

October 18, 2023  
6:35 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

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APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the October 4, 2023, executive session meeting, and approved the release of all pages, except pages 3, 6, and 7. Seconded by Councilman Sniffen 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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Councilman Bray moved the approval of the minutes of the October 4, 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: NONE

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REPORTS OF STANDING COMMITTEES:

Mayor Tucci reported that she had attended an event at Monmouth University regarding the opening of the Bruce Springsteen Archives and Center for American Music at the Monmouth University Campus and stated that the Borough is very lucky to have something like this in town.

Councilman Bray reported that the Borough's escrow accounts are all in good standing and thanked the Borough Planning & Zoning Board Secretary as well as the CFO for their hard work on this.

Councilman Cioffi reported that the farmers market has ended for the season and stated that the Environmental Chairperson continues to be a wonderful volunteer. Councilman Cioffi reported that the fall festival was a huge success and thanked the volunteers, police department, public works, fire department, and EMS squad for everything they did to make the day happen. Councilman Cioffi reported that the recreation department will be participating in the school's Halloween Trunk or Treat. Councilman Cioffi added that the Lantern Walk is scheduled for November 17<sup>th</sup> and the Christmas Sing is scheduled for December 2<sup>nd</sup>. Councilman Cioffi reported that he wants to come up with a better notification system regarding road work in town.

Councilman Gomez stated that the fall fest was a great event and thanked the coordinators, as well as the fire department, for their contributions. Councilman Gomez reported that the fire department is expecting the delivery of their new truck in the fall of 2024.

Councilman Neyhart had nothing to report.

Councilman Penta had nothing to report.

Councilman Sniffen reported that bids for the roof replacement project will be received Friday, October 27<sup>th</sup>. Councilman Sniffen thanked public works for keeping Franklin Lake Park so nice, especially for the fall fest. Councilman Sniffen asked Chief Botti to extend his thanks to Sgt. Hanlon for his help at the fall fest.

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The Borough Administrator reported that nine applications have been submitted for the position of public works laborer. The Borough Administrator reported that, upon following up on a resident request regarding a larger flag at the Franklin Lake Gazebo, a larger flag cannot be placed there as it would get damaged by the tree there. The Borough Administrator reported that he had met with the Public Works Director and Borough Clerk regarding the calendar and it is on track to be ready for distribution the first week of January.

The Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

COMMUNICATIONS:

1. Tax Collector's Monthly Report – September 2023
2. EMS Membership Application – Aldo Monge – Auxiliary Membership

Councilman Gomez moved to approve the above EMS Membership Application. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

The applicant had a favorable background check.

3. Fire Department Membership Application – Kyle Crochet – Active Membership

Councilman Gomez moved to approve the above Fire Department Membership Application. 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

The applicant had a favorable background check.

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ORDINANCES:

None.

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RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING AGREEMENT WITH THE  
MONMOUTH COUNTY SPCA FOR  
ANIMAL CONTROL SERVICES**

WHEREAS, the Borough of West Long Branch is in need of animal control services; and

WHEREAS, the MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, a non-profit 501c(3), organization under State and Federal laws, having principal offices at 260 Wall Street, Eatontown, New Jersey, hereinafter referred to as the “MCSPCA”, submitted the attached mutual agreement for such services; and

WHEREAS, the Borough wishes to retain the services of the MCSPCA for animal control for a period beginning the 1st day of January 2024 and ending on the 31<sup>st</sup> day of December 2024.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached agreement for animal control services between the Borough of West Long Branch and the Monmouth County SPCA for the provision of animal control services be and is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said agreement.

Seconded by Councilmember SNIFFEN 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 APPROVING REVISED RULES AND REGULATIONS FOR THE WEST LONG  
BRANCH POLICE DEPARTMENT**

WHEREAS, the rules and regulations for the West Long Branch Police Department have not been updated or revised in many years; and

WHEREAS, the senior staff of the police department has recommended changes to the current rules and regulations, which recommendations have been considered and discussed between the council’s Police Committee, the Borough’s Labor Counsel, the Borough Attorney, the Borough Administrator, and senior staff of the police department; and

WHEREAS, the collaboration of those parties have culminated in the attached proposed revised rules and regulations to be adopted by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached revised Rules and Regulations of the West Long Branch Police Department are hereby adopted, and the department shall take steps to provide each police officer with the same.

