

**SUBJECT TO CHANGE
BOROUGH OF WEST LONG BRANCH
COUNCIL MEETING**

September 20, 2023
(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, GOMEZ, NEYHART, PENTA, SNIFFEN

ABSENT:

READING AND APPROVAL OF MINUTES:

Caucus Minutes
September 6, 2023

Executive Session Minutes
September 6, 2023

Council Minutes
September 6, 2023

REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

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

COUNCILMAN GOMEZ (FIRE & EMS):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

COUNCILMAN SNIFFEN (PUBLIC PROPERTY):

BOROUGH ADMINISTRATOR GONTER:

BOROUGH CLERK SANTOS:

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

1. Tax Collector's Monthly Report – August 2023
2. Code Enforcement Monthly Report – August 2023
3. Zoning Monthly Report – August 2023
4. EMS Membership Application – Victor Khdideh – Active Membership
5. Graduation Request – Red Bank Catholic HS – OceanFirst Arena – May 30, 2024 & May 31, 2024

ORDINANCES:

1. O-23-13 An Ordinance Amending Chapter 10 - Swimming Pools and Chapter 18 - Zoning to Eliminate Impervious Surface Definition, Revise Lot Coverage Definition and Add Structure Definition in the Borough of West Long Branch
Second & Final Reading
2. O-23-14 An Ordinance Amending §18-4.7 MF-2 Multi-Family-2 Residential Overlay Zone and Chapter 26 Affordable Housing Regulations in the Borough of West Long Branch
Second & Final Reading
3. O-23-15 An Ordinance Amending Ordinance No. O-23-2 2023 Salary Ordinance of Various Municipal Employees
Second & Final Reading
4. O-23-17 An Ordinance Amending Ordinance 7-6.2 of the Revised General Ordinances of The Borough of West Long Branch Regarding Stop Intersections
Second & Final Reading
5. O-23-18 An Ordinance Prohibiting Parking or Operating Unregistered Vehicles or Ones with Suspended or Revoked Registrations on Quasi-Public Property in The Borough of West Long Branch
Second & Final Reading

RESOLUTIONS:

1. R-23-122 Resolution Approving WLBEMS Constitution
2. R-23-123 Resolution Approving Borough Administrator Contract
3. R-23-124 Resolution Granting Issuance of a New License Upon Failure to Timely Renew Pursuant to N.J.S.A. 33:1-12.18 for the 2022-2023 License Term for Ravi Randal Corp
4. R-23-125 Resolution Renewing Liquor License For 2023-2024

UNFINISHED BUSINESS:

NEW BUSINESS:

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

ZONING
18 Attachment 2

BOROUGH OF WEST LONG BRANCH
SCHEDULE OF AREA, YARD, BUILDING (BULK) AND UNIT REQUIREMENTS
(Section 18-5.1)
[Amended 12-1-2021 by Ord. No. 0-21-17]

ZONE CATEGORY	PERMITTED USES	MAXIMUM DENSITY (1) DU per ACRE(1)	MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS PRINCIPAL BUILDING				MAXIMUM BUILDING COVERAGE	PERCENT OF MAXIMUM LOT COVERAGE	MAXIMUM HEIGHT		
			AREA	WIDTH	FRONT	A	ONE SIDE	BOTH SIDES	MAXIMUM BUILDING COVERAGE	PERCENT OF MAXIMUM LOT COVERAGE	PRINCIPAL BUILDING	ACCESSORY BUILDING	
			(square feet)	(square feet)	(feet)	(feet)	(feet)	(feet)	MAXIMUM BUILDING COVERAGE	PERCENT OF MAXIMUM LOT COVERAGE	feet	feet	feet
RESIDENTIAL R-22	One-Family Dwellings		22,500	150	35	35	20	50	23%	30%	2 1/2	35	15
RESIDENTIAL R-15	One-Family Dwellings		15,000	100	35	25	10	30	25%	38%	2 1/2	30	15
RESIDENTIAL R-10	One-Family Dwellings	8	10,000	100	35	25	10	30	30%	40%	2 1/2	30	15
SENIOR HOUSING SH	Age Restricted Dwellings (3)	8	5 acres	300	75	100	50	100	25%	50%	3	35	15
MULTI-FAMILY MF	Multi-Family Dwellings	8	2 acres	250	75	75	75	150	25%	50%	2 1/2	35	15
MULTI-FAMILY MF-1	Multi-Family Dwellings	(4)	10 acres	500	50	(5)	(5)	(5)	30%	50%	3	2 stories - 37 (6) 3 stories - 48 (6)	30
RESIDENTIAL/ PROFESSIONAL RP	Uses as set forth in Section 18-4.2.		22,500	150	35	35	20	50	30%	50%	2	30	15
Standards Apply to Professional Uses Only Appearing Immediately Above this Statement For Residential Uses, see Subsection 18-4.2a2.													
INSTITUTIONAL I	Uses as set forth in Section 18-4.3		5 acres	300	70	70	40	100	30%	50%	2	35	15
NEIGHBORHOOD / COMMERCIAL N/C	Uses as set forth in Section 18-4.4		22,500	150	35	20	10	25	30%	65%	2	30	15
HIGHWAY /COMMERCIAL HC	Uses as set forth in Section 18-4.5		5 acres	300	150	70	25	50	30%	65%	2	30	15
OFFICE / PROFESSIONAL OP	Uses as set forth in Section 18-4.10		10 acres	500	100	70	75	150	30%	65%	3	40	15
SENIOR HOUSING OVERLAY SH-1 (10)	Age Restricted Dwellings (3)	10	5 acres	300	75	100	50	100	25%	50%	3	35	15
MULTI-FAMILY-2 OVERLAY HC / MF-2 (10)	Highway Commercial / Multi-Family Dwellings	10	18 acres	500	100	50	50	100	30%	50%	2	30	25
MULTI-FAMILY-3 OVERLAY HC / MF-3 (8) (10)	Highway Commercial / Multi-Family Dwellings	10	10 acres	300	100	50	50	100	30%	50%	2	30	25
MULTI-FAMILY-4 OVERLAY RP / MF-4(9) (JO)	Residential Professional / Multi-Family Dwellings	8	3.5 acres	300	100	50	50 (11)	100 (11)	30%	50%	2	30	15

WEST LONG BRANCH CODE

NOTES:

