

October 3, 2018
7:43 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, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
ABSENT: NONE

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the July 11, 2018, council meeting. Seconded by Councilman Neyhart and carried upon the following roll call vote:

AYES: BRAY, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: JULIANO

Councilman Bray moved the approval of the minutes of the August 8, 2018, special meeting. Seconded by Councilman Neyhart and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, NEYHART
NAYS: NONE
ABSENT: NONE
ABSTAIN: MIGLIACCIO, PENTA

Councilman Bray moved the approval of the minutes of the September 12, 2018, caucus meeting. Seconded by Councilman Neyhart and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilman Bray moved the approval of the minutes of the September 12, 2018, council meeting. Seconded by Councilman Neyhart and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

REPORTS OF STANDING COMMITTEES:

Mayor Tucci thanked everyone who showed up on Sunday for the "Run for the Fallen" that passed by Borough Hall to honor and remember those members of the New Jersey Army, Navy, Air Force, Marines, and Coast Guard who have been killed during the war on terror.

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Councilman Bray confirmed that Heidi Bahr started working part-time in Borough Hall since being hired at the last meeting.

Councilwoman Juliano reported that she has been reviewing a run report for the West Long Branch Emergency Medical Services, which she received from the County, in anticipation of an upcoming meeting with the EMS Line Officers.

Councilwoman Juliano announced that Ordinance No. O-18-11, which amends the Fire Department ordinance to meet State standards, was on tonight's agenda for introduction.

Councilwoman Mango reported the following items on behalf of the Environmental, Shade Tree, and Recreation Commissions:

- 1. A feasibility study was initiated in connection with the bamboo problem that was reported at a prior meeting.
- 2. The Semi-Annual Recycling Event has been scheduled for Saturday, October 27th.
- 3. Approximately 100 people attended movie night on September 21st.
- 4. This year's Fall Festival has been scheduled for Sunday, October 21st.

Councilman Migliaccio stated that the Borough was trying to resolve Borough Hall roof leak.

Councilman Migliaccio reported that he attended the Community Relations Task Force meeting at Monmouth University with Lieutenant Gomez. He explained that the group was made up of police officers and officials from Long Branch, West Long Branch, Allenhurst, Deal, and Ocean Township and their purpose was to discuss animal houses and to arrange for meet and greets with students to inform them of the various ordinances/regulations. He pointed out that the house on Pleasant Drive was no longer being occupied by students, but there was a new house at 10 Cheryl Drive.

Councilwoman Juliano reported that the Liaison Committee met with University representatives. During the meeting, there was a discussion of Mr. Pagonos' concerns about the stadium speakers. As a result, the University has moved two of the speakers to correct the problem and the University Police Department has been measuring the sound at home games to ensure that it was under 65 decibels.

Councilman Neyhart reported that the West Long Branch Police Department would be participating in the DEA's National Prescription Drug Take Back Day on Friday, October 26th, from 11:00 AM to 12:00 PM, at Peter Cooper Village, and on Saturday, October 27th, from 10:00 AM to 2:00 PM, at Police Headquarters.

Councilman Neyhart read the following Police Report for September, 2018.

Motor Vehicle Stops	196	Alarms (Burglary)	37
Motor Vehicle Crash	56	Alarms (Fire)	19
Traffic Citations – Non Parking	152	School Details – BME, FAS, SRHS	122
Traffic Citations – Parking	17	School Details include: Bus escorts, walk throughs, building security checks/contacts	
Drunk Driving Arrests	3	Fire Calls (Structure)	0
Assist Motorists	13	EMS Calls	37
Municipal Code Violations	1	Arrest Total	7

Crimes & Offenses to include: *Simple Assault; DWI; Contempt of Court; Juvenile Complaints*

September - Total Calls for Service: 1,532

Busiest Day of Week – Friday

Busiest Time of Day – 10:00 – 11:00

Professional Development

TRAINING SEPTEMBER 2018

9/5/2018	State Traffic Meeting	Burton	2
9/5/2018	DHTS SAGE IG 16 Upgrade Webinar	Burton	2
9/7/2018	Rifle Qualification	Ellis Lynch Ferrugiaro Moore Brennessel	30
9/10/2018	F.A.R.S.	Ellis Lynch Knott Moore	12
9/12/2018	GEOSpatial Training	Ellis Gomez	4
9/12&13/18	Rapid Response to Active Shooter	Botti Brosonski Brennessel	48
9/18/2018	Monmouth County Sheriff's Office Law Enforcement IT Update	Gomez	3
9/20/2018	DRE Meeting	Hanlon	7
9/21/2018	FBI Improvised Explosives Threat Awareness	Brosonski	8
9/20/2018	NJ Joint Terrorism Task Force Meeting	Ellis	5
9/24/2018	Active Shooter Meeting	Ellis	1
9/27&28/18	DRE Instructing	Hanlon	24
9/27/2018	Cyber Security Awareness	Osborne Brosonski	16
9/28/2018	Rifle Qualification	Burton Kampf Moore Knott	24
	Total Hours		186

Councilman Penta reported that the Public Works Committee recommended applying for a New Jersey Department of Transportation grant for the installation of sidewalks on Wall Street, improvements to Delaware Avenue, and improvements to Linden Avenue between Walnut Place and Broadway.

