

May 10, 2023  
6:33 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  
ABSENT: PENTA, SNIFFEN  
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*Resolutions R-23-79, R-23-80, R-23-10, R-23-82 were read by title only and passed on motion by Councilman Neyhart, seconded by Councilman Bray, and carried unanimously.*

*Police Chief Habermann read the introductions and biographies for Officer Alonso Olsen, Officer James Belknap, Sergeant Scott Rockhill, and Lieutenant Brian Burton; Acting Clerk Santos administered the Oaths of Office.*  
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#### APPROVAL OF MINUTES:

Councilman Gomez moved the approval of the minutes of the April 26, 2023, caucus meeting. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART  
NAYS: NONE  
ABSENT: PENTA, SNIFFEN  
ABSTAIN: NONE  
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Councilman Gomez moved the approval of the minutes of the April 26, 2023, executive session meeting, and approved the release of all pages, except page 4. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART  
NAYS: NONE  
ABSENT: PENTA, SNIFFEN  
ABSTAIN: NONE  
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Councilman Gomez moved the approval of the minutes of the April 26, 2023, council meeting. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART  
NAYS: NONE  
ABSENT: PENTA, SNIFFEN  
ABSTAIN: NONE  
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#### REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray reported that the municipal budget adoption date is set for May 24<sup>th</sup>.

Councilman Cioffi reported that the recycling event was scheduled for May 13<sup>th</sup> at Borough Hall, beginning at 8AM. Councilman Cioffi reported that the Summer Recreation Program will begin June 26<sup>th</sup> and run through August 4<sup>th</sup>.

Councilman Gomez went over the monthly reports for EMS and the Fire Department. Councilman Gomez reported that the new ambulance is now in service.

Councilman Neyhart reported that Chief Habermann will be retiring in the fall of this year.

Councilman Penta was absent.

Councilman Sniffen was absent.

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The Borough Administrator was absent.

The Acting Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

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COMMUNICATIONS:

1. Zoning Monthly Report – April 2023
  2. Code Enforcement Monthly Report – April 2023
  3. Tax Collector’s Monthly Report – April 2023
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ORDINANCES:

**ORDINANCE NO. O-23-10**

**AN ORDINANCE CODIFYING LICENSING AND FEES  
FOR RETAIL FOOD ESTABLISHMENTS AND VENDING  
MACHINES IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-10 was read on its **second reading** by title only.

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

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

Ordinance No. O-23-10 was published in the Asbury Park Press in the issue of May 2, 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.

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**ORDINANCE NO. O-23-10**

**AN ORDINANCE CODIFYING LICENSING AND FEES  
FOR RETAIL FOOD ESTABLISHMENTS AND VENDING  
MACHINES IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-10 was read on its **third and final reading** by title only.

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

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

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RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING SUMMER CONCERT SERIES  
CONTRACT WITH “VINTAGE JAMM”**

WHEREAS, the West Long Branch Recreation Commission solicited a contract from VINTAGE JAMM to perform as part of the 2023 Summer Concert Series; and

WHEREAS, JANINE MAZZARO, the representative of the band, submitted the attached Engagement Contract for a performance by VINTAGE JAMM on Friday, August 11<sup>th</sup>, at 7:00 PM, at Franklin Lake, at a cost of \$800.00; and

WHEREAS, the Recreation Commission Chair recommends that the Borough Council approve this contract; 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 attached Engagement Contract for a performance by VINTAGE JAMM on Friday, August 11<sup>th</sup>, at 7:00 PM, at Franklin Lake, at a cost of \$800.00, be approved;

AND BE IT FURTHER RESOLVED, that the performer shall provide an insurance certification in favor of the Borough, and as well as a completed and signed W-9 tax ID form;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an addendum to, the Engagement Contract with VINTAGE JAMM and a copy of this resolution shall be signed by the contractor.

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

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

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May 10, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING SUMMER CONCERT SERIES  
CONTRACT WITH “THE SUPERGROUP COMMITTEE”**

WHEREAS, the West Long Branch Recreation Commission solicited a contract from THE SUPERGROUP COMMITTEE to perform as part of the 2023 Summer Concert Series; and

WHEREAS, BRYAN A. SNIFFEN, the representative of the band, submitted the attached Engagement Contract for a performance by THE SUPERGROUP COMMITTEE on Friday, August 4<sup>th</sup>, at 7:00 PM, at Franklin Lake, at a cost of \$2000.00; and

WHEREAS, the Recreation Commission Chair recommends that the Borough Council approve this contract; 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 attached Engagement Contract for a performance by THE SUPERGROUP COMMITTEE on Friday, August 4<sup>th</sup>, at 7:00 PM, at Franklin Lake, at a cost of \$2000.00, be approved;

AND BE IT FURTHER RESOLVED that the performer shall provide an insurance certification in favor of the Borough, and as well as a completed and signed W-9 tax ID form;

AND BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign said contract on behalf of the Borough; and

BE IT FURTHER RESOLVED that this resolution shall be deemed part of, and an addendum to, the Engagement Contract with THE SUPERGROUP COMMITTEE and a copy of this resolution shall be signed by the contractor.