- (1) D.U. = Dwelling Units. Density is Dwelling Units per gross acre for the development tract.
- (2) ~~Building coverage shall include principal buildings, garages and accessory buildings.~~ "Building coverage" as defined in section 18-3 - Definitions.
- (3) All residential development shall be age restricted. Multi-family dwellings shall have a maximum density of ten (10) dwelling units per gross acre. One family dwellings shall comply with the R-15 Zoning District regulations.
- (4) The number of dwelling units shall not exceed 180 of which 15 percent shall be low and moderate income housing units per Settlement Agreement in the matter of WLBVP v. West Long Branch.
- (5) Yard Setbacks for the Court Approved Inclusionary Multi-Family Housing site on Lot 28 in Block 70 on Monmouth Road: Building setbacks shall be 50 feet adjacent to residential development on Parker Road (Block 70 Lots 28-30); 50 feet adjacent to Shore Regional High School (Block 70 Lot 27); and 25 feet adjacent to Glenwood Cemetery (Block 70 Lot 16).
- (6) Lofts shall be permitted per WLBVP vs. West Long Branch Settlement Agreement and shall not be deemed to be a "story" provided that maximum permitted building heights are not exceeded.
- (7) ~~Impervious Coverage shall include all buildings, accessory buildings and all impervious surfaces as defined in Section 18-3.~~ "L" [REDACTED]
- (8) In the Highway Commercial / Multi-Family-3 Overlay Zone (HC/MF-3) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Highway Commercial (HC) Zone.
- (9) In the Residential / Professional / Multi-Family-4 Overlay Zone (RP / MF-4) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Residential / Professional (RP) Zone.
- (10) Approved September 25, 2012 by Superior Court, Law Division, Monmouth County; WLBVP, LLC vs Borough of West Long Branch and Planning Board of West Long Branch.
- (11) The side yard for buildings shall be developed in accordance with the RP / MF-4 Multi-Family Overlay Zone regulations above adjacent to residential zones, provided, however, that the sideyard may be reduced to a distance not less than the setback of the structure existing as of November 1, 2012.

ORDINANCE NO. O-23-13

AN ORDINANCE AMENDING CHAPTER 10 - SWIMMING POOLS AND CHAPTER 18 - ZONING TO ELIMINATE IMPERVIOUS SURFACE DEFINITION, REVISE LOT COVERAGE DEFINITION AND ADD STRUCTURE DEFINITION IN THE BOROUGH OF WEST LONG BRANCH

WHEREAS, as a result of various cases heard by the borough's land use boards, and questions and concerns raised by the borough's code enforcers, the Planning Board considered the existing ordinances on the subjects of lot coverage, impervious surfaces, the definition of structures and ordinances regarding swimming pools; and

WHEREAS, the West Long Branch Planning Board has recommended certain additions and changes to the borough's ordinances on these subjects, and the governing body concurs with the Board's recommendations;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that revisions to amend subsections to Chapter 10 Swimming Pools and Chapter 18 Zoning are as follows:

SECTION 1

CHAPTER 10 - SWIMMING POOLS

§10-1.15. As-Built Survey. [Added 9-21-2022 by Ord. No. O-22-19] The as-built survey required to be provided for any swimming pool permit, shall include the ~~impervious~~ lot coverage percentage, which information shall be certified by the applicant's engineer.

SECTION 2

CHAPTER 18 - ZONING

18-3 DEFINITIONS

§ 18-3.1. Intent. [Ord. #513] For the purposes of this Chapter, certain terms or words used herein shall be interpreted or defined in the meaning herein indicated. Words used in the present tense include the future tense. The singular number indicates the plural. The word person includes a corporation or partnership as well as an individual. The word lot includes the word plot or parcel. The term shall is always mandatory. The word used or occupied as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Any word or term not defined herein shall be defined in accordance with the Municipal Land Use

Law, N.J.S.A. 40:55D-1 et seq. Any word or term not defined herein or in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. shall be used with a meaning of standard usage for the context in which the word is used.

IMPERVIOUS SURFACE

~~Shall mean a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces shall include all buildings and accessory buildings, sidewalks, walkways, driveways, patios, swimming pools and other surfaces that cover the surface of the lot including roofed areas and surfaces covered with cement, asphalt, paver blocks and other surfaces that are resistant to infiltration by water.~~

LOT COVERAGE

Shall mean the percentage of lot area devoted to structure area.

~~Shall mean that percentage of the lot area which may be devoted to building area plus impervious surface.~~

STRUCTURE

Shall mean a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

18-5 DIMENSIONAL REQUIREMENTS

§ 18-5.1. Schedule of Area, Yard, Building (Bulk) and Unit Requirements. [Ord. #513; Ord. #O- 8-07, S XV; Ord. #O-08-9, S 3; Ord. #O-09-10; Ord. #O-12-20, S 7] Schedule of Area, Yard, Building (Bulk) and Unit Requirements is attached hereto and applies to the uses of land, buildings and open spaces, minimum sizes of lots, lot areas, and all other matters therein contained as indicated for the various zones established by this Chapter, in addition to the minimum and maximum regulations set forth therein and is hereby declared a part of this Chapter. Schedule of Area, Yard, Building (Bulk) and Unit Requirements is included as an attachment to this chapter.

**See attached amendments to Schedule to revise column headings and footnotes (2) and (7) as indicated.

18-6 GENERAL REGULATIONS

§ 18-6.6. Regulations Applying to Conditional Use Permits.1 [Ord. #513; Ord. #O-08-7, S XIV; Ord. #O-09-10; Ord. No. O-2015-4 § 8]

a. ~~f.~~ (No changes)

g. Houses of Worship. Houses of worship shall be permitted as conditional uses in the R-22 and R-15 Residential Zones subject to compliance with ~~based on~~ the following standards ~~minimum conditions~~: Minimum lot area of three (3.0) acres, maximum ~~impervious~~ lot coverage of 60%, maximum building coverage of 20%, minimum buffer of twenty-five (25') feet, minimum front yard ~~set-back~~ setback of seventy-five (75') feet, minimum lot width of two hundred (200') feet, minimum side yard setback of fifty (50') feet, and a minimum rear yard setback of seventy-five (75') feet.

SECTION 3

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

[Any crossed-out language represents existing ordinance language being removed. Any underlined language is being added.]

Introduced:
Passed:
Adopted:

MAYOR

BOROUGH CLERK

ORDINANCE NO. O-23-14

**AN ORDINANCE AMENDING §18-4.7 MF-2 MULTI-FAMILY-2 RESIDENTIAL OVERLAY ZONE
AND CHAPTER 26 AFFORDABLE HOUSING REGULATIONS IN
THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the Borough, as a result of a builder's remedy action filed several years ago under the caption WLBVP Inc. vs. West Long Branch, adopted several ordinances in conformance with the court's order; and

WHEREAS, the Borough has considered the other land use developments in the Borough involving either multi-family developments or single-family homes developments, and has also reviewed the MF-2 (Multi-Family -2) residential overlay zone, which was last amended in Ordinance O-12-20 adopted on December 5, 2012; and

WHEREAS, the Planning Board has studied the same and has made a recommendation to the governing body to make certain changes with respect to the MF-2 zone requirements, such changes including revisions to the minimum building height, clarifying recreational facilities, eliminating the requirement for a club house and eliminating the maximum number of 3-bedroom units, including provisions for common open space to be maintained and operated by a homeowner's association and submitted to the Planning Board and Borough Attorney prior to site plan approval; and

WHEREAS, any proposed development on this property will be required to provide for affordable housing;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that the following amendments to Ordinance §18-14.7 and Chapter 26 – Affordable Housing Regulations are hereby adopted:

SECTION 1

CHAPTER 18 ZONING

§18-4 ZONE USE REGULATIONS

§18-4.7. MF-2 Multi-Family—2 Residential Overlay Zone.

