

February 7, 2018

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, MANGO, MIGLIACCIO, NEYHART

ABSENT: JULIANO, PENTA

The Emergency Management Coordinator, Steven Cioffi, was in attendance this evening to recommend the installation of solar-powered flashing LED lights on the pedestrian crossing sign on Locust Avenue at Lakeview Avenue. He felt that the lights were necessary because of the large events being held at Franklin Lake and the number of pedestrians that cross Locust Avenue to get to the Lake. It was stated that approval will probably be necessary from the County Engineer since Locust Avenue is a County road. The Council agreed that this was a good idea and felt that there may be other locations in need of the same thing. Councilman Bray offered to take the lead on this endeavor.

Mayor Tucci and members of the Council expressed their appreciation to Mr. Cioffi for the great work he does as the Emergency Management Coordinator in keeping the public informed.

MAYOR TUCCI:

1. Several ordinances/resolutions adopted by other government agencies prohibiting the sale of marijuana were posted in Dropbox for the Council's review and for consideration by the Ordinance Review Committee.
2. The Betty McElmon Elementary School was recognized for being named one of the top fifty schools in New Jersey.

COUNCILMAN NEYHART:

1. Councilman Neyhart announced that the March 21st meeting of the

Mayor and Council will begin with Borough awards and recognitions.

BOROUGH ATTORNEY BAXTER:

1. Mayor Tucci, Councilman Bray, the Borough Administrator, the Borough Attorney, and the Chief Financial Officer met to discuss the process to be used for the developer escrow accounts. The Borough Attorney indicated that he will prepare a memorandum documenting the meeting outcome.
2. A new law went into effect on January 15, 2018, with major changes to the performance and maintenance guarantee requirements under the Municipal Land Use Law. The Borough Attorney asked the Borough Engineer's office to prepare a summary of the changes for submission and presentation to the Mayor and Council and the members of the Planning and Zoning Boards.
3. As a result of recently enacted changes to the federal tax code, some taxpayers prepaid their 2018 real estate taxes in 2017 for the purpose of claiming the deduction on their income tax returns. However, it now appears that they may not be able to deduct the third and fourth quarter taxes that were paid in 2017. The Division of Local Government Services issued Local Finance Notice 2018-04 which provides guidance on refunding third and fourth quarter 2018 property tax payments made on or before December 31, 2017. The Borough Attorney consulted with the Chief Financial Officer and Tax Collector and developed a refund procedure as outlined in the Borough Attorney's January 24th letter to the Mayor and Council. Despite an objection to these refunds by a member of the Council, it was determined that a mechanism should be in place. Therefore, the Borough Attorney offered to prepare a resolution setting the procedure for consideration by the Council at the next regular meeting.

COUNCILMAN NEYHART:

1. It was noted that the September 19th meeting of the Mayor and Council falls on Yom Kippur. Therefore, it was recommended that

the September 5th and September 19th meetings be rescheduled to August 29th and September 12th beginning at 6:30 PM. It was decided to discuss this item further at the next meeting when the entire Council is present and take formal action at that time.

Councilman Bray moved that the Council enter Executive Session at 6:54 PM. Seconded by Councilman Migliaccio 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:

Administration Contracts; Environmental Contract Changes; 95 Poplar Avenue; DPW Contract Changes; AFLAC Agreement; Emergency Services Records Administrator; Jungle Lasers Contract; DPW Property

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.

- X 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.
- X 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.
- X 10. Falls within the attorney-client privilege and confidentiality is required.
- X 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 7:43 PM, seconded by Councilman Bray, and carried unanimously.

Mayor Tucci opened the meeting up to the public.

Vincent Lepore, 33 Ocean Terrace, Long Branch, thanked the Mayor and Council for calling for a study of the issue of the sale of marijuana. He specifically pointed out the resolution opposing the legalization of recreational marijuana use from the Monmouth County

Board of Chosen Freeholders that is listed on tonight's regular agenda. Councilman Neyhart acknowledged that the Ordinance Review Committee will be meeting to discuss this topic.

Mary Lynch, Locust Avenue, expressed her opposition to an ordinance banning marijuana and stated that she felt such an ordinance would be overturned. Councilman Migliaccio disagreed with Ms. Lynch and stated his concern that allowing the use of marijuana socially will increase the chance of a person driving while under the influence. Councilman Neyhart pointed out that the issue goes beyond the smoking of marijuana.

Jack Kearns, Word on the Shore, asked what entities provided the ordinances/resolutions that the Council was reviewing. He was informed that they were from Shrewsbury, Point Pleasant, Garfield, and Monmouth County.

Gerry Fawcett, Beechwood Avenue, asked if the entities mentioned are banning marijuana. She was told that they were banning it.

Councilman Neyhart moved Council adjourn Caucus Session at 8:00 PM. Seconded by Councilwoman Mango and carried unanimously.


BOROUGH CLERK