

April 17, 2024
7:11 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, SNIFFEN
ABSENT: CIOFFI, PENTA

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the April 3, 2024, executive session meeting, and approved the release of all pages except pages 3, 4, and 6. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the April 3, 2024, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the April 3, 2024, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray reported that the budget currently has an adoption date set for May 1st.

Councilman Cioffi was absent.

Councilman Gomez had nothing to report.

Councilman Neyhart reported that the committee is hoping to hire a new officer May 1st and added that the bocce courts should be up and ready April 23rd.

Councilman Penta was absent.

Councilman Sniffen reported that he will be meeting with the Director of Public Works and the Shade Tree Chair to coordinate a tree maintenance plan.

The Borough Administrator reported that a few updates were made to the Borough's website, specifically the Job Opportunities and RFP pages.

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 – March 2024
- 2. EMS Membership Application – Kyree Phillips – Auxiliary Membership
- 3. EMS Membership Application – David Carpio – Auxiliary Membership

Councilman Bray moved to accept the above membership applications. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

ORDINANCES:

ORDINANCE NO. O-24-8

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Ordinance No. O-24-8 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 Sniffen, and carried upon the following roll call vote:

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

Ordinance No. O-24-8 was published in the Asbury Park Press in the issue of April 9, 2024, 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-24-8

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

Ordinance No. O-24-8 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 Sniffen, and carried upon the following roll call vote:

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

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ORDINANCE NO. O-24-9

**AN ORDINANCE CREATING THE POSITION OF
RECREATION DIRECTOR IN THE
BOROUGH OF WEST LONG BRANCH**

Ordinance O-24- was read on its **introduction** by title only.

Councilman Bray moved ordinance be passed on introduction and to set the public hearing for May 1, 2024, at 6:30 PM.

Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

ORDINANCE NO. O-24-10

**AN ORDINANCE AMENDING ORDINANCE NO. O-24-1
REGARDING SALARIES OF VARIOUS MUNICIPAL EMPLOYEES
AND SETTING THE 2024 SALARIES OF VARIOUS MUNICIPAL
OFFICERS, EMPLOYEES AND APPOINTEES**

Ordinance O-24-10 was read on its **introduction** by title only.

Councilman Bray moved ordinance be passed on introduction and to set the public hearing for May 1, 2024, at 6:30 PM.

Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

ORDINANCE NO. O-24-11

**AN ORDINANCE AMENDING ORDINANCE NO. O-24-2
2024 SALARY ORDINANCE OF VARIOUS MUNICIPAL EMPLOYEES**

Ordinance O-24-11 was read on its **introduction** by title only.

Councilman Bray moved ordinance be passed on introduction and to set the public hearing for May 1, 2024, at 6:30 PM.

Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION APPROVING AMENDED CONTRACT WITH P.B.A. LOCAL 141
FOR THE YEARS 2024-2027**

WHEREAS, the collective bargaining agreement between the Borough of West Long Branch and the West Long Branch Police Department, P.B.A. Local 141, was renewed for the term 2024-2027 on April 3, 2024 via Resolution No. R-24-64; and

WHEREAS, there have since been amendments to the verbiage within the contract, specifically replacing sections that state, "his" or "he" with "they" or "his/her"; and

WHEREAS, the above corrections are the only changes to the previously adopted agreement;
and

WHEREAS, the only section with gender references in the contract that were not amended are those under the Maternity section where females are indicated as, "her".

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached form of agreement between the Borough of West Long Branch and the West Long Branch Police Department, P.B.A. Local 141, running from January 1, 2024, through December 31, 2027, inclusively, be and the same is hereby approved, and the Mayor and Borough Clerk are hereby authorized to sign the same on behalf of the borough.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING SERVICE FEE AGREEMENT BETWEEN THE BOROUGH OF WEST LONG BRANCH AND THE CITY OF LONG BRANCH

WHEREAS, the Long Branch Fire Department is agreeing to provide supplementary fire suppression/emergency service coverage for the Borough of West Long Branch for the period of January 1, 2024 to December 31, 2028; and

WHEREAS, as a result of this coverage, the City of Long Branch must back fill its firehouses and fire equipment to ensure coverage while serving the Borough of West Long Branch needs when necessary and appropriate under the terms of this agreement. The City of Long Branch will be compensated by the Borough of West Long Branch for the cost of the back fill; and

WHEREAS, the fee structure to provide such an arrangement for the period between January 1, 2024 to December 31, 2024 shall be calculated on a per call basis; and