[Ord. #O-08-7, S VIII; Ord. #O-11-1, S 6; Ord. #O-12-20, S 6]

MF-2 Residential Overlay Zone shall be subject to the following regulations:

- a. Permitted Uses – (No Changes)
- b. Permitted Accessory Uses – (No Changes)
- c. Area, Yard, Building (Bulk) and Unit Requirements. As specified in Subsection 18-5.1 of this Chapter.

Note: The attached "Schedule of Area, Yard, Building (Bulk) and Unit Requirements" is revised to modify principal building height requirement from 30 to 35 feet in the Multi- Family 2 Overlay HC/MF-2 zone and include footnote #12 that reads as follows: "(12) Within side yard setbacks the following are permitted: roof overhangs (up to one foot); privacy fences (pursuant to fence regulations §18-7.2 of this Chapter); and steps to grade and patios at grade up to 13 feet. The required 25' foot planted buffer shall not include any structures."

d. Other Provisions and Requirements.

1. As specified in Section 18-6 of this Chapter.
2. As specified in Section 18-7 of this Chapter
 - a) Parking shall be in accordance with §18-7.4a.8. – “Off-Street Parking, Loading and Unloading Regulations” subsection (a) “Residential uses shall conform with parking requirements in N.J.A.C. 5:21, Residential Site Improvement Standards (RSIS).” The Borough recognizes unique circumstances of the subject zone, including location, access to New Jersey State Highway Route 36, and other site specific factors which present very limited opportunity for overflow parking areas adjacent to the zone. Due to these unique circumstances the Borough acknowledges and permits residential parking standards to be exceeded pursuant to N.J.A.C. 5:21-3.6 – “Agreement to Exceed Standards,” which sets forth rules whereby RSIS standards may be exceeded under specific circumstances of a residential development upon agreement of both the developer and municipal approving authority. The Borough also recognizes N.J.A.C. 5:21-3.2 – “Waiver Request,” in which the Borough, the developer, or jointly the Borough and developer, may in connection with a specific development within the zone request a waiver of a site improvement standard adopted under RSIS in accordance with N.J.S.A. 40:55D-40.4(c) if adherence to the standard would jeopardize the public health and safety.
3. As specified in Section 18-8 of this Chapter.
4. As specified in Section 18-9 of this Chapter.
5. As specified in Section 18-13 of this Chapter.
- ~~6. A club house or community room of not less than 10 square feet per dwelling unit.~~
- ~~6.~~ 7. Common area recreation facilities shall be provided such as a swimming pool, picnic area facilities, tennis, shuffleboard, bocce ball, tot lot, or other such similar facilities. ~~etc.~~ Common recreation facilities shall total not less than 50 square feet per dwelling unit.
- ~~8. The maximum number of three bedroom market housing units shall not exceed 15% of the total number of market housing units.~~
- ~~7.~~ 9. The number of bedrooms for affordable housing units shall be distributed in accordance with Uniform Housing Affordability Controls (UHAC) in N.J.A.C. 5:80-23.3, Affordability Average; Bedroom Distribution

8. Affordable housing buildings and/or units shall be dispersed among market rate buildings and/or units within the development. No two (2) affordable buildings shall be adjacent to one another.
9. The site shall contain an emergency access route.
10. ~~10.~~ A twenty-five (25') foot planted buffer shall be provided along the side and rear yards except in those areas directly abutting existing vegetation within a delineated wetlands area or regulated transition area.
11. ~~11.~~ Residential structures along front, side, and rear yards areas shall not exceed two stories.
12. Common open space, recreational and/or other common facilities shall be owned, operated and maintained by a Homeowners Association comprised of all the owners of the individual units.
13. All proposed restrictive covenants, articles of incorporation or other documents related to the creation of a Homeowners Association or other documents providing for ownership and maintenance of common property and facilities shall be submitted to the Planning Board Attorney and Borough Attorney prior to final site plan approval.
14. Affordable units shall be in accordance with Chapter 26 – Affordable Housing Regulations

SECTION 2

CHAPTER 26 AFFORDABLE HOUSING REGULATIONS

§ 26-1. PURPOSE.

The purpose of this Chapter of the Borough Code is to set forth regulations and fees regarding the very-low, low- and moderate-income housing units in the Borough consistent with the following provisions:

- ~~a.~~ Applicable rules of the New Jersey Council on Affordable Housing, ~~N.J.A.C. 5:96 and 5:97 et seq.~~
- ~~b.~~ Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.
- ~~c.~~ P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7).
- ~~d.~~ Borough's constitutional obligation to provide a fair share of affordable housing for low- and moderate- income households.
- ~~e.~~ New Jersey Fair Housing Act and applicable court/legal decisions

These regulations are also intended to provide assurances that very-low, low- and moderate-income units (the "affordable units") are created with controls on affordability over time and that very-low, low- and moderate- income households occupy these units. These regulations shall apply except where inconsistent with applicable law.

§ 26-2. DEFINITIONS.

** Note all other definitions within this section shall remain unless otherwise revised below.

ACT - Shall mean the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as has been subsequently amended.

ADMINISTRATIVE AGENT - Shall mean the entity responsible for the administration of affordable units in accordance with this section, applicable COAH regulations, N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC (N.J.A.C. 5:80-26.1 et seq.).

AFFORDABLE UNIT - Shall mean a housing unit proposed or created pursuant to ~~the Act, credited pursuant to N.J.A.C. 5:97-4,~~ applicable COAH regulations, and/or funded through an affordable housing trust fund.

AGENCY or HMFA - Shall mean the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

CERTIFIED HOUSEHOLD - Shall mean a household that has been certified by an Administrative Agent as a very low income household, low-income household or moderate- income household.

MEDIAN INCOME - Shall mean the median income by household size for the applicable housing region, as adopted annually by The Department. ~~COAH~~.

THE DEPARTMENT - The Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

§ 26-3. PHASING SCHEDULE FOR INCLUSIONARY ZONING.

(No changes)

§ 26-4. NEW CONSTRUCTION.

a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units.

1. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units within each bedroom distribution shall be very-low-income units (affordable to a household earning 30% or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development and shall be rounded to the nearest whole number if a fraction occurs (a fractional number of 0.5 or greater rounds up).

2. In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be ~~low-income units,~~ very-low- or low-income units including that 13% shall be very-low-income.
3. (No changes)
4. (No changes)

b. Accessibility Requirements.

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7, ~~and N.J.A.C. 5:97-3.14.~~
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

(a) – (e) (No changes)

- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-31 1a, et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 ~~and N.J.A.C. 5:97-3.14~~, or evidence that West Long Branch has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(1) – (4) (no changes)

- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, ~~and N.J.A.C. 5:97-3.14~~, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7, ~~and N.J.A.C. 5:97-3.14.~~

c. Design.

