

November 1, 2023  
6:30 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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*Retirement Ceremony –Police Chief Paul Habermann*

*Swearing in Ceremony – Police Lieutenant Michael Paolantonio*

*Swearing in Ceremony – Police Sergeant Robert Knott*

At 6:46 PM, Councilman Bray moved to begin the Caucus Meeting, with intention to resume the Council Meeting at its conclusion. The motion was seconded by Councilman Gomez and carried unanimously.

The Council Meeting resumed at 7:05 PM.

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#### APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the October 18, 2023, executive session meeting, and approved the release of all pages. Seconded by Councilman Cioffi 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 18, 2023, council meeting. Seconded by Councilman Cioffi 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 18, 2023, caucus meeting. Seconded by Councilman Cioffi 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 had nothing to report, but acknowledged and thanked Anne Clarke, a former West Long Branch Borough Clerk, for being present in the audience that evening.

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Councilman Bray reported the following on behalf of the Finance Committee:

*“Stephanie Dollinger our former BA has been performing our payroll functions since departing. We are thankful for her service. We accepted her resignation for those functions and with resolution R-23-147 we are bringing on Battaglia Associates to perform third-party payroll services for the Borough.*

*We received the following reconciled amounts from Mike Martin (our CFO) on the major accounts (rounded to the nearest thousand):*

- Current Fund: \$9,415,000*
- Payroll Account: \$53,000*
- Capital Fund Account: \$1,835,000*
- Trust Account: \$495,000*
- Unemployment Account: \$89,000*
- Tax Premium Account: \$40,000*
- Escrow Disbursement Account: \$54,000*
- Escrow Accounts (Not Disbursed): \$342,000”*

Councilman Cioffi had nothing to report.

Councilman Gomez had nothing to report.

Councilman Neyhart delivered the October 2023 Police Report.

Councilman Penta reported that the Public Works renovation project is moving forward and the first logistics meeting was scheduled for Friday of that week.

Councilman Sniffen reported that the roof replacement project at Borough Hall was being awarded that evening. Councilman Sniffen reported that the library is experiencing some roof leaks, but Julie from T&M will reach out to the contractor. Councilman Sniffen reported that the recreation department’s “Trunk-or-Treat” was a success and thanked all the first responders for being present.

The Borough Administrator reported that the police department will be participating in “No-Shave November”.

The Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

#### COMMUNICATIONS:

None.

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#### ORDINANCES:

##### **ORDINANCE NO. O-23-19**

##### **AN ORDINANCE REQUIRING LEAD-FREE CERTIFICATION AND FEE AS PART OF THE CERTIFICATE OF OCCUPANCY PROCESS IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-19 was read on its **introduction** by title only.

Councilman Neyhart moved the ordinance be passed on **introduction** and to set the public hearing for December 6, 2023, at 6:30 PM. 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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November 1, 2023

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION CONFIRMING THE POSITION OF FINANCE CLERK**

WHEREAS, GLORIA TARTARO was hired by the Borough on March 1, 2019 to the position of Full-Time Office Personnel and Deputy Registrar via Resolution No. R-19-56; and

WHEREAS, that same year, there was a vacancy in the office of Accounts Payable; and

WHEREAS, GLORIA TARTARO was promoted to fill the position and serve as the Borough's Finance Clerk at the time of the vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that this resolution confirms that GLORIA TARTARO does serve and will continue to serve in her current capacity as Finance Clerk.

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 AWARDING CONTRACT FOR PURCHASE OF  
ONE (1) BOBCAT UW56 FOR THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Borough has the need to purchase a Bobcat UW56 for use by its DPW Operations; and

WHEREAS, in accordance with NJAC 52:34-6.2(b) (3). The Borough may award a contract without publicly advertising for bids when purchasing under a National Cooperative Agreement; and

WHEREAS, the Sourcewell Purchasing Network through a fair and open process, has awarded a contract for purchase of a Bobcat UW56 (Contract # 0403-CEC) from Garden State Bobcat, for a cost not to exceed \$84,885.71, in accordance with the documents annexed hereto, and it is the recommendation of the Public Works Director that this equipment will meet the DPW Operations, and that it is in the Borough's best interest to award a contract to this company for said equipment; and

WHEREAS, the Chief Financial Officer of the Borough of West Long Branch has certified, in accordance with the Certification of Funds Form attached hereto, that funds are available for this purchase from Appro. Line Item 3-01-46-881-000-202, \$48,200

3-01-46-881-000-203 \$20,835 G-01-55-160-027-002 \$15,850.17, in a Total Amount not to exceed \$84,885.17.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a contract be awarded to Garden State Bobcat, for purchase of a Bobcat UW56, in accordance with the terms and conditions of Sourcewell Purchasing Network (Contract # 0403-CEC), for a cost not to exceed \$84,885.17.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary document pursuant to said award and advertise by law.