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

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

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May 10, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION EXTENDING GRACE PERIOD FOR  
PAYMENT OF THIRD QUARTER 2023 TAXES**

WHEREAS, ordinarily third quarter tax bills were to be mailed by July 15, 2023; and

WHEREAS, because of delays beyond the Borough's control, the bills could not be mailed prior to this deadline; and

WHEREAS, N.J.S.A. 54:4-66.3(d) provides that when third quarter tax bills cannot be mailed by the above deadline, taxes shall not be subject to interest until at least 25 days after the tax bills are mailed; and

WHEREAS, the governing body of the Borough of West Long Branch wishes to extend the property tax payment grace period of quarterly taxes due on August 1, 2023 so that interest shall not accrue if payment is made in accordance with the above statutory provision.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of West Long Branch hereby extends the property tax payment grace period for the third quarter so that interest shall not accrue if payment is made within 25 days after the tax bills are mailed; and

BE IT FURTHER RESOLVED that interest shall be charged back to August 1, 2023, for all payments made after the grace period; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Tax Collector and the Borough Chief Financial Officer.

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING AMENDMENT TO AGREEMENT BETWEEN THE COUNTY OF  
MONMOUTH AND THE WEST LONG BRANCH BOROUGH FOR THE ESTABLISHMENT OF A  
COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES**

WHEREAS, the County of Monmouth and the West Long Branch Borough are parties to an Agreement dated 06/10/2020 concerning, generally, the cooperation between participating municipalities and the County to receive CDBG entitlement funding; and

WHEREAS, the U.S. Department of Housing and Urban Development: Community Planning and Development ("HUD"), has issued additional requirements for what must be included in all cooperation agreements entered into between counties and participating municipalities; and

WHEREAS, the Agreement dated 06/10/2020 must be amended to legally conform to HUD's new requirements; and

WHEREAS, the West Long Branch Borough and the County of Monmouth have decided that it is in its residents' best interests to amend the Agreement to conform to HUD's cooperation agreement requirements; and

NOW, THEREFORE, BE IT RESOLVED that the County and West Long Branch Borough hereby agree as Responsibilities of Committee:

1. With concurrence of the Board of County Commissioners an Administrative Liaison Officer shall be designated. He shall be an employee of the County. He shall, within the limits of resources available, provide technical and administrative support to the Committee, and shall provide liaison between the Committee and the Board of County Commissioners.

2. The Committee shall recommend to the Board of County Commissioners an application (Consolidated Plan) for participation in Federal funding, and toward that end it shall in the manner herein prescribed, be authorized to develop required plan for the County, including a Housing Assistance Plans and such other documents and certification of compliance as required by the Federal Government for participation by the County in the Community Development Block Grant Programs.

Estimated Cost and Allocation Thereof:

3. The amount of Federal funds involved shall be in the amount applied by the Board of County Commissioners pursuant to the recommendation by the Committee, subject to any modification made by HUD.

Duration of the Contract:

4. This contract shall be effective for the three (3) program years (Federal Fiscal Years 2024, 2025, and 2026 appropriations) for which the County is to qualify to receive CDBG entitlement funding and from any program income generated from the expenditure of such funds, including such additional time as may be required for the expenditure of any such funds granted to the participating unit of local government. The population of participating municipalities included in the urban county under this agreement shall be included in the population of the urban county for three (3) successive years which will include the federal fiscal years 2024, 2025 and 2026. This agreement will automatically be renewed for participation in successive three-year qualification periods, unless the county or the municipality provides written notice it elects not to participate in a new qualification period. This Agreement remains in effect until the CDBG, HOME and ESG funds and income is received with respect to activities carried out during the three-year qualification period.

Standards of Performance:

5. The Committee shall thereupon report its findings to all participating local governments, and shall submit such reports to the Board of County Commissioners (the legislation requires the title of "chosen freeholder" to be changed to "county commissioner" and all "boards of chosen freeholder" to be known as "board of county commissioners") which complies with legislation Gov. Phil Murphy signed into law in 2020 and became effective January 1 as may be required for submission to the Federal Government. Pursuant to 24 CFR 570.501(b), all units of local government are subject to the same requirements applicable to subrecipients, including the requirement of a written agreement described in 24 CFR 570.503.

6. This Agreement includes, by reference, all provisions authorized by State and local laws that legally obligate the cooperating units to undertake the necessary action, as determined by the County to carry out a community development program and the approved Consolidated Plan and/ or meet the other requirements of the CDBG, HOME and ESG programs or other applicable laws.