WHEREAS, the fee will be charged on an hour- to- hour basis per member pursuant to the union’s Collective Bargaining Agreement with the City of Long Branch to cover staffing requirements to fill fire headquarters in Long Branch when on-duty assets are deployed into the Borough of West Long Branch; and

WHEREAS, typical staffing is one fire officer and 4 firefighters, although the same may vary, depending on available personnel, but will not exceed 5 slots; and

WHEREAS, the fee will be based on the individual hourly rate of each employee for the period of coverage provided to the Borough of West Long Branch; and

WHEREAS, additional personnel can be requested by the Borough of West Long Branch to supplement manpower at an additional fee per member as requested; and

WHEREAS, the fee will be assessed when Long Branch on-duty personnel become committed to an active incident in the Borough of West Long Branch; and

WHEREAS, the above will require recall of personnel to staff Long Branch Fire Headquarters for the duration of the incident; and

WHEREAS, limitations to the response shall be at the discretion of the West Long Branch Fire Chief.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached agreement between the Borough of West Long Branch and the City of Long Branch Fire Department is hereby adopted; and

BE IT FURTHER RESOLVED that the Mayor of the Borough of West of Long Branch is hereby authorized to sign the attached agreement on behalf of the Borough.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION HIRING PART-TIME CODE ENFORCEMENT OFFICER

WHEREAS, there is a need for a part-time Code Enforcement Officer; and

WHEREAS, it is the recommendation of the Borough Administrator and Finance Committee that MICHAEL SPARK be hired to fill the position of part-time Code Enforcement Officer since he meets the qualifications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that MICHAEL SPARK be hired as a part-time Code Enforcement Officer at a salary of \$30.00 per hour, effective immediately upon passage of this resolution.

BE IT FURTHER RESOLVED that his continued employment is conditioned upon the favorable completion of his fingerprint check.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION HIRING PUBLIC WORKS LABORER

WHEREAS, there is a need to fill a vacancy in the position of Public Works Laborer; and

WHEREAS, the Administrator and Public Works Director conducted interviews for this position; and

WHEREAS, it is their recommendation that KEVIN CARRINO be hired to fill the position of Public Works Laborer since he meets the qualifications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that KEVIN CARRINO be hired as a Public Works Laborer, with a ninety-day probationary period, at a salary of \$37,500.00 per year; and

BE IT FURTHER RESOLVED that his continued employment is conditioned upon the favorable completion of his fingerprint check.

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING PROPOSAL BY AUTOMATED BUILDING CONTROLS FOR HVAC SERVICES AT THE WEST LONG BRANCH POLICE DEPARTMENT

WHEREAS, there is a need for maintenance and upgrades of the HVAC equipment located in the Police Department; and

WHEREAS, Automated Building Controls, Inc. submitted the attached proposal for complete HVAC scope of work at the West Long Branch Police Department for a total net cost of \$137,430.62; and

WHEREAS, the cost breakdown is as follows:

<i>Gross Price</i>	<i>\$560,000.00</i>
<i>Incentive</i>	<i>\$422,569.35</i>
<i>Total Net Price as Described</i>	<i>\$137,430.65*</i>

**Process for incentive by Program Ally (Automated Building Controls, Inc)*

WHEREAS, the Borough Administrator recommends accepting the proposal submitted by Automated Building Controls, Inc.; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, in accordance with NJAC 5:34-7.21, et seq., the Borough may award a contract without publicly advertising for bids when purchasing under any contract entered into by the Bergen Co-Op – Monmouth County - Contract CK-04 - Automated Building Controls Vendor # 26543.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached proposal for complete HVAC scope of work at the West Long Branch Police Department, be approved; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute any and all necessary documents pursuant to said proposal on behalf of the Borough.

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

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

UNFINISHED BUSINESS:

Councilman Gomez asked if any updates were received related to the Troutman’s Bridge detour; there were no updates.

NEW BUSINESS:

1. Raffle License 24-7 – Applaud Our Kids Foundation – On-Premises Merchandise

Councilman Bray moved to approve the above raffle license. Seconded by Councilmen Sniffen and carried upon the following roll call vote:

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

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

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:

Fire Department Personnel; Police Personnel; Purchasing Guidelines; Summer Concert Contracts; Municipal Services Obligations; KnowBe4 Claim; 10 Throckmorton Ave; Consumer Center Security; 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. |
| <u> X </u> | 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