The Borough Administrator reported that she attended an economic roundtable earlier this week hosted by Senator Sweeney where the attendees were told that the State is broke, that the energy tax funds would not be returned to the municipalities, and that there would be sweeping pension and benefits reform.

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The Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

On behalf of the Borough Engineer, the Borough Administrator informed everyone that the actual demolition of the 95 Poplar Avenue building was complete, and the contractor was now beginning to rebuild the façade.

COMMUNICATIONS:

The Borough Clerk read the following letter, dated September 13th, addressed to the Public Works Director:

Earl,

It is with great sadness that I have to give my 2 weeks notice. Wednesday, Sept. 26th, will be my last day. Thank you for everything.

Sincerely,

Peter Carlisle

The Borough Clerk made reference to the following letter, dated September 10, 2018, from St. Rose High School:

Dear Mayor Tucci and the West Long Branch Town Council:

On behalf of St. Rose High School and the Class of 2019, I am requesting to hold graduation and commencement exercises for the class of 2019 at Monmouth University's MAC on Tuesday, June 4, 2019. Practice for the commencement will take place on the morning of Tuesday, June 4, from 9:00 a.m. to 12:00 p.m. Graduation will begin promptly at 6:00 p.m. and end approximately at 8:00 p.m. There are 113 members of the Class of 2019. We expect approximately 1000 family and friends to attend the graduation, and we anticipate approximately 400 cars on campus.

The MAC is a beautiful facility and we look forward to holding our graduation there again next year. Please feel free to contact me should you need any additional information by calling 732-681-2858 x306 or by email at tohalloran@srhsnj.

Thank you for your support and we look forward to hearing from you.

Sincerely,

Tim O'Halloran
Vice Principal of Academics

Councilman Bray moved to approve this request. Seconded by Councilwoman Juliano and carried upon the following roll call vote:

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The Borough Clerk made reference to the following letter, dated September 28th, from West Long Branch Emergency Medical Services:

Dear Lori:

October 3, 2018

Attached please find a member application for Shane Ciongoli. Shane is applying for Auxiliary membership and is an Emergency Medical Technician (EMT). His credentials have met the squad requirements. I have also attached a copy of his Driver's License for your convenience. Please have the Borough Council approve his membership at their next meeting pending a favorable background check.

If you have any questions regarding this matter please give me a call.

Very truly yours,

Judy M. Wortman
Recording Secretary

Councilwoman Juliano moved to approve the above application pending confirmation of a favorable background check. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The Borough Clerk made reference to the following letter, dated September 28th, from West Long Branch Emergency Medical Services:

Dear Lori:

Attached please find a member application for Diana Erascu. Diana is applying for Auxiliary membership and is an Emergency Medical Technician (EMT). Her credentials have met the squad requirements. I have also attached a copy of her Driver's License for your convenience. Please have the Borough Council approve her membership at their next meeting pending a favorable background check.

If you have any questions regarding this matter please give me a call.

Very truly yours,

Judy M. Wortman
Recording Secretary

Councilwoman Juliano moved to approve the above application pending confirmation of a favorable background check. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

The Borough Clerk made reference to the following letter, dated September 28th, from West Long Branch Emergency Medical Services:

Dear Lori:

Attached please find a member application for James Tomasello. James is applying for Auxiliary membership and is an Emergency Medical Technician (EMT). His credentials have met the squad requirements. I have also attached a copy of his Driver's License for your convenience. Please have the Borough Council approve his membership at their next meeting pending a favorable background check.

If you have any questions regarding this matter please give me a call.

October 3, 2018

Very truly yours,

Judy M. Wortman
Recording Secretary

Councilwoman Juliano moved to approve the above application pending confirmation of a favorable background check. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

The Borough Clerk made reference to the following letter, dated September 28th, from West Long Branch Emergency Medical Services:

Dear Lori:

Attached please find a member application for Christina Zara. Christina is applying for Auxiliary membership and is an Emergency Medical Technician (EMT). Her credentials have met the squad requirements. I have also attached a copy of her Driver's License for your convenience. Please have the Borough Council approve her membership at their next meeting pending a favorable background check.

