:00 PM, at Franklin Lake, in the

amount of \$1,000.00, be approved;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby

authorized to sign said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an

addendum to, the Engagement Contract with THE BILSBY BROTHERS BAND and a copy of

this resolution shall be signed by the contractor.

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

AYES:

NAYS:

ABSENT: ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

Councilmember offered the following

offered the following resolution and moved its adoption:

RESOLUTION APPROVING SUMMER CONCERT SERIES CONTRACT WITH "ROCK'N RYTHM"

6/15/22

WHEREAS, the West Long Branch Recreation Commission solicited a contract from

ROCK'N RYTHM to perform as part of the 2022 Summer Concert Series; and

WHEREAS, STEPHEN SICILIANO, the representative of the band, submitted the

attached Engagement Contract for a performance by ROCK'N RYTHM on Friday, July  $15^{th}$ ,

at 7:00 PM, at Franklin Lake, at a cost of \$1,000.00; and

WHEREAS, the Recreation Commission Chair recommends that the Borough

Council approve this contract; and

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of

West Long Branch that the attached Engagement Contract for a performance ROCK'N

RYTHM on Friday, July 15th, at 7:00 PM, at Franklin Lake, in the amount of \$1,000.00, be

approved;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby

authorized to sign said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an

addendum to, the Engagement Contract with ROCK'N RYTHM and a copy of this resolution

shall be signed by the contractor.

Seconded by Councilmember

and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT: ABSTAIN:

I hereby certify the foregoing to be a true and exact copy of the original resolution as adopted by the West Long Branch Borough Council on June 15, 2022.

ACTING BOROUGH CLERK

P.O. Type: All Range: First Format: Condensed Include Project Line Items: Yes Paid: N Void: N Open: N Rcvd: Y Held: Y to Last

