

SUBJECT TO CHANGE
BOROUGH OF WEST LONG BRANCH
COUNCIL MEETING

February 5, 2020
(Immediately Following Caucus Meeting Which Starts at 6:30 PM)

MAYOR JANET W. TUCCI PRESIDES

MAYOR TUCCI REPORTS SUNSHINE LAW COMPLIED WITH

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

ABSENT:

READING AND APPROVAL OF MINUTES:

Special Minutes
January 29, 2020

REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

COUNCILMAN CIOFFI (FIRE & EMS):

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

COUNCILMAN MIGLIACCIO (PUBLIC PROPERTY):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

BOROUGH ADMINISTRATOR DOLLINGER:

BOROUGH CLERK COLE:

1. Centennial of the Ratification of the 19th Amendment

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

1. Notice of the Filing and Public Hearings – Verified Petition of JCP&L for Approval of Rate Adjustments Pursuant to the JCP&L Reliability Plus Infrastructure Investment Program (September 2019 JCP&L Reliability Plus Rate Filing), BPU Docket No. ER19091238

COMMUNICATIONS:

2. Notice of Public Hearings in the Matter of the Petition of New Jersey Natural Gas Company for a Determination Concerning the Holmdel Regulator Station Pursuant to N.J.S.A. 40:55D-19 – BPU Docket No. GO18111257; OAL Docket No. PUC 17810-2018S
3. Request to Use Monmouth University MAC for Graduation Ceremony – Ranney School
4. Notice of Public Hearing – Borough of Oceanport Amendment to Master Plan Housing Element and Fair Share Plan
5. New Jersey American Water Company's Petition to Change the Levels of its Purchased Water Adjustment Clause and Purchased Wastewater Treatment Clause
6. Emergency Medical Services Membership Application – Jessica Egan (Active)
7. Emergency Medical Services Membership Application – Meagan Donahue (Auxiliary)
8. Emergency Medical Services Membership Application – Lejla Hodzic (Auxiliary)
9. Emergency Medical Services Membership Application – Justin Kramarz (Auxiliary)
10. Emergency Medical Services Membership Application – Amanda Kwiatkowski (Auxiliary)
11. Emergency Medical Services Membership Application – Hannah MacDonald (Auxiliary)
12. Emergency Medical Services Membership Application – Nadine McManus (Auxiliary)
13. Emergency Medical Services Membership Application – Alison Wright (Auxiliary)

ORDINANCES:

1. Ordinance No. O-20-4
An Ordinance Setting Fixed Fines for Certain Parking Ordinance Violations in the Borough of West Long Branch
Second & Final Reading

RESOLUTIONS:

1. Resolution Establishing Affordable Housing Income Limits in the Borough of West Long Branch (R-20-35)

RESOLUTIONS:

2. Resolution Approving 2020 Borough Engineer Contract (R-20-36)
3. Resolution Approving CodeRED Next Services Agreement With Onsolve, LLC (R-20-37)
4. Resolution – Emergency Temporary Appropriations (R-20-38)
5. Resolution Authorizing Fees for Field Investigation and Feasibility Study (Phase 1) Services in Connection With the Community Center Building Renovation (R-20-39)
6. Resolution Authorizing Release of Performance Guarantees for Friendship Subdivision (R-20-40)

UNFINISHED BUSINESS:

NEW BUSINESS:

1. RL 20-5 – PTA Eatontown School
2. RL 20-6 – PTA Eatontown School

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

ORDINANCE NO. O-20-4

**AN ORDINANCE SETTING FIXED FINES FOR
CERTAIN PARKING ORDINANCE VIOLATIONS
IN THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, it has come to the attention of the governing body that certain violations of municipal parking ordinances require a court appearance by the person receiving a summons; and

WHEREAS, the governing body feels that it will be more appropriate to have fixed fines for such violations such that a personal appearance, together with the taking off of work, possible loss of money, obtaining someone to watch children or infirm adults is not appropriate and, therefore, such violators should be permitted to pay their fines by mail;

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

SECTION 1 PARKING FINES.