Seconded by Councilmember SNIFFEN 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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October 18, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT – WEST LONG BRANCH DEPARTMENT OF PUBLIC  
WORKS BUILDING IMPROVEMENTS PROJECT**

WHEREAS, the Borough advertised for the receipt of bids for the Department of Public Works Building Improvements Project, and accepted said bids on October 12, 2023; and

WHEREAS, the Borough received the following bids:

<u>BIDDER</u>	<u>BID</u>
<i>Shorelands Construction</i>	<i>\$1,199,000.00</i>
<i>McCauley Construction</i>	<i>\$1,314,000.00</i>
<i>Tekcon Construction</i>	<i>\$1,417,907.00</i>
<i>Engineers/Architects Estimate</i>	<i>\$1,352,000.00</i>

WHEREAS, the lowest responsible bidder is Shorelands Construction in the amount of \$1,199,000.00; and

WHEREAS, the Borough Engineer recommends that the contract be awarded to Shorelands Construction in the total amount of \$1,199,000.00; and

WHEREAS, funds are available for this purpose;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a contract be awarded to Shorelands Construction, 7 Columbus Dr, Monmouth Beach, NJ 07750, in the total amount of \$1,199,000.00, for the West Long Branch Department of Public Works Building Improvements Project; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the contract; and

BE IT FURTHER RESOLVED that all other bids be rejected, and the bid bonds of those bidders be returned.

Seconded by Councilmember SNIFFEN 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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October 18, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING AND AUTHORIZING PUPIL TRANSPORTATION  
CONTRACT WITH SHORE REGIONAL HIGH SCHOOL DISTRICT**

WHEREAS, N.J.S.A. 18A:39-1.2 authorizes regional school boards to provide discretionary bussing to students within 2½ miles of the school by entering into a contractual agreement with a participating municipality; and

WHEREAS, SHORE REGIONAL HIGH SCHOOL DISTRICT (hereafter referred to as “SHORE REGIONAL”) has provided discretionary bussing to West Long Branch students in the past; and

WHEREAS, the Governing Body of the Borough of West Long Branch has restudied the matter regarding cost, area to be covered by bussing, and route changes, and has determined that it is in the best interest of the Borough to continue this arrangement; and

WHEREAS, funds are or will be available for payment of these costs;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached contract between SHORE REGIONAL and the Borough of West Long Branch be and the same is hereby approved, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that the attached contract, in the amount of \$38,310.00 for the 2023-2024 school year, is hereby approved, payment for which shall be made in ten (10) installments, which are allocated in the amount of \$3,831.00 per month.

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION RELEASING ESCROW FEES FOR  
RALPH D. TAWIL, ESQ. (1062 BROADWAY)**

WHEREAS, RALPH D. TAWIL, ESQ. posted escrow fees in connection with improvements on the property located on 1062 Broadway, known as Lot 2 in Block 78; and

WHEREAS, RALPH D. TAWIL has previously submitted an escrow to the Borough of West Long Branch which remains on deposit; and

WHEREAS, JEAN TAWIL, Mr. Tawil’s wife, has requested the balance of their escrow fees be refunded as Mr. Tawil passed away approximately a year ago; and

WHEREAS, the C.F.O. advised that there is a total balance of \$4,142.45 in their escrow accounts and recommends its release;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$4,142.45 and any additional accrued interest be refunded to THE ESTATE OF RALPH D. TAWIL, ESQUIRE, 1062 Broadway, West Long Branch, New Jersey 07764; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are authorized to take action in accordance with this resolution.

Seconded by Councilmember SNIFFEN 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 RELEASING ESCROW FEES FOR  
BET YAAKOV JS GIRLS, LLC (210 WALL ST)**

WHEREAS, BET YAAKOV JS GIRLS, LLC. posted escrow fees in connection with improvements on the property located on 210 Wall Street, known as Lot 10 in Block 20; and

WHEREAS, BET YAAKOV JS GIRLS, LLC has withdrawn their application and is requesting a refund of their escrow deposit; and

WHEREAS, the C.F.O. advised that there is a total balance of \$1,199.25 in their escrow account and recommends its release;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$1,199.25 and any additional accrued interest be refunded to BET YAAKOV JS GIRLS, LLC, 800 Bowyer Ave, Long Branch, New Jersey 07740; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are authorized to take action in accordance with this resolution.