If you have any questions regarding this matter please give me a call.

Very truly yours,

Judy M. Wortman
Recording Secretary

Councilwoman Juliano moved to approve the above application pending confirmation of a favorable background check. Seconded by Councilman Bray and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

CITY OF LONG BRANCH

LONG BRANCH COLUMBUS DAY PARADE
c/o Joseph Mercadante
28 Port Au Peck Drive
Long Branch, NJ 07740

SUNDAY, OCTOBER 7, 2018

The Long Branch Columbus Day Parade will be held on Sunday, October 7, 2018.

The Columbus Day Parade has a long history in the City of Long Branch dating back to 1946, and therefore is the perfect setting for the parade because of the diverse nationalities that reside in this city.

This year's Grand Marshals are Monsignor Sam, Michael, Father Anthony and Joseph Sirianni. They were born and raised in Long Branch and continue to be very active in all aspects of the City of Long Branch.

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For the past fifteen years, Joseph Mercadante has been the Parade's Chairman and for the last thirteen years has sponsored the parade with the help of the City of Long Branch.

This year the parade will follow a route beginning at the Long Branch Middle School proceeding up Bath Avenue, right on Broadway and down Morris Avenue and back to Long Branch Middle School.

The parade will consist of several local high school bands, from Long Branch, Shore Regional, Monmouth Regional, Ocean, as well as other festival bands. There will also be motorcycles, antique cars, floats from area businesses, Boy/Girl Scout Troops, and Local, State and County Officials. For more information, please contact Joseph Mercadante at 732-233-7579 or joeysinens@comcast.net.

LONG BRANCH COLUMBUS DAY PARADE
c/o Joseph Mercadante
28 Port Au Peck Drive
Long Branch, NJ 07740
732-233-7579 or joeysinens@comcast.net

MARCHER AND FLOAT RESPONSE FORM

Please return this form to the above address

_____ Yes, we will participate in the 2018 Parade

_____ No, we are unable to participate

Group or Individual Name _____

Please indicate the model & year of the antique car you will be driving in the parade

FLOAT
THEME _____

_____ # of Marchers with Float _____ # of Marchers without Float

Contact Person _____ Phone _____

Address _____ Fax _____

City _____ State _____ Zip _____

PARADE DATE: SUNDAY, OCTOBER 7, 2018
PARADE LINE-UP - 12:00
Please Supply Your Own Candy

PARADE ROUTE: Line up at Long Branch Middle School proceeding up Bath Avenue, Right onto Broadway and down Morris Avenue.

The Borough Clerk was directed to advise the Parade Chairman that the Mayor and Council would not be participating this year, but looked forward to it next year.

The Borough Clerk made reference to the following report from the Tax Collector:

Dear Administrator, Mayor and Council Members:

Our tax sale was held on September 27, 2018 as an online auction sale. A list of 88 properties was furnished to RealAuctions.com to create the tax sale website. An

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advertisement referencing the tax sale auction website was published in the Link News once a week for two of the four weeks prior to the sale, and the property owners were mailed two tax sale notices in the four weeks prior to the sale as mandated by the state tax sale statutes. On the day the tax sale auction closed, we had a total of 35 properties that liens were sold against, all liens sold were outside liens. The total collected at the tax sale was \$74,795.38 in delinquent charges and cost of sale and \$294,900.00 in premiums. The breakdown of charges are as follows:

- a. 9 tax properties - \$52,220.80 principal & \$8,331.74 interest was collected
- b. 29 sewers properties - \$9,522.81 principal & \$1,844.92 interest
- c. Cost of sale collected - \$2,875.11
- d. Premiums collected - \$294,900.00
- e. Please note that 3 properties had liens sold for both tax and sewer charges

Sincerely,
Toni Mullen, CTC/CMR
Tax collector/Registrar/
Secretary of the Board of Health

Certification of Tax Sale Notice Mailing

I do hereby certify as follows:

1. I am the Tax Collector of the Borough of West Long Branch, in the County of Monmouth, State of New Jersey.
2. The mailing or delivery of all in lieu of mailings for the 2018 tax sale were completed on September 10, and September 17, 2018.

Toni Mullen, Tax Collector
CTC # T-8329

Dated: September 28, 2018

I, Toni Mullen, hereby certify that I advertised delinquent properties in connection with a Tax Sale to be held on September 27, 2018, in the Link News issues of August 26 and September 6, 2018.

I further certify that I mailed notices in connection with said sale during the weeks of September 10 & September 17, 2018.