Any violation of a parking ordinance in the Borough of West Long Branch, when such violation is not a violation of a state statute, shall result in a fine of \$50.00.

SECTION 2 EXCEPTIONS.

Examples of ordinances that do not fall under this fixed fine schedule are handicap parking zones, fire zones, parking too close to a Stop sign, and parking too close to a fire hydrant. This list is not meant to be extensive, but only illustrative.

SECTION 3 EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage, according to law, and upon approval by the New Jersey Administrative Office of the Courts, and any other officials, such as the County Assignment Judge or County Presiding Municipal Court Judge. Any summons issued prior to the effective date of this ordinance shall be subject to the law in effect prior to passage of this ordinance.

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION ESTABLISHING AFFORDABLE HOUSING
INCOME LIMITS IN THE BOROUGH OF WEST LONG BRANCH**

2/5/20

WHEREAS, the Borough of West Long Branch was involved in litigation many years ago in the matter of WLBVP, LLC vs. the Borough of West Long Branch, et al., in the Superior Court of New Jersey, Docket No. MON-L-551-06; and

WHEREAS, the aforementioned litigation resulted in a final order of the court following both a fairness hearing and a compliance hearing, which order granted protections to the Borough from affordable housing claims; and

WHEREAS, the owner of the Avalon Bay apartments on Monmouth Road, through their attorney, has requested that the Borough adopt the updated affordable housing income limits as set forth in litigation which the Borough of West Long Branch was not involved; and

WHEREAS, the Borough finds this request appropriate and consistent with what is occurring in most municipalities around the state;

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached "2019 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE" for Region 4, in which Monmouth County is part, be and are hereby adopted. The income limits set forth on the chart under Region 4 shall remain in effect until further resolution or other formal action by the governing body of the Borough of West Long Branch.

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

AYES:
NAYS:
ABSENT:
ABSTAIN:

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - May 2019

2019 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents** Sales***	Regional Asset Limit****
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$66,607	\$71,365	\$76,122	\$85,637	\$95,153	\$98,959	\$102,765	\$110,377	\$117,989	\$125,602	2.6% 4.73%	\$183,994
	Moderate	\$53,286	\$57,092	\$60,898	\$68,510	\$76,122	\$79,167	\$82,212	\$88,302	\$94,391	\$100,481		
	Low	\$33,303	\$35,682	\$38,061	\$42,819	\$47,576	\$49,479	\$51,382	\$55,189	\$58,995	\$62,801		
	Very Low	\$19,982	\$21,409	\$22,837	\$25,691	\$28,546	\$29,688	\$30,829	\$33,113	\$35,397	\$37,680		
Region 2 Essex, Morris, Union and Warren	Median	\$70,537	\$75,576	\$80,614	\$90,691	\$100,767	\$104,798	\$108,829	\$116,890	\$124,952	\$133,013	2.6% 5.67%	\$193,321
	Moderate	\$56,430	\$60,460	\$64,491	\$72,553	\$80,614	\$83,838	\$87,063	\$93,512	\$99,961	\$106,410		
	Low	\$35,269	\$37,788	\$40,307	\$45,345	\$50,384	\$52,399	\$54,414	\$58,445	\$62,476	\$66,506		
	Very Low	\$21,161	\$22,673	\$24,184	\$27,207	\$30,230	\$31,439	\$32,649	\$35,067	\$37,485	\$39,904		
Region 3 Hunterdon, Middlesex and Somerset	Median	\$82,810	\$88,725	\$94,640	\$106,470	\$118,300	\$123,032	\$127,764	\$137,228	\$146,692	\$156,156	2.6% 9.64%	\$225,261
	Moderate	\$66,248	\$70,980	\$75,712	\$83,176	\$94,640	\$98,426	\$102,211	\$109,782	\$117,354	\$124,925		
	Low	\$41,405	\$44,363	\$47,320	\$53,235	\$59,150	\$61,516	\$63,882	\$68,614	\$73,346	\$78,078		
	Very Low	\$24,843	\$26,618	\$28,392	\$31,941	\$35,490	\$36,910	\$38,329	\$41,168	\$44,008	\$46,847		
Region 4 Mercer, Monmouth and Ocean	Median	\$72,165	\$77,319	\$82,474	\$92,783	\$103,092	\$107,216	\$111,340	\$119,587	\$127,834	\$136,082	2.6% 3.91%	\$193,919
	Moderate	\$57,732	\$61,855	\$65,979	\$74,226	\$82,474	\$85,773	\$89,072	\$95,670	\$102,268	\$108,865		
	Low	\$36,082	\$38,660	\$41,237	\$46,392	\$51,546	\$53,608	\$55,670	\$59,794	\$63,917	\$68,041		
	Very Low	\$21,649	\$23,196	\$24,742	\$27,835	\$30,928	\$32,165	\$33,402	\$35,876	\$38,350	\$40,825		
Region 5 Burlington, Camden and Gloucester	Median	\$63,070	\$67,575	\$72,080	\$81,090	\$90,100	\$93,704	\$97,308	\$104,516	\$111,724	\$118,932	2.6% 3.09%	\$166,981
	Moderate	\$50,456	\$54,060	\$57,664	\$64,872	\$72,080	\$74,963	\$77,846	\$83,613	\$89,379	\$95,146		
	Low	\$31,535	\$33,788	\$36,040	\$40,545	\$45,050	\$46,852	\$48,654	\$52,258	\$55,862	\$59,466		
	Very Low	\$18,921	\$20,273	\$21,624	\$24,327	\$27,030	\$28,111	\$29,192	\$31,355	\$33,517	\$35,680		
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$53,714	\$57,550	\$61,387	\$69,061	\$76,734	\$79,803	\$82,873	\$89,011	\$95,150	\$101,289	2.6% 5.15%	\$143,713
	Moderate	\$42,971	\$46,040	\$49,110	\$55,248	\$61,387	\$63,843	\$66,298	\$71,209	\$76,120	\$81,031		
	Low	\$26,857	\$28,775	\$30,694	\$34,530	\$38,367	\$39,902	\$41,436	\$44,506	\$47,575	\$50,644		
	Very Low	\$16,114	\$17,265	\$18,416	\$20,718	\$23,020	\$23,941	\$24,862	\$26,703	\$28,545	\$30,387		

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

** This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 was 2.2%. The increase for 2019 is 2.6% (Consumer price index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, or 2018 may increase rent by up to the applicable combined percentage including 2019 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied 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.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3).

Councilmember offered the following resolution and moved its adoption:

2/5/20

RESOLUTION APPROVING 2020 BOROUGH ENGINEER CONTRACT

WHEREAS, FRANCIS W. MULLAN, of the firm of T&M ASSOCIATES, was appointed by the Mayor and Borough Council to the position of Borough Engineer for calendar year 2020 under the fair and open process as required by Ordinance No. O-06-9; and

WHEREAS, FRANCIS W. MULLAN submitted the attached contract for services for calendar year 2020 for approval by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached contract for services to be provided by the Borough Engineer be and the same is hereby approved for calendar year 2020, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by law.

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CODERED NEXT SERVICES
AGREEMENT WITH ONSOLVE, LLC**

2/5/20

WHEREAS, the Borough of West Long Branch, at the recommendation of the West Long Branch Police Committee and West Long Branch Police Department, entered an agreement with ONSOLVE, LLC, f/k/a EMERGENCY COMMUNICATIONS NETWORK, LLC, 780 West Granada Boulevard, Ormond Beach, Florida 32174, for their **CodeRED Emergency Notification System** in 2019 to provide the ability to send out important announcements to the Borough as a whole or in sections; and