Aprv: N Other: Y Exempt: Y Bid: Y State: Y

PO # PO	O Date	Vendor		PO Description	Status	Amount	Void Amount PO Type
21-00104 02	2/09/21	L0083	LAWMEN SUPPLY COMPANY	QUOTE # QT1437554	Open	313.91	0.00
21-00994 0			LANIGAN ASSOCIATES	·	0pen	355.30	0.00
21-01360 0			EAGLE POINT GUN SHOP		0pen	6,324.94	0.00
21-01567 10			W.B. MASON CO. INC.		0pen	208.92	0.00
21-01645 10			COUNTY OF MONMOUTH		Open	276.60	0.00
			CHRISTMAS LIGHTS, ETC.	XMAS LIGHTS ITEM #: 20358	Open	537.17	0.00
21-01766 1			THE LINK NEWS		Open	12.00	0.00
21-01700 1			STAPLES ADVANTAGE	CODE ENFORCEMENT OFFICE SUPPLY		264.79	0.00
				WLBES-0001 WO#: 39361	•		0.00
21-01806 1			COUNTY OF MONMOUTH		Open		
21-01908 1			DIDI'S AUTOMOTIVE II,LLC	oil and filter change	Open	50.90	0.00
22-00038 02			ORIENTAL TRADING COMPANY INC		Open	2,482.20	0.00
22-00132 0			CONNELL CONSULTING LLC	POLICE TRAINING - KNOTT/BUCK		600.00	0.00
22-00187 0			TRAFFIC PLAN	PUBLIC WORKS DEPT. UNIFORMS	0pen	1,159.25	0.00
22-00253 0			STAPLES ADVANTAGE	POLICE OFFICE SUPPLIES		440.82	0.00
22-00350 0			EDC ELECTRIC	PD INV#: 22A169 LADIES LOCKER	•	239.00	0.00
22-00355 0			STAPLES ADVANTAGE		0pen	100.62	0.00
22-00360 0	4/04/22	D0022	DRAEGER, INC.	PD ORDER 03/29/2022	0pen	179.00	0.00
22-00396 0	4/18/22	S0070	STAPLES ADVANTAGE	FOLDERS, FIRE PREVENTION	0pen	130.47	0.00
22-00398 0	4/18/22	MAZZA005	MAZZA MULCH	MULCH MAR 2022	0pen	4,524.00	0.00
22-00416 0	4/20/22	C0120	COMPLETE SECURITY SYSTEMS, INC.	PD TICKET #: 133109 04/07/2022	0pen	326.00	0.00
22-00446 04	4/25/22	V0008	V.E. RALPH & SON, INC	EMS QUOTE NO. 97371	0pen	1,839.30	0.00
22-00461 04			LEE'S GARAGE INC		0pen		0.00
22-00481 04			ZAMBELLI FIREWORKS MFG. CO		0pen	19,000.00	0.00
22-00482 04			VALIC		Open	5,750.00	0.00
22-00512 0			ATLANTIC PRINTING & DESIGN	FALL BANNER DATE FIX	Open	40.00	0.00
22-00546 0			HOME DEPOT - CREDIT SERVICES	PUBLIC WORKS PURCHASES, VARIOUS		125.43	0.00
			AUTOMATICS UNLIMITED, INC.	COMM CTR INV#: 38855	Open	514.47	0.00
			CRYSTAL SPRINGS	WATER INV#: 21886129 050822	Open	120.25	0.00
22-00561 0			B&H PHOTO & ELECTRONICS		Open	878.00	0.00
22-00562 0			SELEX-ES INC.		Open	500.00	0.00
22-00570 0			VIRTUAL FX		Open	500.00	0.00
				APR 2022 POLICE DRY CLEANING	•	253.00	
22-00573 0			RELIABLE CLEANERS		Open		0.00
22-00576 0			KEITH BRUMMER TREE & FIREWOOD		Open	2,500.00	0.00
22-00583 0			DELISA WASTE SERVICES		Open	9,177.80	0.00
			BLUE HARBOR TELECOM	EMS INV#: BHT-1674100-30	0pen	125.72	0.00
22-00588 0			W.B. MASON CO. INC.	OFFICE SUPPLIES - FINANCE/BORO	•	140.31	0.00
22-00593 0			TREASURER - ST. OF NEW JERSEY	ASSESSMENT INV#: 2200661560	0pen	2,000.00	0.00
22-00599 0			NAPA AUTO PARTS CENTER	DPW INVOICES, VARIOUS	0pen	386.91	0.00
22-00600 0			CLEAN AIR COMPANY INC.	FIRE INVOICE #: 220259	0pen	442.86	0.00
22-00604 0			STAVOLA COMPANY	DPW INVOICES, VARIOUS	0pen	625.86	0.00
22-00606 0	5/20/22	F0019	FLOWERS BY VAN BRUNT	CLERK ORDERS WOOLEY & GUZZI	0pen	130.00	0.00
22-00612 0	5/20/22	A0045	VALIC	2021 LOSAP - FIRE R-22-60	0pen	19,550.00	0.00
22-00614 0	5/24/22	C0083	COMCAST & XFINITY *	VARIOUS ACCTS.	0pen	550.30	0.00
22-00615 0	5/24/22	N0036	NEW JERSEY NATURAL GAS CO.	VARIOUS ACCOUNTS	0pen	2,127.53	0.00
22-00616 0	5/24/22	J0042	JERSEY CENTRAL POWER & LIGHT	STREET LIGHT ACCOUNTS	0pen	4,787.40	0.00
22-00618 0			MONMOUTH COUNTY SPCA	SPCA BILL APR 2022	0pen	1,180.00	0.00
22-00619 0				MAY (2) INV#: 1145477	0pen	239.70	0.00
22-00620 0			CENTRAL JERSEY HEALTH INS FUND		Open	106,972.00	0.00
22-00622 0			GLENCO SUPPLY INC	SIGNS NO PARKING / NO OUTLET	0pen	1,199.00	0.00
22-00625 0			NORCIA CORP.	DPW INV#: 81818 PTO BRACKET	Open	300.00	0.00
550_5 0	-//			I. I. III OLOLO I IO DIVICILI	-	300100	0.00