I further certify that on August 23, 2018, I posted notices in the following locations:

West Long Branch Borough Hall Notices Board
West Long Branch Police Department Notices Board
West Long Branch Public Library Notices Board
West Long Branch Post Office
West Long Branch Fire Company #1 Notices board

Toni Mullen, Tax Collector

The Borough Clerk made reference to the following letter, dated September 27th, from JCP&L:

TO: Each Municipal Clerk and County
Executive or Administrator of the
Municipalities and Counties of
New Jersey Served by Jersey
Central Power & Light Company

October 3, 2018

Re: In the Matter of the Implementation of L. 2018 c. 16 Regarding the Establishment of a Zero Emission Certificate Program for Eligible Nuclear Power Plants, BPU Docket No. EO18080899

In the Matter of Jersey Central Power & Light Company Request for Review and Approval of a Zero Emission Certificate Recovery Charge, BPU Docket No. EO18091002

Dear Sir/Madam:

On May 23, 2018, legislation was signed into law, L. 2018, c. 16 (C.48:3-87.3 to -87.7) ("Act"), requiring *inter alia*, each Electric Distribution Company ("EDC") in the state to file with the New Jersey Board of Public Utilities (the "Board") a tariff to recover from its retail distribution customers a Zero Emission Certificate Recovery ("ZEC") charge from retail distribution customers to provide ratepayer-funded subsidies for New Jersey's nuclear energy supply, in order to preserve the fuel diversity, air quality, and other environmental attributes of nuclear energy. On August 29, 2018, the Board issued a Zero Emission Certificate Charge Order at Docket No. EO18080899 ("ZEC Order") directing the EDC's to file tariffs in compliance with the Act by October 22, 2018, for approval by the Board.

In accordance with the Act and the ZEC Order, Jersey Central Power & Light Company ("JCP&L") herewith serve upon you a copy of the Notice of the Tariff and Public Hearings for a ZEC charge to be recovered from JCP&L's retail distribution customers.

PLEASE TAKE NOTICE that the Board has scheduled public hearings on this Tariff at the times and places set forth in the enclosed Public Notice.

Copies of the Tariff re(are) available for inspection at the Company's regional headquarters at 300 Madison Avenue, Morristown, New Jersey 07962, and 101 Crawford's Corner Road, Building 1, Suite 1-511, Holmdel, New Jersey 07733, at each of the Company's local business offices, and at the Board of Public Utilities, 44 South Clinton Avenue, 7th Floor, Box 350, Trenton, New Jersey 08625 during normal business hours 9:00 a.m.-4:30 p.m. Monday through Friday. A copy of the Tariff is also available on the Company's website at www.firstenergycorp.com/jersey-central-power-light/regulatory.html.

JCP&L will be pleased to furnish you with any assistance or additional information that you may reasonably require.

Sincerely,

Mark A. Mader
Director
Rates & Regulatory Affairs-NJ

NOTICE TO JERSEY CENTRAL POWER &
LIGHT COMPANY CUSTOMERS

I/M/O THE IMPLEMENTATION OF L. 2018, c. 16 REGARDING THE
ESTABLISHMENT OF A ZERO EMISSION CERTIFICATE PROGRAM FOR ELIGIBLE
NUCLEAR POWER PLANTS, BPU DOCKET NO. EO18080899

IN THE MATTER OF JERSEY CENTRAL POWER & LIGHT COMPANY'S REQUEST
FOR REVIEW AND APPROVAL OF THE ZERO EMISSION CERTIFICATE
RECOVERY CHARGE, BPU DOCKET NO. EO18091002

Notice of a Filing and Notice of Public Hearings

TAKE NOTICE that by Order dated August 29, 2018, Jersey Central Power & Light Company ("JCP&L" or the "Company") was directed by the New Jersey Board of Public Utilities (the "Board" or "BPU") to file a Tariff with the Board by October 22, 2018, seeking BPU's approval to recover from JCP&L's retail distribution customers a Zero Emission Certificate Recovery ("ZEC") charge in the amount of \$0.004 per kilowatt-hour, before the application of Sales and Use Tax ("SUT"), in accordance

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with legislation that was signed into law on May 23, 2018. The legislation, L. 2018, c. 16 (C. 48:3-87.3 to 48:3-87.7), established a ZEC Program to provide ratepayer-funded subsidies for New Jersey’s nuclear energy supply, in order to preserve the fuel diversity, air quality, and other environmental attributes of nuclear energy. An eligible nuclear energy generator seeking to participate in the ZEC Program must submit an application to the Board demonstrating that it meets certain qualifications. If the Board approves the application and the nuclear energy generator is selected to participate in the ZEC Program, then each New Jersey electric distribution company is mandated by the State to purchase ZECs and must recover its procurement of ZECs through a non-bypassable charge (the “ZEC charge”) in the amount of \$0.004 per kilowatt-hour.