WHEREAS, the 2019 agreement provided for 15,000 system minutes at an annual cost of \$3,500.00; and

WHEREAS, ONSOLVE, LLC, submitted the attached CODERED NEXT SERVICES AGREEMENT for approval, which Agreement is for a one-year period, beginning January 1, 2020, for 15,000 system minutes at an annual cost of \$3,500.00; and

WHEREAS, the Borough Administrator has investigated this matter and recommends entering an agreement for this service; and

WHEREAS, funds 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 CODERED NEXT SERVICES AGREEMENT is hereby approved and 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:

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION
EMERGENCY TEMPORARY APPROPRIATIONS**

2/5/20

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

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

Capital Improvements:

Communality Center Renovations	\$100,000.00
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Seconded by Councilmember and carried upon the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING FEES FOR FIELD INVESTIGATION
AND FEASIBILITY STUDY (PHASE 1) SERVICES IN
CONNECTION WITH THE COMMUNITY CENTER BUILDING RENOVATION**

2/5/20

WHEREAS, the Borough Engineer submitted a proposal by letter dated January 31, 2020, outlining fees for field investigation and feasibility study (Phase 1) services relative to the Community Center building renovation; and

WHEREAS, said proposal calls for field investigation and feasibility study (Phase 1) fees in a not-to-exceed amount of \$17,400; 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 Borough Engineer is hereby authorized to perform field investigation and feasibility study work relative to the Community Center building renovation, as outlined in his January 31, 2020, letter to the Borough Administrator, for an amount not to exceed \$17,400; and

BE IT FURTHER RESOLVED that this contract is awarded as a professional service without the need for public bidding.

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

AYES:
NAYS:
ABSENT:
ABSTAIN:

Councilmember offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING RELEASE OF
PERFORMANCE GUARANTEES FOR
FRIENDSHIP SUBDIVISION**

2/5/20

WHEREAS, the Borough Engineer received a request for the release of the performance guarantees in connection with the Friendship Subdivision project, known as Lots 214 and 215 in Block 60; and

WHEREAS, the Borough Engineer has reviewed the degree of completion of the project and reported by letter dated January 29, 2020, that the applicant has satisfactorily completed all the improvements required by the performance guarantee posted for the project and recommended the release of the performance guarantees subject to the posting of a maintenance guarantee;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the performance guarantees and engineering fees posted for this project be released on the following conditions:

A. All outstanding engineering inspection fees in connection with this project shall be paid.

B. A maintenance guarantee shall be posted in the sum of \$94,891.50. If such guarantee is in the form of bond or other surety, it shall be subject to the review and approval of the Borough Attorney.

C. The maintenance guarantee shall run for a period of two years.

D. The Finance Office retains \$1,500 of the inspection fees to cover the cost of the final inspection and any interim basin inspection fees associated with the maintenance bond.

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

AYES:
NAYS:
ABSENT:
ABSTAIN:

BOROUGH OF WEST LONG BRANCH

Bill List by P.O. Number

PO#	Vendor	PO Description	Amount	Check No.
17-01831	T&M	Various Invoices	\$13,664.71	1713 (Capital)
19-01614	JCPL	Street Lights 100 011 670 989	\$205.91	9710
19-01615	JCPL	Street Lights 100 011 671 037	\$4,155.88	9711
19-01633	JCPL	Street Lights 100 011 670 930	\$1,176.91	9712
19-01627	NJ American Water	Water Bills - Various Accts.	\$1,683.08	9709
20-00007	Comcast/Xfinity	Internet @ EMS Building	\$805.89	9707
20-00008	Caruso & Baxter	January Invoices	\$1,551.35	9708
20-00009	Caruso & Baxter	February 2020 Retainer	\$5,600.92	9708
20-00010	T&M	Christ the King Invoice	\$4,101.76	1813 (Trust)
20-00011	T&M	Poplar Ave. Demolition	\$1,203.94	9714

Total Purchase Orders: 10

Total List Amount: \$34,150.35