

March 15, 2023
6:51 PM

A regular 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, GOMEZ, NEYHART, PENTA, SNIFFEN
ABSENT: NONE

APPROVAL OF MINUTES:

Councilman Neyhart moved the approval of the minutes of the March 1, 2023, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: BRAY, CIOFFI

Councilman Neyhart moved the approval of the minutes of the March 1, 2023, executive session meeting, and approved the release of all pages, except page 3. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: BRAY, CIOFFI

Councilman Neyhart moved the approval of the minutes of the March 1, 2023, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS: NONE
ABSENT: NONE
ABSTAIN: BRAY, CIOFFI

REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray reported that the budget is set to be introduced on April 12th, with an adoption date set for May 24th.

Councilman Cioffi reported that the Yoga in the Park program is going strong and is increasing in membership. Councilman Cioffi reported that the Easter egg hunt is scheduled for April 8th; the fishing derby is set for June 5th and the summer concert planning is moving along. The summer recreation program will run from June 26th through August 4th and the fee has increased from \$300 to \$350. Councilman Cioffi reported that the Environmental Commission will be hosting its recycling even in the Borough Hall parking lot on April 29th from 8 AM to 12 PM.

Councilman Gomez went over the Fire and EMS Captain's Report for February 2023. Councilman Gomez reported that the new ambulance for EMS is mostly ready.

Councilman Neyhart reported that the West Long Branch Police Department will be participating in the DEA drug take-back program; collections will take place on April 20th at Peter Cooper Village and April 22nd at the police station.

Councilman Penta reported that FIOS is set to be installed in West Long Branch this year, which is a huge win for the town. Councilman Penta reported that the State is finalizing paperwork to move forward with renovating Oakwood Avenue. Councilman Penta reported that plans for the FY 2023 Road Program is moving forward as well.

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Councilman Sniffen reported that the new aerators are up and running at Franklin Lake. Councilman Sniffen reported that there was a small issue in the downstairs bathroom at the police station, but it is in process of being fixed.

The Borough Administrator had nothing to report.

The Acting Borough Clerk had nothing to report.

The Borough Attorney was absent. Board Attorney Michael Irene, who was present in the Borough Attorney's place, had nothing to report on behalf of Attorney Baxter.

The Borough Engineer was absent. Julie Nastasi, the Client Manager from T&M Engineering, reported that they will be advertising the receipt of bids for the FY 2022 Road Program.

COMMUNICATIONS:

1. Tax Collector's Monthly Report – February 2023

ORDINANCES:

ORDINANCE NO. O-23-6

**AN ORDINANCE AMENDING ORDINANCES 11-9 AND O-22-4
REGARDING FEES FOR THE SUMMER RECREATION
PROGRAM IN WEST LONG BRANCH**

Ordinance No. O-23-6 was read on its **second reading** by title only.

Councilman Cioffi moved the ordinance be passed on **second reading** by title only. Seconded by Councilman Penta, and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Ordinance No. O-23-6 was published in the Asbury Park Press in the issue of March 7, 2023, and proof of publication stating that a public hearing on said ordinance would be held at this time is on file.

Mayor Tucci declared the public hearing open.

There being no one wishing to speak, Councilman Neyhart moved the public hearing be closed. Seconded by Councilman Bray and carried unanimously.

ORDINANCE NO. O-23-6

**AN ORDINANCE AMENDING ORDINANCES 11-9 AND O-22-4
REGARDING FEES FOR THE SUMMER RECREATION
PROGRAM IN WEST LONG BRANCH**

Ordinance No. O-23-6 was read on its **third and final reading** by title only.

Councilman Cioffi moved the ordinance be adopted on **third and final reading** by title only. Seconded by Councilman Penta, and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

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ORDINANCE NO. O-23-7

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS, BY AND IN THE BOROUGH OF WEST LONG BRANCH, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,056,850 THEREFOR (INCLUDING A GRANT FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION) AND AUTHORIZING THE ISSUANCE OF \$810,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

Ordinance No. O-23-7 was read on its **first reading** by title only.