1. In inclusionary developments, to the extent possible, very-low, low- and moderate- income units shall be integrated with the market units.
2. In inclusionary developments, very-low, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

d. Maximum Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing ~~the regional income limits established by COAH.~~ the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Affordable Housing Professionals of New Jersey.
2. (no change)
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for low-income, moderate- income and very low units. At least 13% of all low- and moderate-income rental units shall be affordable to very low-income households earning no more than 30% of median income, which very-low-income units shall be part of the low-income requirement.
4. – 8. (no change)
9. The price of owner-occupied very-low, low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
10. The rent of very-low, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine (9%) percent in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

§26-5. UTILITIES.

(No changes)

§26-6. OCCUPANCY STANDARDS.

(No changes)

§26-7. CONTROL PERIODS FOR RESTRICTED OWNERSHIP UNITS AND ENFORCEMENT MECHANISMS.

(no changes)

§26-8. PRICE RESTRICTIONS FOR RESTRICTED OWNERSHIP UNITS, HOMEOWNERS' ASSOCIATION FEES AND RESALE PRICES.

(no changes)

§ 26-9. BUYER INCOME ELIGIBILITY.

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median-income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income utilizing the most recently published Affordable Housing Regional Income Limits by Household Size published by HUD and by the Affordable Housing Professionals of New Jersey.
- ~~b. Notwithstanding the foregoing, however, the Administrative Agent may, subject to COAH's approval, permit moderate income purchasers to buy low income units in housing markets determined by COAH to have an insufficient number of eligible low income purchasers to permit prompt occupancy of the units. All such low income units to be sold to moderate-income households shall retain the required pricing restrictions for low income units.~~
- b. e. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to a certified household for a period not to exceed one year.
- c. d. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowners' association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

§26-10. LIMITATIONS ON INDEBTEDNESS SECURED BY OWNERSHIP UNIT;
SUBORDINATION.

(no changes)

§26-11. CAPITAL IMPROVEMENTS TO OWNERSHIP UNITS

(no changes)

§26-12. CONTROL PERIODS FOR RESTRICTED RENTAL UNITS.

(no changes)

§26-13. RENT RESTRICTIONS FOR RENTAL UNITS; LEASES.

(no changes)

§26-14. TENANT INCOME ELIGIBILITY.

(no changes)

§26-15. ADMINISTRATIVE AGENT.

- a. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Section 5:80-26.14, 16 and 18 thereof, which includes:
 1. Affordability Controls. (No changes)
 2. Resales and Rerentals.
 - (a) (No changes)
 - (b) Instituting and maintaining an effective means of communicating information to very-low, low- and moderate-income households regarding the availability of restricted units for resale or rental.
 3. Processing Requests from Unit Owners (No changes)
 4. Enforcement (No changes)

§26-16. ENFORCEMENT OF AFFORDABLE HOUSING REGULATIONS.

- a. (No changes)
- b. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The Borough may file a court action pursuant to N.J.S.A. 2A:58-1 1 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - (a) A fine of not more than ~~\$500~~ \$2,000 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented a very-low, low- or moderate- income unit in violation of the regulations governing affordable housing units, payment into the Borough of West Long Branch Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- (c) In the case of an owner who has rented a very-low, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the very-low, low- or moderate- income unit.
- (a) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the very-low, low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the very-low, low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the Court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Borough for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.

- (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low, low- or moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the Borough may acquire title to the very-low, low- or moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the very-low, low- or moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (e) Failure of the very-low, low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the very-low, low- or moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

§26-17. APPEALS.

(no changes)

26-18. AFFORDABLE HOUSING MANUAL AND MARKETING.

(no changes)

SECTION 3

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

[Any ~~crossed-out~~ language represents existing ordinance language being removed. Any underlined language is being added.]

Introduced:
Passed:
Adopted:

MAYOR

BOROUGH CLERK

ZONING
18 Attachment 2

BOROUGH OF WEST LONG BRANCH
SCHEDULE OF AREA, YARD, BUILDING (BULK) AND UNIT REQUIREMENTS
(Section 18-5.1)
[Amended 12-1-2021 by Ord. No. O-21-17]

ZONE CATEGORY	PERMITTED USES	MAXIMUM DENSITY (1) DU per ACRE (1)	MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS PRINCIPAL BUILDING				PERCENT OF MAXIMUM LOT COVERAGE OF BUILDINGS (2)	PERCENT OF MAXIMUM IMPERVIOUS SURFACE COVERAGE OF LOT (7)	MAXIMUM HEIGHT		
			AREA	WIDTH	FRONT	REAR	ONE SIDE	BOTH SIDES			PRINCIPAL BUILDING		ACCESSORY BUILDING
			(square feet)	(square feet)	(feet)	(feet)	(feet)	(feet)			Stories	(feet)	(feet)
RESIDENTIAL R-22	One-Family Dwellings		22,500	150	35	35	20	50	23%	30%	2 1/2	35	15
RESIDENTIAL R-15	One-Family Dwellings		15,000	100	35	25	10	30	25%	38%	2 1/2	30	15
RESIDENTIAL R-10	One-Family Dwellings	8	10,000	100	35	25	10	30	30%	40%	2 1/2	30	15
SENIOR HOUSING SH	Age Restricted Dwellings (3)	8	5 acres	300	75	100	50	100	25%	50%	3	35	15
MULTI-FAMILY MF	Multi-Family Dwellings	8	2 acres	250	75	75	75	150	25%	50%	2 1/2	35	15
MULTI-FAMILY MF-1	Multi-Family Dwellings	(4)	10 acres	500	50	(5)	(5)	(5)	30%	50%	3	2 stories - 37 (6) 3 stories - 48 (6)	30
RESIDENTIAL / PROFESSIONAL RP	Uses as set forth in Section 18-4.2.		22,500	150	35	35	20	50	30%	50%	2	30	15
			<i>Standards Apply to Professional Uses Only Appearing Immediately Above this Statement For Residential Uses, see Subsection 18-4.2a2.</i>										
INSTITUTIONAL I	Uses as set forth in Section 18-4.3		5 acres	300	70	70	40	100	30%	50%	2	35	15
NEIGHBORHOOD / COMMERCIAL N / C	Uses as set forth in Section 18-4.4		22,500	150	35	20	10	25	30%	65%	2	30	15
HIGHWAY / COMMERCIAL HC	Uses as set forth in Section 18-4.5		5 acres	300	150	70	25	50	30%	65%	2	30	15
OFFICE / PROFESSIONAL OP	Uses as set forth in Section 18-4.10		10 acres	500	100	70	75	150	30%	65%	3	40	15
SENIOR HOUSING OVERLAY SH - 1 (10)	Age Restricted Dwellings (3)	10	5 acres	300	75	100	50	100	25%	50%	3	35	15
MULTI-FAMILY-2 OVERLAY HC / MF-2 (10) (12)	Highway Commercial / Multi-Family Dwellings	10	18 acres	500	100	50	50	100	30%	50%	2	30 30 35	25
MULTI-FAMILY-3 OVERLAY HC / MF-3 (8) (10)	Highway Commercial / Multi-Family Dwellings	10	10 acres	300	100	50	50	100	30%	50%	2	30	25
MULTI-FAMILY-4 OVERLAY RP / MF-4 (9) (10)	Residential Professional / Multi-Family Dwellings	8	3.5 acres	300	100	50	50 (11)	100 (11)	30%	50%	2	30	15