The illustrative chart below shows the estimated bill impact of the ZEC charge for each rate class, although the actual effect on specific JCP&L customers will vary according to the applicable rate schedule and the individual customer’s usage. Any assistance required by customers in this regard will be furnished by the Company upon request.

**STATEMENT OF THE MONTHLY EFFECT OF PROPOSED INCREASE IN
ZEC CHARGE AS COMPARED TO THE RATE IN EFFECT AS OF
SEPTEMBER 8, 2018**

Residential Average Bill (Includes 6.625% Sales and Use Tax)			
Residential (RS)	Current Monthly Bill (1)	Proposed Monthly Bill (2)	Proposed Monthly Increase
500 kWh average monthly usage	\$65.97	\$68.10	\$2.13
1000 kWh average monthly usage	\$136.37	\$140.64	\$4.27
1500 kWh average monthly usage	\$208.60	\$215.00	\$6.40
Residential Time-of-Day (RT)			
500 kWh average monthly usage	\$73.61	\$75.74	\$2.13
1000 kWh average monthly usage	\$141.95	\$146.22	\$4.27
1500 kWh average monthly usage	\$210.30	\$216.70	\$6.40

Overall Class Average Per Customer (Includes 6.625% Sales and Use Tax)			
Rate Class	Current Monthly Bill (1)	Proposed Monthly Bill (2)	Proposed % Increase
Residential (RS)	\$106.71	\$109.99	3.1%
Residential Time of Day (RT/RGT)	\$153.77	\$158.40	3.0%
General Service – Secondary (GS)	\$575.23	\$594.21	3.3%
General Service – Secondary Time of Day (GST)	\$30,338.36	\$32,389.43	3.5%
General Service – Primary (GP)	\$35,076.98	\$36,618.78	4.4%
General Service – Transmission (GT)	\$92,172.74	\$96,725.56	4.9%
Lighting (Average Per Fixture)	\$10.77	\$10.96	1.8%

Rates effective 9/8/2018 (2) Proposed rates effective TBD

Copies of the Tariffs are available for inspection at the Company’s regional headquarters at 300 Madison Avenue, Morristown, New Jersey 07962, and 101 Crawford’s Corner Road, Building 1, Suite 1-511, Holmdel, New Jersey 07733, at each of the Company’s local business offices, and at the Board of Public Utilities, 44 South Clinton Avenue, 7th Floor, Box 350, Trenton, New Jersey 08625 during normal business hours 9:00 a.m.-4:30 p.m. Monday through Friday. A copy of the Tariff is also available on the Company’s website at: www.firstenergycorp.com/jersey_central_power_light/regulatory.html.

PLEASE TAKE NOTICE that public hearings on this matter have been scheduled at the following dates, times and places:

**October 16, 2018, 3:30 p.m. and 5:30 p.m.
Freehold Township Municipal Building
One Municipal Plaza (Schanck Road at Stillwells Corner Road)
Freehold, New Jersey 07728**

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**October 23, 2018, 3:30 p.m. and 5:30 p.m.
Morris County Administration & Records Building
Public Meeting Room, 5th Floor
10 Court Street
Morristown, New Jersey**

Members of the public are invited to attend and present their views. Information provided at the public hearings will become part of the record of the case and will be considered by the Board in making its decision. In order to encourage full participation in this opportunity for public comment, please submit any requests for needed accommodations for disabled citizens to the Office of the Secretary of the Board at (609) 777-3300 at least 48 hours prior to the scheduled hearing so that appropriate arrangements can be made.

Customers may file written or electronic comments with the Secretary of the Board of Public Utilities at 44 South Clinton Avenue, 3rd Floor, Suite 314, PO Box 350, Trenton, New Jersey 08625-0350, ATTN: Aida Camacho-Welch or zec.comments@bpu.nj.gov, regardless of whether they attend the public hearings. Please note that all comments must be received by midnight on October 31, 2018.

JERSEY CENTRAL POWER & LIGHT COMPANY

The Borough Clerk made reference to the following e-mail, dated October 1st, sent to the Municipal Clerks of the Borough of Allenhurst, City of Asbury Park, Borough of Eatontown, Borough of Interlaken, Village of Loch Arbour, City of Long Branch, Township of Neptune, Borough of Sea Bright, Borough of West Long Branch, Borough of Deal, Borough of Monmouth Beach, and the Borough of Tinton Falls regarding Ordinance No. 2310:

Dear Municipal Clerk,

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-15), I am enclosing herewith a copy of Ordinance No. 2310 which was Approved on First Reading by the Township Council of the Township of Ocean at their Regular Meeting on September 27, 2018.