Councilman Penta moved the ordinance be passed on **introduction** and to set the public hearing for April 12, 2023, at 6:30 PM. Seconded by Councilman Bray, and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING PROPOSAL FOR PROFESSIONAL SERVICES FOR PROJECT MANAGEMENT, ARCHITECTURAL, AND ENGINEERING SERVICES FOR THE DEPARTMENT OF PUBLIC WORKS BUILDING RENOVATION

WHEREAS, the Borough Engineer submitted a proposal by letter dated February 9, 2023, outlining fees project management and architectural services required for the design and construction administration and inspection phases related to the Department of Public Works Building Renovation Project; and

WHEREAS, said proposal calls for field investigation and preliminary design, architectural design development services, preparation of construction documents and bid specifications, and bidding services in a not-to-exceed amount of \$100,000.00; 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 preliminary design, architectural design development services, preparation of construction documents and bid specifications, and bidding services related to the Department of Public Works Building Renovation Project, as outlined in the February 9, 2023, letter to the Borough Administrator for an amount not to exceed \$100,000.00; and

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

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

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, the temporary appropriations heretofore adopted will be inadequate to the point when the 2022 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 2022 Budget when adopted.

ADMINISTRATIVE & EXECUTIVE:

Salaries and Wages-----	\$50,000.00
Other Expenses-----	\$8,000.00

MUNICIPAL CLERK:

Salaries and Wages-----	\$30,000.00
Other Expenses-----	\$3,000.00

FINANCE:

Salaries and Wages-----	\$20,000.00
Other Expenses-----	\$10,000.00

AUDIT:

Other Expenses-----	\$7,000.00
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ASSESSMENT OF TAXES:

Salaries and Wages-----	\$6,500.00
Other Expenses-----	\$12,880.00

COLLECTION OF TAXES:

Salaries and Wages-----	\$25,000.00
Other Expenses-----	\$4,300.00

LEGAL SERVICES AND COSTS:

Other Expenses-----	\$51,500.00
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ENGINEERING SERVICES AND COSTS:

Other Expenses-----	\$40,000.00
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PUBLIC BUILDINGS & GROUNDS:

Other Expenses-----	\$30,000.00
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PLANNING BOARD:

Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$6,000.00

ZONING BOARD OF ADJUSTMENT:

Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$4,500.00

ENVIRONMENTAL COMMISSION:

Salaries and Wages-----	\$250.00
Other Expenses-----	\$5,000.00

SENIOR CITIZEN COMMISSION:

Salaries and Wages-----	\$250.00
Other Expenses-----	\$250.00

SHADE TREE COMMISSION:

Salaries and Wages-----	\$150.00
Other Expenses-----	\$2,000.00
INSURANCE:	
Group Plans – Hospitalization/Dental-----	\$350,000.00
Other Premiums-----	\$143,000.00
FIRE:	
Fire Hydrant Service-----	\$21,000.00
Other Expenses-----	\$21,000.00
POLICE:	
Salaries and Wages-----	\$720,000.00
Other Expenses-----	\$55,000.00
TRAFFIC LIGHT MAINTENANCE:	
Other Expenses-----	\$2,100.00
FIRST AID ORGANIZATION CONTRIBUTION-----	\$8,000.00
EMERGENCY MANAGEMENT SERVICE:	
Other Expenses-----	\$1,000.00
PUBLIC WORKS:	
Salaries and Wages-----	\$158,000.00
Other Expenses-----	\$122,000.00
MUNICIPAL COURT:	
Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$2,850.00
PUBLIC DEFENDER:	
Salaries and Wages-----	\$2,250.00
SERVICES OF MONMOUTH COUNTY HEALTH DEPARTMENT-----	\$40,000.00
CONDO SERVICES-----	\$2,300.00
REGISTRAR:	
Salaries and Wages-----	\$2,840.00
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Other Expenses-----	\$600.00
DOG REGULATION:	
Other Expenses-----	\$2,500.00
BOARD OF RECREATION COMMISSIONERS:	
Salaries and Wages-----	\$500.00
Other Expenses-----	\$20,000.00
TRANSPORTATION OF CHILDREN:	
Other Expenses-----	\$14,000.00
LIBRARY:	
Salaries and Wages-----	\$200.00
Other Expenses-----	\$6,065.00
UTILITIES	
Electricity-----	\$33,000.00
Street Lighting-----	\$21,000.00
Telephone-----	\$30,000.00
Water-----	\$3,600.00
Natural Gas-----	\$19,200.00
Sewer-----	\$1,100.00
Gasoline/Diesel-----	\$40,000.00
LANDFILL DUMPING FEES-----	\$60,000.00