WEST LONG BRANCH CODE

NOTES:

- (1) D.U. = Dwelling Units. Density is Dwelling Units per gross acre for the development tract.
- (2) Building coverage shall include principal buildings, garages and accessory buildings.
- (3) All residential development shall be age restricted. Multi-family dwellings shall have a maximum density of ten (10) dwelling unit per gross acre. One family dwellings shall comply with the R-15 Zoning District regulations.
- (4) The number of dwelling units shall not exceed 180 of which 15 percent shall be low and moderate income housing units per Settlement Agreement in the matter of WLBVP v. West Long Branch.
- (5) Yard Setbacks for the Court Approved Inclusionary Multi-Family Housing site on Lot 28 in Block 70 on Monmouth Road: Building setbacks shall be 50 feet adjacent to residential development on Parker Road (Block 70 Lots 28-30); 50 feet adjacent to Shore Regional High School (Block 70 Lot 27); and 25 feet adjacent to Glenwood Cemetery (Block 70 Lot 16).
- (6) Lofts shall be permitted per WLBVP vs. West Long Branch Settlement Agreement and shall not be deemed to be a "story" provided that maximum permitted building heights are not exceeded.
- (7) Impervious Coverage shall include all buildings, accessory buildings and all impervious surfaces as defined in Section 18-3.
- (8) In the Highway Commercial / Multi-Family-3 Overlay Zone (HC/MF-3) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Highway Commercial (HC) Zone.
- (9) In the Residential / Professional / Multi-Family-4 Overlay Zone (RP/ MF-4) highway commercial uses shall utilize the minimum lot size, minimum yard requirements, percent of maximum lot coverage, percent of maximum impervious surface coverage and maximum height as indicated in the Residential / Professional (RP) Zone.
- (10) Approved September 25, 2012 by Superior Court, Law Division, Monmouth County; WLBVP, LLC vs Borough of West Long Branch and Planning Board of West Long Branch.
- (11) The side yard for buildings shall be developed in accordance with the RP / MF-4 Multi-Family Overlay Zone regulations above adjacent to residential zones, provided, however, that the sideyard may be reduced to a distance not be less than the setback of the structure existing as of November 1, 2012.
- (12) Within side yard setbacks the following are permitted: roof overhangs (up to one foot); privacy fences (pursuant to fence regulations §18-7.2 of this Chapter); and steps to grade and patios "at grade" at a maximum of 13 feet. The required 25'foot planted buffer shall not include any structures.

ORDINANCE NO. O-23-15

**AN ORDINANCE AMENDING ORDINANCE NO. O-23-2
2023 SALARY ORDINANCE OF VARIOUS MUNICIPAL EMPLOYEES**

BE IT ORDAINED by the Borough Council of the Borough of West Long Branch:

SECTION 1. That Section 2 of Ordinance No. 277 entitled “AN ORDINANCE TO ESTABLISH THE SALARY RANGE OF VARIOUS MUNICIPAL OFFICERS, EMPLOYEES AND APPOINTEES”, and Ordinance No. O-23-2, which is an amendment to Ordinance No. 277, be amended and supplemented as follows:

SECTION 2. The annual salaries for 2023, which shall be paid semi-monthly, unless otherwise stated, of the employees, as set forth in Section 1 hereof, shall be as follows:

	<u>01/01/23</u>
PAYROLL FINANCE CLERK/ BOOKKEEPER	
\$50,000.00 -	65,000.00

Introduced:
Passed:
Adopted:

MAYOR

BOROUGH CLERK

**AN ORDINANCE AMENDING ORDINANCE 7-6.2
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF WEST LONG BRANCH REGARDING
STOP INTERSECTIONS**

WHEREAS, the Governing Body has received a request from the West Long Branch Police Department to amend Ordinance 7-6.2 to include an additional intersection as a stop intersection; and the governing body has considered the same and finds the requested change to be for safety reasons and in the best interests of the safety of its residents and guests.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch, Monmouth County, New Jersey, that Borough Ordinance 7-6.2, Schedule VIII, regulating stop intersections, be supplemented to add the following:
Golf Street at Melissa Court

STOP sign shall be installed on Golf Street heading north.

Any ordinance, or part of any ordinance, which is inconsistent herewith is hereby repealed.

This ordinance shall become effective upon passage and publication according to law.

Introduced:
Passed:
Adopted:

MAYOR

BOROUGH CLERK

ORDINANCE NO. O-23-18

AN ORDINANCE PROHIBITING PARKING OR OPERATING UNREGISTERED VEHICLES OR ONES WITH SUSPENDED OR REVOKED REGISTRATIONS ON QUASI-PUBLIC PROPERTY IN THE BOROUGH OF WEST LONG BRANCH

WHEREAS, N.J.S.A. 39:3-4 provides for the registration of automobiles in New Jersey and prohibits the operation of vehicles where the registration has been suspended or revoked from operating in New Jersey; and

WHEREAS, the West Long Branch Police Department has reported that vehicles with no registration or suspended or revoked registrations have been seen on quasi-public properties, and that it is a waste of police department manpower for police officers to sit and wait until the driver returns to the vehicle and attempts to drive it away; and

WHEREAS, the Ordinance Review Committee of the West Long Branch Council has recommended that the borough adopt an ordinance prohibiting unregistered vehicles, or vehicles with suspended or revoked registrations from being on quasi-public properties in the borough whether operated or parked; and the governing body concurs;

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

SECTION 1:

No person, whether the owner or the driver of any vehicle whose registration is revoked or suspended, whether in New Jersey or any other state, shall operate or park any such vehicle on any quasi-public property within the borough.

SECTION 2: DEFINITION

“Quasi-public property” shall be defined, for purposes of this ordinance, as any commercial property. This ordinance shall not apply to residential property.

SECTION 3: PENALTY

The penalty for violating this ordinance shall be \$100.00 for operating or parking an unregistered vehicle; and \$150.00 for operating or parking a vehicle with a suspended or revoked registration.

SECTION 4: ENFORCEMENT

This ordinance may be enforced by any member of the West Long Branch Police Department or any Code Enforcement Officer of the Borough of West Long Branch.

SECTION 5: EFFECTIVE DATE

This ordinance shall become effective immediately upon passage and publication according to law.

Introduced:
Passed:
Adopted:

MAYOR

BOROUGH CLERK

Constitution

Article I

Title

The name of this organization is West Long Branch Emergency Medical Services, Inc. (WLBEMS)

Article II

Purpose

The purpose and objective of this organization shall be to render emergency medical care and transportation to all persons living, visiting, and passing through the Borough of West Long Branch and its neighboring towns.