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

November 1, 2023

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING FEE FOR FIRE SAFETY PERMIT**

WHEREAS, Vasilios Katsouris, filed an application for a fire safety permit to participate in a vendor event at the Consumer Center in the Borough of West Long Branch; and

WHEREAS, Vasilios Katsouris also filed for a solicitor license and was denied, therefore prohibiting his participation in the event; and

WHEREAS, Vasilios Katsouris did not participate in the capacity of vendor at the event held at the West Long Branch Consumer Center and has requested the \$54.00 fire safety permit application fee be refunded to him; and

WHEREAS, the Borough Fire Marshal 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 \$54.00, which represents the fire safety permit fee, be refunded to Vasilios Katsouris, 35 Virginia Terrace, Red Bank, NJ 07701; 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, 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 BOROUGH OF WEST LONG BRANCH THROUGH WEST LONG BRANCH POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO ENABLE THE WEST LONG BRANCH POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT**

WHEREAS, the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of West Long Branch, County of Monmouth and State of New Jersey that the West Long Branch Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with

authorization to participate terminating on October 31 of the calendar year from November 1, 2023, to October 31, 2024; and

BE IT FURTHER RESOLVED that the West Long Branch Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include but are not limited to: office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the West Long Branch Police Department, without restriction; and

BE IT FURTHER RESOLVED that the West Long Branch Police Department is hereby authorized to acquire “DEMIL B through Q” property, if it shall become available in the period of time for which this resolution authorizes; and

BE IT FURTHER RESOLVED that the Chief of Police of the West Long Branch Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the West Long Branch Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on October 31st of the current calendar year from November 1, 2023, to October 31, 2024.

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 AWARDING CONTRACT – WEST LONG BRANCH  
BOROUGH HALL ROOF REPLACEMENT PROJECT**

WHEREAS, the Borough advertised for the receipt of bids for the Borough Hall Roof Replacement Project, and accepted said bids on October 27, 2023; and

WHEREAS, the Borough received the following bids:

<u>BIDDER</u>	<u>BID</u>
<i>Frank Cyrwus Inc.</i>	<i>\$98,210.00</i>
<i>Sky General Construction</i>	<i>\$109,985.50</i>
<i>Duga Construction</i>	<i>\$137,000.00</i>
<i>Northeast Roof Maintenance</i>	<i>\$137,890.00</i>

WHEREAS, the lowest responsible bidder is Frank Cyrwus Inc. in the amount of \$98,210.00; and

WHEREAS, the Borough Engineer recommends that the contract be awarded to Frank Cyrwus Inc. in the amount of \$98,210.00; 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 Frank Cyrwus Inc., 227 Hamburg Turnpike, Pompton Lakes, NJ 07442, in the total amount of \$98,210.00, for the West Long Branch Borough Hall Roof Replacement 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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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION PROMOTING MICHAEL PAOLANTONIO TO LIEUTENANT**

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

WHEREAS, the Governing Body interviewed the eligible candidates to apply on Monday, October 2, 2023; and

WHEREAS, the Governing Body has considered the results of the candidates as a result of this process and recommends that SERGEANT MICHAEL PAOLANTONIO be promoted to the rank of Lieutenant; 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 MICHAEL PAOLANTONIO be promoted to the rank of Lieutenant effective immediately.

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION PROMOTING ROBERT KNOTT 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 ROBERT KNOTT be promoted to the rank of Sergeant;

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

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION ACCEPTING PROPOSAL FROM BATTAGLIA ASSOCIATES, LLC FOR THIRD-PARTY PAYROLL SERVICES**

WHEREAS, the Borough has re-evaluated its current structure for the performance of payroll processing services; and

WHEREAS, the Finance & Administration Committee have determined that it is in the best interest of the Borough to have a third party perform payroll processing services; and

WHEREAS, the Borough received the attached proposal from Battaglia Associates, LLC for the purpose of payroll processing services; and

WHEREAS, the Finance & Administration Committee has discussed and agrees that it is in the best interest of the Borough to accept the attached proposal and enter into an agreement for payroll processing services with Battaglia Associates, LLC.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached agreement for payroll processing services between the Borough of West Long Branch and Battaglia Associates, LLC. 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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**UNFINISHED BUSINESS:**

None.

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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 Neyhart 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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November 1, 2023

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.



November 1, 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:

*Administrative Personnel; Payroll Services; 2024 Budget Items; Zoning Litigation; Shared Services – Municipal Court.*

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.   |
| <u>  X  </u> | 8. Related to investigation of violations or possible violations of the law.  |
| <u>  X  </u> | 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party.   |
| <u>  X  </u> | 10. Falls within the attorney-client privilege and confidentiality is required.   |
| <u>  X  </u> | 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