The Public Hearing has been scheduled for October 18, 2018 at 7:00 p.m., or as soon thereafter that the matter may be reached on the Agenda, in the Township Meeting Room, 1st Floor, 399 Monmouth Road, Oakhurst, NJ.

If you require additional information, please feel free to contact me at (732) 531-5000 ext. 3321.

Vincent Buttiglieri, RMC/MMC/CTC
Township Clerk/Deputy Tax Collector
399 Monmouth Road
Oakhurst, NJ 07755
(732) 531-5000 ext. 3321
(732) 531-6970 Fax
vbuttiglieri@oceantwp.org

ORDINANCE #2310

**ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 OF THE COMPREHENSIVE LAND
DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF OCEAN**

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Chapter 21, The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:

Article IV Subsection 21-22.5.6. shall be amended to add:

- (q) Second story attics above garages may be accessed by pull down or permanent stairs provided they do not have any plumbing fixtures or cooking apparatus. Such attic spaces may be finished and climate controlled. There shall be a deed restriction in place for any such space that prohibits the space from being used for sleeping purposes.

Article IV Subsection 21-22.5.7.d. shall be amended to read in its entirety:

- (d) One (1) patio per dwelling, not exceeding 350 sq. ft. in area shall be permitted, and shall meet the required minimum front yard setback for a principal structure. The edge of any patio surface shall be no more than one foot above finished grade at any point. Covered porches and decks shall be permitted, provided they meet the front, side and rear yard setback requirements of the principal dwelling. The area of such covered porches and decks shall not be included in the 350 sq. ft. limitation of the patio area.

Accessory structures such as, but not limited to, counters, bars, built-in barbecues, fireplaces, fire pits, and water features shall be permitted on patios provided they do not exceed 4’ in height, from the patio elevation at the base of the structure, except that fireplaces may be as high as 5’ from the patio elevation at the base of the structure. The hood of a barbecue is excluded from this height limitation. Where such structures are located on the edge of a patio, they shall not exceed the permitted height from finished grade at that point.

Walls shall be permitted around patios provided they do not exceed 30” in height above finished grade at any point.

Minimum Patio Side and Rear Yard Setback – 10’.

Record of Vote	Deputy Mayor Acerra	Councilman Long	Councilman Napolitani	Councilwoman Schepiga	Mayor Siciliano
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORDINANCES:

ORDINANCE NO. O-18-10

AN ORDINANCE AMENDING ORDINANCE 4-7.4 REGARDING
THE NUMBER OF AUTHORIZED TOWING OPERATORS IN
THE BOROUGH OF WEST LONG BRANCH

Ordinance No. O-18-10 is read on its second reading by title only.

Councilman Neyhart moved the ordinance be passed on its second reading, seconded by Councilwoman Mango, and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

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Ordinance No. O-18-10 was published in the Asbury Park Press in the issue of September 22, 2018, and proof of publication stating that a public hearing on said ordinance will be held at this time is on file.

Mayor Tucci declares 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-18-10

AN ORDINANCE AMENDING ORDINANCE 4-7.4 REGARDING
THE NUMBER OF AUTHORIZED TOWING OPERATORS IN
THE BOROUGH OF WEST LONG BRANCH

Councilman Neyhart moved the ordinance be passed on its third and final reading, seconded by Councilwoman Mango, and carried upon the following roll call vote:

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

ORDINANCE NO. O-18-11

AN ORDINANCE AMENDING ORDINANCE 2-9 REGARDING
THE FIRE DEPARTMENT AND THE BOROUGH OF WEST LONG BRANCH

WHEREAS, the Fire and First Aid Committee of the Borough Council, in consultation with the Fire Official and members of the Fire Department, has undertaken a complete review of the existing ordinances regarding the West Long Branch Fire Department; and

WHEREAS, this review included recommended changes to update the ordinance, in order to comply with new national and state regulations; and

WHEREAS, the revised ordinance includes corrections to the existing ordinance to conform with the positions currently being manned within the department, together with other recommended changes;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that the attached Ordinance amending Ordinance 2-9 of the West Long Branch Fire Department be and is hereby adopted; and

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon passage and publication according to law.

[All words which are lined through are being removed from the existing ordinance. All underlined words are being added to the existing ordinance.]

2-9 FIRE DEPARTMENT.*

2-9.1 Fire Districts Established.

The incorporated limits of the Borough as now established under an act entitled "An Act to Incorporate the Borough of West Long Branch, in the County of Monmouth, and to Provide for the Holding of an Election," approved April 17th, 1908, and constituting Chapter 102 of the Laws of 1908, shall be the fire district of this Fire Department.