This organization is organized exclusively for charitable, religious, educational, and scientific purposes under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal code.

Article III

Code of Ethics

It shall be the duty of each member to bring credit to the service. Each member will carefully avoid any action or deed, on or off duty, which would discredit the service or other members of the service. Any breaches of this code will be dealt with in accordance with the bylaws.

Article IV

Membership

The membership of this organization shall consist of several classes as provided in the bylaws.

Article V

Officers

Section 1. The officers of this organization shall consist of a President, a Vice President, a Recording Secretary, a Corresponding Secretary, a Treasurer, a Captain, a First Lieutenant, a Second Lieutenant, a Sergeant, and three (3) Trustees.

Section 2. The officers of this organization shall be elected at the November meeting each year. They shall be elected by ballot and must receive the vote of a majority of the active and life members present to be elected.

Section 3. The officers of this organization shall be elected to one (1) year terms. The Trustees shall be elected to a three (3) year term, with one (1) being elected each year. All Officers of this organization shall serve in accordance with the by-laws.

Section 4. The corporate officers elect shall take office at the Organization's annual business meeting under New Business. The line officers elect shall take office upon being sworn in by the appropriate Borough officer in January following the election.

Section 5. Nominations open at the October monthly meeting and will remain open until they are closed at the November monthly meeting. Nominations will be closed by motion prior to the election.

Section 6. Vacancies occurring in the offices of Vice President, Recording Secretary, Corresponding Secretary and Treasurer shall be filled by appointment by the President with the approval of the active and life members present at the meeting the appointment is made. If a vacancy occurs in the Presidency, the Vice President shall become President. Vacancies occurring in any of the line officers shall be filled by the most recent consenting past Captain elected by squad vote and duly sworn in by the borough of West Long Branch, with the exception of the Second Lieutenant. Should a vacancy occur in the office of Second Lieutenant, a new Second Lieutenant shall be elected by the Squad.

Article VI **Meetings**

Section 1. Regular Business Meetings

The organization will hold regular monthly business meetings. The regular meeting of this organization shall be held on the first Tuesday of each month.

Section 2. Annual Business Meeting

The annual business meeting will be held in January of each year.

Section 3. Special Meetings

Special meetings may be called by the President, or be requested by five (5) active or active life members. This request must be made in writing by United States mail or email addressed to the Corresponding Secretary. It must state the purpose of said meeting and be signed by all five members. All members eligible to vote must be notified at least twenty-four (24) hours prior to the meeting via email or any other organization approved electronic notification system.

Section 4: Quorum

A minimum of Ten (10) voting members will constitute a quorum. No business will be conducted if a quorum is not present.

Section 5: Parliamentary Procedure

Any parliamentary procedure not specifically covered in the Constitution, or Bylaws shall be determined by Roberts Rules of Order.

Article VII

Amendments

Section 1. All amendments to this Constitution shall be submitted in writing to the President or Recording Secretary two (2) weeks prior to being presented to the membership, and must be read three (3) times without change – once at the first meeting and twice at the second meeting prior to a vote. The proposed amendment must receive a two-thirds (2/3) vote of the voting members present when the final reading is made. Each voting member must be notified by email, or any other organization approved electronic notification system at least twenty-four (24) hours prior to the final vote.

Section 2. All amendments to the bylaws will be made in the same order as mentioned above.

Section 3. All amendments to the Constitution or Bylaws will take effect immediately upon approval of the West Long Branch Borough Council.

ARTICLE VIII

Dissolution

Section 1. When it is found to be in the best interest of the residents of the Borough of West Long Branch to dissolve or disband the Corporation of West Long Branch Emergency Medical Services, Inc.; the organization may be dissolved or disbanded as set forth in West Long Branch Borough Ordinance 2-13.14 as amended.

Section 2. Upon dissolution of the Corporation, the Board of Trustees, shall, after paying or making provision for the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation in the following manner:

(a) the land, the building, and anything permanently affixed thereto, as well as any personal property purchased by the Borough, shall be returned to the Borough of West Long Branch;

(b) the remaining assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

Section 3. The duration of the corporation shall be perpetual.

ARTICLE IX

Registered Office and Registered Agent

The principal office of the corporation is to be 299 Monmouth Road, West Long Branch, NJ 07764. The name and address of the Registered Agent is:

Judy Wortman
49 Golf St.
West Long Branch, NJ 07764

ARTICLE X
Tax Exemption Requirements

No part of the net earnings of the corporation shall enure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distribution in furtherance of the purposes described in section 501(c)(3). No substantial part of the activities of the corporation shall be carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the internal revenue code, or the corresponding section of any future federal tax code.

Councilmember offered the following resolution and moved its adoption:

RESOLUTION APPROVING WLBEMS CONSTITUTION

9/20/23

WHEREAS, the West Long Branch Emergency Medical Services Squad is hereby authorized, empowered, and required to adopt a constitution and bylaws and rules for the control, management and government of the West Long Branch Emergency Medical Services, Inc., and for the regulation of the proceedings and business of the West Long Branch Emergency Medical Services, Inc.; and

WHEREAS, such constitution and bylaws, after adoption by such West Long Branch Emergency Medical Services, Inc., shall not become effective or operative until presented to and approved by the Mayor and Council of the Borough; and

WHEREAS, the West Long Branch Emergency Medical Services Squad, hereinafter referred to as WLBEMS Squad, adopted and submitted the attached Amended and Restated Constitution on September 5, 2023; and

WHEREAS, such constitution has been reviewed and accepted by both the WLBEMS Squad and the Committee.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached Amended and Restated Constitution submitted by the WLBEMS Squad is hereby approved, which process is required under Ordinance 2-13.10.

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 September 20, 2023.

BOROUGH CLERK

WEST LONG BRANCH ADMINISTRATOR CONTRACT

THIS AGREEMENT is made this 20th day of September 2023, 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 JASON GONTER hereinafter referred to as "GONTER".

The Borough does hereby engage and retain the services of JASON GONTER to serve as ADMINISTRATOR for the Borough of West Long Branch, which employment is subject to the following conditions:

1. The Borough agrees to pay GONTER an annual salary in 2023, prorated to the date of his first day of work, of \$140,000.00; and in 2024, if he is reappointed, of \$143,000.00.
2. Any future annual salary of GONTER, together with any other benefits, such as paid days off, shall be as fixed by the Governing Body in its annual salary ordinance and/or resolution and/or any subsequent contract between the Borough and Gonter.
3. The salary referenced above shall be paid in semimonthly installments, with all standard deductions (i.e., federal tax, state tax, social security, NJPERS and health insurance premiums) being deducted.
4. It is understood and agreed that the balance of the terms of this contract will continue in full force and effect upon any reappointment of GONTER as Administrator, unless such reappointment shall include a subsequently negotiated employment term not set forth herein.

5. GONTER shall be entitled to thirteen (13) sick days per year, but pro-rated for 2023. Any sick time not used will NOT carry over to the following year. Upon retirement, GONTER will not receive a lump sum payment for unused sick days.