PO #	PO Date	Vendor		PO Description	Status	Amount V	oid Amount PO Type
22-00627	05/24/22	S0012	SEABOARD WELDING	DPW INV#: 2139958 OXYGEN	0pen	30.00	0.00
22-00628	05/24/22	N0005	NAPA AUTO PARTS CENTER	DPW INVOICES, VARIOUS	0pen	31.96	0.00
22-00630	05/24/22	D0125	DELISA WASTE SERVICES	JUN 2022 - GARBAGE	0pen	24,166.67	0.00
22-00631	05/24/22	N0005	NAPA AUTO PARTS CENTER	DPW INVOICES, VARIOUS	Open	341.03	0.00
22-00632	05/24/22	S0027	SIP'S PAINT AND HARDWARE	DPW INV#: 34469 LIBRARY	Open	48.19	0.00
22-00633	05/24/22	S0027	SIP'S PAINT AND HARDWARE	DPW INVOICES, VARIOUS	Open	74.97	0.00
22-00637	05/25/22	N0035	NJ LEAGUE OF MUNICIPALITIES	JUN 15 MINI CONF - SULLIVN/MLR	Open	230.00	0.00
22-00639	05/25/22	K0049	KONICA MINOLTA BUSINESS SOLU.	REM BAL INV#: 276828170	0pen	43.13	0.00
22-00641	05/26/22	E0077	E.M. WATERBURY	Various invoices	0pen	2,559.00	0.00
22-00642	05/27/22	M0055	MON.CTY.REGIONAL HEALTH COMM.	QUARTER 1 - 2022	0pen	23,889.18	0.00
22-00643	05/31/22	CRYST005	CRYSTAL SPRINGS	WATER INV#: 21886129 014022	0pen	69.28	0.00
22-00645	05/31/22	C0156	CUSTOM BANDAG	DPW INV#: 40229279	0pen	1,477.10	0.00
	05/31/22		CITY OF LONG BRANCH	GAS/DIESEL - APR. 2022	Open	9,296.58	0.00
	05/31/22		JOHN GUIRE SUPPLY LLC	DPW INVOICES, VARIOUS	Open	530.96	0.00
	05/31/22		SIP'S PAINT AND HARDWARE	DPW INVOICES, VARIOUS	Open	227.00	0.00
	05/31/22		MONMOUTH BUILDING CENTER	DPW INVOICES, VARIOUS	Open	296.70	0.00
	06/01/22		COMCAST & XFINITY *	VARIOUS ACCOUNTS	Open	556.00	0.00
	06/01/22		NEW JERSEY AMERICAN WATER CO.		0pen	8,991.78	0.00
	06/01/22		VERIZON *	ACCT NO. 342213956-00001	Open	1,649.46	0.00
	06/01/22		CITY OF LONG BRANCH	2022 - QTR 2 IT	Open	8,489.75	0.00
	06/01/22		CITY OF LONG BRANCH	2022 - QTR 1 & 2 CFO/QPA	Open	44,856.25	0.00
	06/01/22		PLOSIA COHEN LAW FIRM	MAY 2022 INVOICE #: 52868	Open	180.00	0.00
	06/01/22		TOWNSHIP OF OCEAN	2022 - QTR. 2 SHARED SERVICES	Open	38,811.75	0.00
	06/06/22		E.M. WATERBURY	VARIOUS INVOICES	Open	2,382.00	0.00
	06/06/22		MICHAEL IRENE, JR.	VARIES PB INVOICES	Open	66.00	0.00
	06/06/22		MICHAEL IRENE, JR.	ZB VARIES INVOICES	Open	940.50	0.00
			MAZZA MULCH	MULCH MAY 2022		3,480.00	0.00
	06/07/22		MAZZA RECYCLING SERVICES, LTD.		Open Open	249.93	0.00
				ACCT NO. 8499 05 216 0042612	Open	169.13	0.00
	06/07/22		COMCAST & XFINITY *		Open		
	06/07/22		JERSEY ELEVATOR	June 2022 Monthly Maintenance	Open	135.57	0.00
	06/07/22		EDWARDS TIRE CO. INC.	WRL AT ADVENTURE GOODYEAR	Open	705.68	0.00
	06/07/22		JOHN GUIRE SUPPLY LLC	TORO BELT	Open	242.99	0.00
	06/07/22		NAPA AUTO PARTS CENTER	VARIOUS INVOICES	Open	284.26	0.00
	06/07/22		SIP'S PAINT AND HARDWARE	VARIOUS INVOICES	0pen	143.79	0.00
	06/07/22		DIDI'S AUTOMOTIVE II,LLC	VARIOUS INVOICES	0pen	3,346.37	0.00
	06/08/22		CARUSO & BAXTER	JUN 2022 TAX/LEGAL	0pen	1,043.00	0.00
	06/08/22		VERIZON *	ACCT NO. 450-717-472-0001-02	0pen	1,115.40	0.00
	06/08/22		KONICA MINOLTA BUSINESS SOLU.	CONTRACT INV#: 280429143	0pen	101.13	0.00
	06/08/22		COMCAST & XFINITY *	ACCT NO. 8499 05 216 0042620	0pen	214.16	0.00
	06/08/22		DELISA WASTE SERVICES	MAY 2022 - TIPPING 16-31	0pen	14,093.78	0.00
	06/08/22		T&M ASSOCIATES		0pen	10,131.50	0.00
	06/08/22		JERSEY CENTRAL POWER & LIGHT	VARIOUS ACCOUNTS	0pen	4,766.91	0.00
	06/08/22		MONMOUTH WIRE & COMPUTER	RECYCLING INVOICE MAY 2022	0pen	125.00	0.00
	06/08/22		MICHAEL IRENE, JR.	VARIOUS INVOICES	0pen	3,151.00	0.00
22-00708	06/09/22	PRECIO05	PRECISE CONSTRUCTION	PAYMENT CERTIFICATE #1	0pen	76,322.40	0.00
Total Pu	rchase Or	ders:	95 Total P.O. Line Items:	O Total List Amount: 496	,601.60	Total Void Amou	nt: 0.0

Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Project Total
1-01	35,848.48	0.00	35,848.48	0.00	0.00	0.00
2-01	367,171.72	0.00	367,171.72	0.00	0.00	0.00
2-03	0.00	0.00	0.00	0.00	0.00	5,722.25
2-13 Year Total:	1,180.00 368,351.72	0.00 0.00	1,180.00 368,351.72		0.00	
C-04	76,322.40	0.00	76,322.40	0.00	0.00	0.00
E-03	10,356.75	0.00	10,356.75	0.00	0.00	0.00
Total Of All Funds:	490,879.35	0.00	490,879.35	0.00	0.00	5,722.25

Project Descri	ption	Project No.	Rcvd Total	Held Total	Project Total
JCP&L INFORMAL	MEETING	INF-2022-1	66.00	0.00	66.00
MCDONALD INFOR	MAL APPLICATION	INF-2022-2	148.50	0.00	148.50
LARCHWOOD MAJO	R SUBDIVISION	PB-2022-01	3,907.25	0.00	3,907.25
NEHMAD BULK AD	DITION GARAGE	ZB-2022-01	264.00	0.00	264.00
KASSIN BULK DE	CK AND POOL	ZB-2022-03	346.50	0.00	346.50
11 NOLAN DR, L	LC	ZB-2022-06	264.00	0.00	264.00
EDELSTEIN PLAY	/TREE HOUSE	ZB-2022-07	231.00	0.00	231.00
CEDAR VILLAGE	GROUP, LLC-SP	ZB-2022-08	495.00	0.00	495.00
	Total Of All Pro	ojects:	5,722.25	0.00	5,722.25