2-9.2 Composition of Fire Department.

The Fire Department of this Borough shall consist of the Borough Chemical and Truck Co. No. 1 and West Long Branch Fire Co. No. 2.

2-9.3 Membership.**

Membership of the fire companies shall consist of the following six (6) classes:

**Editor's Note: For incentives for volunteer Fire Department members see Sections 2-19 and 2-19A.

a. Active.

1. The active membership of each company shall consist of no more than seventy-five (75) members.

2. No person shall become an active member unless above the age of eighteen (18) years and not over the age as set forth in N.J.S.A. 40A:14-56, a citizen of the United States, a resident of the Borough of West Long Branch, County of Monmouth for upwards of six (6) months. He shall be physically fit to perform the duties of fireman evidenced by a certificate to that effect by a practicing physician of the State of New Jersey after a physical examination for that purpose. Fees associated with the physical examination will be covered by the Borough.

3. The above age limit of and the six (6) months resident requirement shall not apply to a duly enrolled member of another fire department in the State of New Jersey upon a transfer to the Department provided he is at the time of transfer a member in good standing of the other department. A letter from the company's secretary will be necessary.

4. Every person seeking to join the Fire Department or transfer thereto from another department shall make application to the company which he desires to join upon application form furnished by N.J. State Firemen's Association available from the Borough Clerk's office. He shall become a member of the Fire Department upon confirmation by the Mayor and Council, and his name shall be entered on a roll of firemen kept by the Borough Clerk. He shall be given a badge of membership by the Borough Council which badge shall be delivered up to the Chief at any time upon demand of the Chief, or whenever said person shall be under charges involving mortal turpitude or neglect of duty. At this time, all company and Department-issued equipment will be relinquished to the Chief.

5. All persons upon being admitted to active membership shall complete an initial probationary period. During said probationary period, the probationary firefighter will follow guidelines established in Subsection 2-9.3a,10. If said candidate has completed a probationary period in another department and can present documentation certifying same, he/she will be exempt from the aforementioned probationary procedures. Said initial probationary period shall not be less than one (1) year nor more than two (2) years. A member shall be considered to have successfully completed the initial probationary period if he:

(a) Complies with requirements set forth by the New Jersey Division of Fire Safety Firefighter requirements (NJDFS) ~~National Incident Management System (NIMS)~~, and

(b) Successfully completes a training review, established in Subsection 2-9.3a,10 administered by the Captain, and

(c) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the regular alarms of fires during the probationary period, per year, and

(d) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the regular monthly meetings during the probationary period, per year, and

(e) Attends not less than fifty (50%) ~~sixty (60%)~~ percent of the drills during the probationary period, per year.

6. Every active member shall attend not less than fifty (50%) ~~sixty (60%)~~ percent of regular alarms of fires answered by the company during the calendar year. The total number of alarms used in computing said percentage may include not more than twelve (12) fire drills called by the Chief, Training Committee, or his Captain. Any active member who shall have been absent from a fire alarm or drill for any reasons must contact the Captain setting forth the excuse before the Captain's report of alarms and drills is presented at the next regular company meeting. The total number of excusable reasons used in computing said percentage shall not exceed forty (40%) percent of the total number of regular alarms of fires.

7. Active members, after successful completion of the initial probationary period, who thereafter fail to maintain fifty (50%) ~~sixty (60%)~~ percent fire duty for two (2) successive years shall be stricken from the rolls of active members.

8. Any active member who has completely met all the qualifications of this section for a period of not less than three (3) years, and moves to a town within the listed communities below ~~bordering the Borough of West Long Branch~~ may make notice in a written letter of intent to retain his active membership rights. Said letter must be received by the active member's own company secretary within a six (6) month period to be eligible to retain active status.

- Deal
- Eatontown
- Little Silver
- Long Branch
- Monmouth Beach
- Ocean Twp. (all)
- Oceanport

9. When said active member has met all requirements set forth in Subsection 2-9.3a,8. of this section, he shall have all rights to be nominated and elected to any company and/or departmental level officer's position.

10. Firefighter Training Qualifications. Active members must comply with the requirements set forth in NIMS (blood borne pathogens training, right to know training, hazardous materials training, ~~confined space training~~, incident management system training, etc.). Also must meet ~~the requirements of N.J.A.C. 5:73~~ New Jersey Division of Fire Safety Firefighter requirements (NJDFS) .Any amendments or modifications to the requirements above, in this section, shall be deemed changes to this section, requiring compliance by active members. Course requirements above may be conducted by the National Fire Academy, Monmouth County Fire Academy, ~~Fort Monmouth Fire Academy~~, New Jersey Division of Fire Safety, or equivalent.

b. Active Exempt.