Seconded by Councilmember SNIFFEN 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 RELEASING ESCROW FEES FOR  
FER PROPERTIES, LLC (103 MONMOUTH RD)**

WHEREAS, FER PROPERTIES, LLC posted escrow fees in connection with improvements on the property located on 103 Monmouth Rd, known as Lot 8.01 in Block 68; and

WHEREAS, FRANK ROSANO OF FER PROPERTIES, LLC has withdrawn their application and is requesting a refund of their escrow deposit; and

WHEREAS, the C.F.O. advised that there is a total balance of \$1,963.00 in their escrow account and recommends its release;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$1,963.00 and any additional accrued interest be refunded to FER PROPERTIES, LLC, 103 Monmouth Rd, West Long Branch, New Jersey 07764; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are authorized to take action in accordance with this resolution.

Seconded by Councilmember SNIFFEN 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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October 18, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT FOR  
LEAF COMPOSTING WITH MAZZA MULCH**

WHEREAS, the County of Monmouth has authorized and approved various sites in the County as “Authorized Leaf Mulching Sites”; and

WHEREAS, contracts awarded for leaf mulching sites are exempt from the public bidding requirements of the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-5(1)(s); and

WHEREAS, the Borough solicited and received the following quotes:

Borough of Oceanport	Unable to facilitate Borough’s need for service
Kauffman Farms	\$4.75/C.Y.
Mazza Mulch	\$6.50/C.Y

WHEREAS, The Borough of Oceanport, Kauffman Farms, and Mazza Mulch are authorized by Monmouth County as Leaf Mulching Sites; and

WHEREAS, Kauffman Farms offered the lowest cost per cubic yard, however, the Director of Public works and Borough Purchasing Agent deem that delivering leaves to their site would cause undue hindrance to Borough time, fuel usage, and resources, and would contribute to the overall wear and tear of Borough equipment.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of West Long Branch hereby awards a contract for leaf composting to MAZZA MULCH, in the amount of \$6.50/C.Y, and the Borough agencies and employees are hereby authorized to deliver leaves to Mazza Mulch located on 3230 Shafto Road, Tinton Falls, NJ 07753, for the 2022-2023 season.

Seconded by Councilmember SNIFFEN 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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October 18, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING SOLICITOR LICENSE FEE**

WHEREAS, Katherine Rudden, filed an application for a solicitor license for the Borough’s 2023 Fall Festival; and

WHEREAS, due to the potential inclement weather and absence of a rain date for the event, Miss Rudden requested to be removed from the list of vendors and forfeit her issued solicitor license; and

WHEREAS, the solicitors license issued to Miss Rudden was deemed void and the coordinators of the Fall Festival were informed of her withdrawal; and

WHEREAS, Katherine Rudden did not participate in the capacity of vendor at the 2023 Fall Festival and has requested the \$25.00 solicitor license fee be refunded to her; and

WHEREAS, the Borough Clerk has confirmed that a refund is in order.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$25.00, which represents the solicitor license fee for a single-day event, be refunded to Katherine Rudden, 6 Turtle Creek Run, Barnegat, NJ 08005; and

BE IT FURTHER RESOLVED that the appropriate Borough officials are hereby authorized to take action consistent with this resolution.

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

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

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

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, PENTA, SNIFFEN
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

PUBLIC HEARING:

1. *David Ornstein, Maryland Avenue, West Long Branch* commented on the Borough Website and asked why there were no minutes or agendas posted for the Borough’s committees and no minutes from the most recent planning and zoning meetings. Mayor Tucci informed Mr. Ornstein that the volunteer committees currently do not have a recording secretary and stated that she would follow up with the board secretary regarding the minutes.

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



October 18, 2023

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; Administrative Personnel; Sports Security*

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.

  
BOROUGH CLERK