

December 6, 2017

6:33 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, PENTA

ABSENT: NONE

BOROUGH ATTORNEY BAXTER:

1. The Local Finance Board unanimously approved the Borough's application to issue refunding bonds/notes in the amount of \$855,000 in connection with the Ciaglia and Botti settlements. There is a resolution on tonight's regular agenda to combine the two settlements and provide for the sale of refunding bonds to the Monmouth County Improvement Authority. The C.F.O. expects to have funding in January 2018.
2. A representative of Integrity Housing contacted the Borough Attorney. They are a public interest group that buys and improves housing for low to moderate income people and become the landlord. The Borough Attorney informed the person that the Borough is basically built out and that they would have to identify a specific property first. The representative inquired about Peter Cooper Village and was referred to their attorney.
3. Ordinance No. O-17-9, known as the "No Knock" ordinance, was introduced at the November 1st meeting. Since then, the Borough Attorney prepared another draft proposing changes to Section 9 regarding the fees based on information he learned at the League of Municipalities Conference. Specifically, under the latest version, the fee for Peddlers would increase from \$50.00 per calendar month to \$200.00 per calendar month and from \$15.00 for one week to \$50.00 for one week. Further, Ordinance 4-3.10e, which covers all other licenses, would be amended to increase the fee from \$50.00 per calendar year to \$500.00 per calendar year. After

BOROUGH ATTORNEY BAXTER: (Contd.)

some discussion, it was decided to include a fee of \$25.00 per day for borough-run functions. It was determined to re-introduce Ordinance No. O-17-9 with the above-mentioned changes at tonight's regular meeting.

4. A second draft ordinance amending fees for various building and occupancy permits has been posted in Dropbox for discussion this evening. This latest draft deletes any reference to the Fire Chief in Ordinances 13-1.3d, 13-1.4a(1) and 13-1.4b. The fire inspection and permit fees section has been changed in accordance with N.J.A.C. 5:70. The Council was in agreement with the noted changes and decided to introduce the ordinance at tonight's regular meeting so that the ordinance will take effect January 1, 2018.

COUNCILMAN NEYHART:

1. It was determined that the Public Works Department will begin collecting the garbage and recycling at the West Long Branch Community Center conditioned upon the removal of the dumpster and the use of garbage containers instead. Formal action to approve this item will be taken at tonight's regular meeting.

BOROUGH ATTORNEY BAXTER:

1. The Borough Attorney attended a seminar at the League Conference regarding vacant property registration. The Township of Deptford has adopted an ordinance requiring that vacant properties be registered with the municipality. The Borough Attorney will obtain a copy of the ordinance for the Council's consideration.
2. The Borough Attorney attended a seminar at the League Conference regarding OPRA. It was confirmed that text messages are subject to OPRA. However, it was noted that Verizon only maintains text messages for a couple of days. Also, if a request is made for a document, the Records Custodian can direct the requester to a specific link to retrieve the document only if a specific link exists.

Councilman Neyhart mentioned that he asked the Borough Administrator to take a picture of the Mayor and Council following tonight's meeting for use in the 2018 Calendar.

Councilman Bray moved that the Council enter Executive Session at 7:02 PM. Seconded by Councilwoman Mango 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:

Code Enforcement Officer Contract; 2018 Legal Fee Rate; Compliance Investigations Litigation; Personnel Hours; Fire Personnel; CodeRed Agreement; Public Buildings; Anonymous Information Request

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.

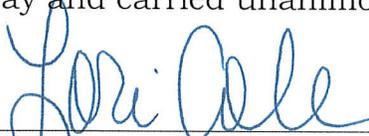
BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

- _____ 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.
- X 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 8:27 PM, seconded by Councilman Bray, and carried unanimously.

Councilman Neyhart moved Council adjourn Caucus Session at 8:34 PM. Seconded by Councilman Bray and carried unanimously.


BOROUGH CLERK