Qualifications as Urban County:

7. As amended to take all actions necessary to assure compliance with the urban county's certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, that the grant will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1, and the Fair Housing Act, and the implementing regulations at 24 CFR part 100, and will affirmatively further fair housing. See 24 CFR@ 91.225(a) and Affirmatively Further Fair Housing Definitions and Certifications (86 FR 30779, June 10, 2021), to be codified at 24 CFR 5.151 and 5.152. Also to comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and the implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation act of 1973 and the implementing regulations of 24 CFR part 8, Title II of the American with Disabilities Act, and the implementing regulations at 28 CFT part 35, the Age Discrimination Act of 1975 and the implementing regulation of at 24 CFR part 146, and Section 3 of the Housing and Urban Development Act of 1968 and obligation to comply with other applicable laws. Prohibit urban county funding for activities, in or in support of any cooperating unit of general local government that does not affirmatively further fair housing, within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in a urban county may constitute noncompliance by the grantee (i.e., the urban county) that can, in turn provide cause for funding sanctions or other remedial actions by the Department. The agreement includes the obligation to sign the assurances and certifications in the HUD 424-B.

8. To comply with Federal requirements, the County Government, through the Board of County Commissioners, shall be the applicant for community development funds, and shall have final responsibility as applicant and shall have final responsibility for selecting activities and annually filing Final Statements with HUD.

Program Income:

9. This amendment may be executed in substantially similarly worded counterparts, each of which shall be signed by the Commission Director and the chief executive of a participating municipality. Each signatory agency agrees to cooperate with all signatories and be bound as if all had signed the same amendment.

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

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

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May 10, 2023

Councilmember NEYHART offered the following resolution and moved its adoption:

**RESOLUTION HIRING POLICE OFFICER**

WHEREAS, there will be a vacancy in the position of Police Officer; and

WHEREAS, the position was advertised; and

WHEREAS, members of the West Long Branch Police Department and the Police Committee interviewed several candidates and recommend hiring ALONSO OLSON; and

WHEREAS, this hiring is conditioned upon ALONSO OLSON submitting to and passing medical and psychological examinations; and

WHEREAS, this hiring is also contingent upon ALONSO OLSON acknowledging in writing that he will be responsible for the reimbursement of training fees, as required by the New Jersey Division of Criminal Justice Police Training Commission Police Training Act, if applicable;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that ALONSO OLSON be hired as a Police Officer in the West Long Branch Police Department, effective May 10<sup>th</sup> conditioned upon the items noted above, and be paid in accordance with the Police Department salary ordinance.

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

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

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Councilmember NEYHART offered the following resolution and moved its adoption:

**RESOLUTION HIRING POLICE OFFICER**

WHEREAS, there will be a vacancy in the position of Police Officer; and

WHEREAS, the position was advertised; and

WHEREAS, members of the West Long Branch Police Department and the Police Committee interviewed several candidates and recommend hiring JAMES BELKNAP; and

WHEREAS, this hiring is conditioned upon JAMES BELKNAP submitting to and passing medical and psychological examinations; and

WHEREAS, this hiring is also contingent upon JAMES BELKNAP acknowledging in writing that he will be responsible for the reimbursement of training fees, as required by the New Jersey Division of Criminal Justice Police Training Commission Police Training Act, if applicable;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that JAMES BELKNAP be hired as a Police Officer in the West Long Branch Police Department, effective May 10<sup>th</sup> conditioned upon the items noted above, and be paid in accordance with the Police Department salary ordinance.

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

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



May 10, 2023

Councilmember NEYHART offered the following resolution and moved its adoption:

**RESOLUTION PROMOTING SCOTT ROCKHILL TO SERGEANT**

WHEREAS, there is a vacancy in the position of Sergeant; and

WHEREAS, the eligible candidates previously took an examination administered by the New Jersey State Association of Chiefs of Police and participated in an internal interview process by the West Long Branch Police Department and an interview by the Police Committee; and

WHEREAS, the Police Committee has considered the results of the candidates as a result of this process; and

WHEREAS, the Police Committee recommends SCOTT ROCKHILL be promoted to the rank of Sergeant;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that SCOTT ROCKHILL be promoted to the rank of Sergeant effective immediately.

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

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

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Councilmember NEYHART offered the following resolution and moved its adoption:

**RESOLUTION PROMOTING BRIAN BURTON TO LIEUTENANT**

WHEREAS, there is a vacancy in the position of Lieutenant; and

WHEREAS, the Police Committee interviewed the eligible candidates to apply on Wednesday, March 15, 2023; and

WHEREAS, the Police Committee has considered the results of the candidates as a result of this process; and

WHEREAS, the Police Committee has discussed and agrees with this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that BRIAN BURTON be promoted to the rank of Lieutenant effective immediately.

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

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

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**UNFINISHED BUSINESS:**

Councilman Neyhart reported that the Police Committee will be meeting with the Superintendent of West Long Branch Public Schools the following week to discuss the topic of armed security officers in schools.

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NEW BUSINESS:

None.

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BILLS AND CLAIMS:

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

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

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PUBLIC HEARING:

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

*Police Personnel; Pending Contracts; Administrative Personnel.*

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.

  
ACTING BOROUGH CLERK