STATE UNIFORM CODE:

Code Enforcement Official:

Salaries and Wages-----	\$40,000.00
Other Expenses-----	\$2600.00

Zoning Official:

Salaries and Wages-----	\$40,000.00
Other Expenses-----	\$1,210.00

Life Hazard Fire Protection:

Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$1,000.00

Housing Inspector:

Salaries and Wages-----	\$2,250.00
Other Expenses-----	\$500.00

Construction Code NAT-GEO.....	\$9,400.00
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MUNICIPAL COURT SHARED SERVICE-----	\$45,000.00
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FINANCIAL ADMINISTRATION SHARED SERVICE-----	\$30,500.00
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INFORMATION TECHNOLOGY SHARED SERVICE-----	\$12,000.00
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CONTINGENT-----	\$315.00
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STATUTORY EXPENDITURES:

Other Expenses:

Social Security & Medicare-----	\$43,000.00
DCRP-----	\$3,000.00
SDI-----	\$6,700.00

MUNICIPAL DEBT SERVICE

Capital Lease Obligations.....	\$200,000.00
Green Trust Loan Repayments -----	\$10,000.00
Payment of Principal -----	\$125,000.00
Interest on Bonds -----	\$80,000.00

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

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION REDUCING PERFORMANCE GUARANTEES
FOR NORWOOD KB LLC (310 NORWOOD AVENUE)**

WHEREAS, the applicant has requested a reduction of the performance guarantees in connection with the 310 Norwood Avenue project, known as Lots 87 & 88 in Block 28; and

WHEREAS, the applicant posted the original performance guarantee in the amount of \$161,031.00; and

WHEREAS, the Borough Engineer has reviewed the degree of completion of the project to date and has reported by letter dated March 7, 2023, that a reduction in the performance guarantee is in order at this time since a portion of the improvements have been satisfactorily completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the existing performance guarantee shall be further reduced to \$48,309.30, with ten percent (\$4,830.93) of the guarantee posted in cash and the remaining ninety percent (\$43,478.37) posted in the form of a surety acceptable to the Borough Attorney.

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

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROPRIATING PRELIMINARY COSTS

WHEREAS, the Borough Council of the Borough of West Long Branch hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking; and

WHEREAS, the purpose of these preliminary costs are for the engineering and related studies to establish the feasibility of Renovating and Repairing the DPW Facility and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the amount appropriated for preliminary costs shall not exceed \$100,000.00 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the Capital Improvement Fund of the General Capital Fund.

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

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN
THE TREE CITY USA APPLICATION FOR RECERTIFICATION**

WHEREAS, the Tree City USA Program recognizes communities that effectively manage their public tree resources and encourages the implementation of community tree management based upon certain standards; and

WHEREAS, the Borough of West Long Branch was officially named a Tree City USA by the New Jersey Forest Service in 2005; and

WHEREAS, it is necessary to apply for recertification; and

WHEREAS, the West Long Branch Shade Tree Commission submitted the attached Application for Recertification for the Mayor's signature;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Mayor is hereby authorized to sign the attached Tree City USA Application for Recertification.

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

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

There was no new business.

BILLS AND CLAIMS:

Councilman Bray moved to approve the bill list. Seconded by Councilmen Sniffen and carried upon the following roll call vote:

AYES:	BRAY, CIOFFI, GOMEZ, NEYHART, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

PUBLIC HEARING:

There being no one wishing to speak, Councilman Bray moved to adjourn the Council meeting and to enter Executive Session. Seconded by Councilman Neyhart and carried unanimously.

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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; Administrative Personnel; Police Personnel; Summer Recreation Personnel; Contracts

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. |
| 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. |



ACTING BOROUGH CLERK