6. GONTER shall be entitled to the following vacation time:

A. Twenty-one (21) days, prorated for calendar year 2023.

B. Twenty-one (21) days in each subsequent calendar year.

C. GONTER shall be permitted to carry over a maximum of seven (7) days of unused vacation time into the following year, with the express proviso that all carried-over vacation time, together with the vacation time for the following year, must be used in that year.

7. GONTER shall be entitled to one personal leave day for every three (3) months worked. This personal leave may not exceed four (4) days per year, nor may any personal days be carried over from any prior year. If not used, such personal days will be lost.

8. By his signature hereto, GONTER expressly waives any right or entitlement to longevity benefits as a result of any prior governmental employment with an entity other than the Borough of West Long Branch.

9. The hours of employment for GONTER shall be 35 hours per week, typically during the hours of 8:30 a.m. through 4:30 p.m. each day, Monday through Friday. This schedule will adjust according to weekly schedule demands, as required to fulfill the responsibilities of the position.

10. GONTER shall be entitled to all holidays off which are holidays for the administrative staff of the West Long Branch Borough Clerk's Office.

11. DUTIES of ADMINISTRATOR:

GONTER shall perform the duties as set forth in Borough Ordinance 2-7.9 and any subsequent amendments to the same, any additional borough representative positions similar to those in Ordinance 2-7.9f(15); and as may be prescribed by state law. GONTER shall also perform all of the duties of ASSISTANT TREASURER.

12. GONTER shall attend all meetings of the Mayor and Council, and any meetings of any committee or subcommittee of the Borough Council when requested. He shall also attend contract negotiation meetings, Department Head meetings, disciplinary meetings or hearings, and any court or hearing procedure when the Mayor, Council or Attorney representing the borough requests his presence.

13. GONTER shall make himself available for emergencies (in person) or when otherwise needed (by phone) to the Mayor, Council, Borough Clerk, any attorney representing the borough, the borough engineer, the Police Chief or his/her designee, and all Department Heads.

14. HEALTH INSURANCE. The borough agrees to provide the same health insurance as it provides to its CWA employees, with the same level of contribution to be made by the employee. If GONTER does not opt to receive health insurance, he is eligible for the stipend offered by the borough which is a calculated amount based on what his contribution would have

been and the savings to the borough. The stipend is a maximum of \$5,000 per year.

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

BOROUGH OF WEST LONG BRANCH

Witness:

CAROLINA SANTOS
Borough Clerk

By: _____
JANET W. TUCCI, Mayor

By: _____
JASON GONTER

Councilmember offered the following resolution and moved its adoption:

9/20/23

RESOLUTION APPROVING BOROUGH ADMINISTRATOR CONTRACT

WHEREAS, JASON GONTER was appointed to the position of Borough Administrator on September 6, 2023 via Resolution No. R-23-121 *Resolution Appointing Borough Administrator*, effective September 18, 2023; and

WHEREAS, the Borough does hereby engage and retain the services of JASON GONTER to continue to serve as the Borough Administrator for the Borough of West Long Branch, which employment is subject to the conditions listed in the attached contract.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the annexed form of contract entitled “WEST LONG BRANCH ADMINISTRATOR CONTRACT” be and the same is hereby approved, and the Mayor and Borough Clerk are hereby authorized to sign the same on behalf of the Borough.

Seconded by Councilmember 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 September 20, 2023.

BOROUGH CLERK

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION GRANTING ISSUANCE OF A NEW LICENSE UPON FAILURE
TO TIMELY RENEW PURSUANT TO N.J.S.A. 33:1-12.18 FOR THE 2022-2023
LICENSE TERM FOR RAVI RANDAL CORP**

9/20/23

WHEREAS, liquor license renewal applications must be filed prior to the commencement of a new license term or not later than 30 days after the commencement thereof; and

WHEREAS, when timely renewal is not filed, the licensee may petition for the issuance of a “new license” pursuant to N.J.S.A. 33:1-12.18 in which the Director may authorize the issuance of said “new license” if he determines that the applicant’s failure to timely apply was due to circumstances beyond his or her control or other extraordinary circumstances; and

WHEREAS, RAVI RANDAL CORP, Liquor License No. 1353-32-003-003, submitted the renewal application and paid the municipal fee on June 24, 2022, to the Borough of West Long Branch, paid the State fee on March 17, 2023, and petitioned for relief with the late filing fee in July 11, 2023; and

WHEREAS, the Division of Alcoholic Beverage Control (hereinafter “ABC”), in its special ruling as to License No. 1353-32-003-003, Docket No. 07-23-663, found that the licensee demonstrated circumstances beyond his/her control and, therefore, granted the relief sought in the verified petition; and

WHEREAS, the application for the 2022-2023 license term is considered an application for a “new license”, in which the licensee is required to file a 12-page application and advertise in accordance with N.J.A.C. 13:2-2.5; and

WHEREAS, the licensee has accomplished such application and such advertising and now qualifies for the Borough’s consideration to grant/deny the license application.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of West Long Branch hereby grants the application for a new license to RAVI RANDAL CORP, License No. 1353-32-003-003, with respect to Docket. No. 07-23-663 as issued by the State of New Jersey Department of Law and Public Safety, Division of ABC;

AND BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the licensee and to the Alcoholic Beverage Control office.

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 September 20, 2023.

BOROUGH CLERK

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION RENEWING LIQUOR LICENSE FOR 2023-2024

9/20/23

WHEREAS, the Borough Council of the Borough of West Long Branch granted a new license to RAVI RANDAL CORP, License No. 1353-32-003-003, with respect to Docket. No. 07-23-663 as issued by the State of New Jersey Department of Law and Public Safety, Division of ABC for the 2022-2023 license year, via Resolution No. R-23-124; and

WHEREAS, RAVI RANDAL CORP is now eligible for approval of a license renewal for the 2023-2024 license year pursuant to N.J.S.A. 33:1-12.39, with respect to Docket. No. 05-23-505; and

WHEREAS, RAVI RANDAL CORP submitted the necessary paperwork, paid the required municipal and state fees, and has obtained necessary Tax Clearance Status for the current license year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following liquor license be renewed subject, however, to the rules, regulations, and ordinances affecting the same, said license to expire on June 30, 2024.

