

August 5, 2020
6:06 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, CIOFFI, MANGO, PENTA, SNIFFEN
ABSENT: NEYHART

COUNCILMAN SNIFFEN:

1. The Borough Engineer's Office has offered to research available grant funding for improvements to the Owen Conservation Easement (stone parking area and sign), Franklin Lake (walking path, water foundation, and gazebo), and Sorrentino Park (walking path and fencing).

BOROUGH ADMINISTRATOR DOLLINGER:

1. Michael Mullen of Verizon provided a "booklet" with pictures for every design that was proposed, a map showing the proposed locations, and an address listing for all proposed sites in response to the Borough's request. Councilman Penta suggested inviting Mr. Mullen to the September 2nd meeting to give a presentation on the Verizon Wireless Small Cell Network. Everyone was in agreement with that approach.

BOROUGH ATTORNEY BAXTER:

1. Comcast has submitted a request to renew its franchise in West Long Branch, which currently expires on February 4, 2021. As part of the process, the Borough Council would have to either handle the renewal process on its own or appoint an advisory committee to handle it and make recommendations. It was decided that Councilmen Penta and Cioffi would head the committee and select the members.

BOROUGH ATTORNEY BAXTER: (Contd.)

2. The Borough Attorney prepared a resolution opposing an all mail-in ballot election in November for consideration at tonight's regular meeting. No one had an objection with moving forward with the resolution.
3. Jack Gabbay built out three bedrooms and a bathroom into the attic of the house located on the northwest corner of Norwood Avenue and Hollywood Avenue without permits and subsequently sought variance relief from the Zoning Board. The application was denied. The applicant then requested that the Board re-open the case to present a witness who was not available at the initial hearing. The Board denied that request, and Mr. Gabbay filed suit against the Board. The Zoning Board Attorney has reported that the Court affirmed the Board's determination in its entirety and dismissed Mr. Gabbay's complaint.

Councilman Cioffi moved that the Council enter Executive Session at 6:33 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:

Fireworks Contract; Administration Personnel; DPW Personnel; OPRA Request; Sea Bright Litigation; AT&T Agreement; Konopka Litigation; Municipal Services Act (Winding Brook); Insurance 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 Bray moved Council adjourn at 7:18 PM, seconded by Councilman Penta, and carried unanimously.


BOROUGH CLERK