

April 5, 2017
6:38 PM

A caucus meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART
ABSENT: PENTA

BOROUGH ATTORNEY BAXTER:

1. The Borough Attorney drafted a proposed amendment to the ordinance concerning trucks and vans and submitted it to the Ordinance Review Committee. A meeting of the Ordinance Review Committee was scheduled for Wednesday, April 12th, at 6:30 PM, to review it before it is presented to the entire Council.

BOROUGH CLERK COLE:

1. The Borough Clerk received the following e-mail, dated March 17th:

Dear Lauri Cole,

I David Bibi am the new buyer of 18 Darien Drive in West Long Branch. I understand there is a moratorium on work to be done on a newly paved road for 5 years. I am asking for permission for the gas company to install a new gas line to our house for 3 main Reasons.

- 1) *Although the Township gave the proper notification to home owners, well in advance of newly paved road, we did not own the house until after road was paved.*
- 2) *As of now we have dirty oil heat that is not sufficient to supply our home and need a new unit. We prefer installing a new gas furnace. Natural gas is the cleanest, most efficient, cost effective, and abundant, producing less pollution and fewer greenhouse gasses than its counterparts.*

BOROUGH CLERK COLE: (Contd.)

3) Our neighbors would also prefer us not having an underground oil tank there is a major danger of potential leakage.

Please let me us now your decision as soon as possible.

Thank you in advance,

*David Bibi
94 Roosevelt Ave
Deal NJ 07723*

Ordinance 15-4.6b states that, "No permit shall be issued by the Director of Public Works to any person given notice under this section which would allow an excavation or opening in paved and improved street surface less than five (5) years old unless the applicant can clearly demonstrate that public health or safety requires that the proposed work be permitted or unless an emergency condition exists."

The Council denied this request.

COUNCILMAN NEYHART:

1. The water company replaced meters in the grass area behind the curb on Fulton Avenue and threw dirt down. The topsoil sunk causing a tripping hazard. The Borough Clerk was directed to notify a representative of the water company of the problem so that it can be corrected.

MAYOR TUCCI:

1. Road openings were done by one of the utility companies on DeForrest Place and Lloyd Avenue that need attention. Councilman Migliaccio noted that the ordinance allows for these openings to settle for a certain period of time before the utility company is required to come back to do restoration work.
2. A resident of Thompson Street has requested permission to allow Yardworks to access her backyard by way of the Borough's

MAYOR TUCCI: (Contd.)

property to deliver a shed. The Borough Clerk indicated that similar requests have been permitted in the past and that she would handle the request.

Councilwoman Mango moved that the Council enter Executive Session at 6:45 PM. Seconded by Councilman Neyhart and carried unanimously.

EXECUTIVE SESSION RESOLUTION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

Fire Department Personnel; Botti Litigation Update; Ciaglia Litigation Update; Website Service Contract; Appointees; Police Personnel; Buildings & Grounds Issue

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

When the need for privacy as to each item no longer exists.

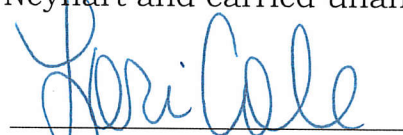
BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- _____ 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
- _____ 2. Rendered confidential by State Statute or Court Rule.
- _____ 3. Would constitute an unwarranted invasion of individual privacy.
- _____ 4. Deals with collective bargaining or any employment agreement, including negotiations positions.

- ☐ 5. Deals with purchase, lease or acquisition of real property with public funds.
- ☐ 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest.
- ☐ 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public.
- ☐ 8. Related to investigation of violations or possible violations of the law.
- ☒ 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- ☒ 10. Falls within the attorney-client privilege and confidentiality is required.
- ☒ 11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly.
- ☐ 12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

Councilman Neyhart moved Council adjourn Executive Session at 7:49 PM, seconded by Councilwoman Juliano, and carried unanimously.

Councilman Migliaccio moved Council adjourn Caucus Session at 7:54 PM. Seconded by Councilman Neyhart and carried unanimously.


BOROUGH CLERK