PLENARY RETAIL CONSUMPTION LICENSE

<u>NAME</u>	<u>LOCATION</u>	<u>LICENSE NUMBER</u>
Ravi Randal Corporation	<i>Inactive/Pocket License</i>	1353-32-003-003

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 September 20, 2023

BOROUGH CLERK

P.O. Type: All Include Project Line Items: Yes Open: N Paid: N Void: N
Range: First to Last Rcvd: Y Held: Y Aprv: N
Format: Condensed Bid: Y State: Y Other: Y Exempt: Y
Vendors: All Include Non-Budgeted: Y
Rcvd Batch Id Range: First to Last

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
23-00580	04/28/23	GTNC0005	GTN CONSTRUCTION	BORO HALL REPAIRS (CEILING)	Open	6,242.00	0.00
23-00971	07/18/23	N0049	NJ ST ASSN OF CHIEFS OF POLICE	SGT. EXAMS 8/17 & 9/7 2023	Open	5,675.00	0.00
23-00983	07/21/23	SERV005	SERVICE TIRE TRUCK CENTER	CODE ENFORCEMENT - 2 TIRES	Open	236.52	0.00
23-01020	08/01/23	W0058	WIRELESS COMMUNICATIONS &	RADIO REPAIR	Open	555.00	0.00
23-01046	08/03/23	GENTI005	GENTILLINI CHEVROLET LLC	2023 CHEVY TAHOE FOR POLICE	Open	54,978.55	0.00
23-01061	08/07/23	G0002	GALL'S INC..	CODE ENFORCEMENT CLOTHING J.B.	Open	294.00	0.00
23-01076	08/09/23	C0141	COUNTY OF MONMOUTH	INV#: WLB EMS 06-23-09 JUN '23	Open	1,610.67	0.00
23-01085	08/10/23	A0078	AUTOMATED BLDG CONTROLS, INC.	PD INVOICE NO. S42209 DOS 7/18	Open	2,724.23	0.00
23-01099	08/15/23	D0109	DIDI'S AUTOMOTIVE II,LLC	POLICE INV#: 230801003	Open	7.49	0.00
23-01128	08/22/23	P0044	PITNEY BOWES, INC.	POSTAGE INV#: 1023708569	Open	254.96	0.00
23-01136	08/22/23	W0017	WEST LONG BRANCH FIRST AID	2023 RENT - QUARTER 3	Open	750.00	0.00
23-01174	08/31/23	E0038	EMS CONSULTING SERVICES	WLBEMS CLASS 8/17/2023	Open	350.00	0.00
23-01176	08/31/23	G0117	GRAINGER	DPW ORDER NO. 1490008841	Open	29.26	0.00
23-01177	08/31/23	AVAYA005	AVAYA FINANCIAL SERVICES	INVOICE NO. 43059741	Open	93.80	0.00
23-01178	08/31/23	SUSPE005	SUSPECT TECHNOLOGIES	BODY WORN CAM SUBSCRIPTION FEE	Open	1,000.00	0.00
23-01182	08/31/23	L0002	LANIGAN ASSOCIATES	POLICE BADGES ETC	Open	659.70	0.00
23-01184	08/31/23	W0076	WARSHAUER GENERATOR,LLC	GENERATOR AT PD INV#: 89560	Open	779.48	0.00
23-01185	08/31/23	J0050	JUNGLE LASERS, LLC	ANNUAL INV THRU 8/2024 #61581	Open	3,150.00	0.00
23-01191	08/31/23	VICTO005	VICTORIA GARDENS CONDOMINIUMS	2023 QTR 2 - STREET LIGHTS	Open	95.98	0.00
23-01192	08/31/23	E0016	EDC ELECTRIC	INVOICE NO. 23A355 7/24/2023	Open	400.00	0.00
23-01193	08/31/23	H0003	PAUL HABERMANN	RX EYE EXAM REIMBURSEMENT	Open	275.00	0.00
23-01195	08/31/23	C0083	COMCAST & XFINITY *	ACCT NO. 8499 05 216 0069847	Open	729.45	0.00
23-01196	08/31/23	LAURA005	LAURA AMADA	ADMINISTRATOR GIFT	Open	230.31	0.00
23-01197	08/31/23	N0005	NAPA AUTO PARTS CENTER	INVOICE NO. 463367	Open	28.68	0.00
23-01201	08/31/23	N0005	NAPA AUTO PARTS CENTER	OEM INVOICES, VARIOUS	Open	233.85	0.00
23-01202	08/31/23	CASAP005	Casa Payroll Service	PAYROLL INVOICES, VARIOUS	Open	829.80	0.00
23-01204	09/08/23	S0012	SEABOARD WELDING	DPW INVOICE NO. 957674 CYL/HZT	Open	18.50	0.00
23-01205	09/08/23	N0057	NORCIA CORP.	INVOICE NO. 83365 TRUCK REPAIR	Open	1,021.91	0.00
23-01215	09/08/23	M0252	MAZZA RECYCLING SERVICES, LTD.	AUG 2023 RECYCLING	Open	441.47	0.00
23-01216	09/08/23	D0125	DELISA WASTE SERVICES	AUG 2023 - TIPPING 16-31	Open	14,796.83	0.00
23-01219	09/08/23	C0083	COMCAST & XFINITY *	ACCT NO. 8499 05 216 0042620	Open	1,006.69	0.00
23-01220	09/08/23	C0083	COMCAST & XFINITY *	ACCT NO. 8499 05 216 0043313	Open	805.61	0.00
23-01221	09/08/23	C0083	COMCAST & XFINITY *	ACCT NO. 8499 05 216 0041994	Open	726.60	0.00
23-01222	09/08/23	V0027	VERIZON *	ACCT NO. 3422123956-00001	Open	2,081.75	0.00
23-01224	09/08/23	TELE005	TELETRAC NAVMAN	DPW INVOICE NO. 92885983	Open	189.50	0.00
23-01225	09/08/23	MAZZA005	MAZZA MULCH	AUG BRUSH TICKETS	Open	2,436.00	0.00
23-01228	09/08/23	M0243	MICHAEL RESCINIO	EMS - REPAIRS TO TABLET 53-57	Open	799.95	0.00
23-01229	09/08/23	N0029	NEW JERSEY AMERICAN WATER CO.	ACCT NO. 1018-210041401043	Open	10,584.45	0.00
23-01233	09/12/23	C0083	COMCAST & XFINITY *	ACCT NO. 8499 05 216 0050458	Open	320.45	0.00
23-01241	09/12/23	A0173	ANTHONY VALENTI	DUPLICATE VEHICLE TITLES DPW	Open	180.00	0.00
23-01244	09/13/23	C215	CAROLINA SANTOS	REIMBURSEMENT FOR ADMIN FAREWL	Open	51.59	0.00
23-01245	09/13/23	T0119	JANET TUCCI	FAREWELL PARTY REIMBURSEMENT	Open	487.08	0.00
23-01247	09/13/23	M0054	BCM ONE	INVOICE NO. 5473997	Open	6,499.00	0.00
23-01250	09/13/23	J0042	JERSEY CENTRAL POWER & LIGHT	VARIOUS ACCOUNTS	Open	6,349.87	0.00
23-01251	09/13/23	JENNI005	JENNIFER O'SULLIVAN	CAKE REIMBURSEMENT	Open	99.00	0.00

Total Purchase Orders: 45 Total P.O. Line Items: 0 Total List Amount: 131,109.98 Total Void Amount: 0.00

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	3-01	131,109.98	0.00	131,109.98	0.00	0.00	131,109.98
Total of All Funds:		131,109.98	0.00	131,109.98	0.00	0.00	131,109.98