1. The active exempt membership shall consist of all those active members who shall have been awarded exempt certificates for service from the Borough of West Long Branch Borough Clerk who still fulfill the obligations of an active member, and shall be subject to payment of dues.

2. Active exempt members who fail to meet the annual regulatory training requirements shall be transferred to the roles of exempt membership.

c. Exempt.

1. The exempt membership shall consist of all those active members who shall have been awarded exempt certificates, and who have not continued their active status.

2. Exempt members shall be subject to the payment of dues, and shall be entitled to all the rights and privileges of the company except that they shall not

hold the office of Chief, Assistant Chief, Captain, ~~First Lieutenant~~, or ~~Second Lieutenant~~.

3. Exempt members shall attend not less than three (3) monthly company meetings a year prior to the election meeting to be eligible to vote in company or departmental elections of officers.

4. If an exempt member wishes to change his exempt status back to active membership status, said member will have to meet the qualifications of the active membership category in Subsection 2-9.3a of this section for a period of not less than one (1) complete year from the date of the change of status.

d. Associate.

1. The associate membership shall consist of not more than twenty-five (25) members of each company.

2. No person shall become an associate member unless above the age of eighteen (18) years, citizen of the United States, and a resident of the Borough or ~~bordering community~~ listed communities or a full-time student at Monmouth University or employee within the Borough who is able to respond to emergencies.

3. All persons seeking associate membership shall do so in accordance with the procedures set forth in Subsection 2-9.3a,4. and must meet the educational and regulatory requirements of Subsection 2-9.3a,5.

4. Associate members shall be entitled to all the rights and privileges of the company except that they shall not be entitled to vote in the elections for the office of Chief, Assistant Chief, Captain, or Fire Lieutenant or ~~Second Lieutenant~~ nor shall they be eligible to hold such offices.

5. Associate members shall perform any and all duties incumbent upon them as members of the Department, and they shall be subject to payment of dues.

6. Requirements set forth in Subsection 2-9.8c,3. shall not apply to any existing associate member prior to the adoption of this Ordinance, O-06-11.*

e. Honorary.

1. Honorary members shall not perform any firematic related duties.

2. Honorary members shall have no voting privileges, nor shall they hold any fire company executive office, and shall be subject to pay all company dues and fines.

f. Life.

1. Any active or active exempt member who shall have completed twenty-five (25) years of service and whose years of service and age when added total seventy-five (75) or greater and who desires to be free of the obligation or membership may at his request, by action of the company, be transferred to the status of a life member.

2. Life members shall be entitled to all rights and privileges of active members except that they shall not hold any Chief or Line Officer position ~~the office of Chief, Assistant Chief, Captain, First Lieutenant, or Second Lieutenant~~, and they shall not be subject to dues or fines but must attend two (2) company meetings per year to be eligible to vote for company or departmental officers.

3. Any active or active exempt member who suffers a permanent disability which prohibits his performing the normal duties may, by the action of the Fire Company, be transferred to the status of Life Member.

2-9.3A Disclosure Information Regarding Applicants.

- a. Purpose. This subsection is enacted in part pursuant to N.J.S.A. 40:42-1 et seq. for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1.
- b. Membership Defined. Membership in a volunteer fire company or first aid squad means membership in the West Long Branch Fire Department (either company) or in the West Long Branch First Aid Squad. Applicants for employment within the Borough refers to all applicants other than those seeking employment with the West Long Branch Police Department, which employees have similar requirements under separate legislation.
- c. Application Contents. Any adult person desiring membership in a volunteer fire company or the First Aid Squad, or as an employee of the Borough, shall complete in duplicate, filing the same with the Borough Clerk, a separate records check application, which shall contain the following information about the applicant:
 1. Name.
 2. Home address.
 3. Birth date.
 4. Social Security number.
 5. Driver's license number.
 6. Any conviction of violation of N.J.S.A. 2C:17-1:
 - (a) Aggravated arson, or
 - (b) Arson, or
 - (c) Failure to control or report dangerous fire, or
 - (d) Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.
 7. Any conviction or violation of N.J.S.A. 2C:33-3 (False Public Alarms).
 8. Any conviction of a crime, as defined in N.J.S.A. 2C:1-4a, or a felony or misdemeanor under Federal law, however, such person may be an honorary member, if permitted by the company.
 9. Any conviction of a disorderly persons offense, petty disorderly persons offense or ordinance violation.
 10. As to the volunteer fire company's application, such other information as the volunteer fire company deems relevant to the application, provided none of such information is prohibited by law.
 11. As to the First Aid Squad's application, such other information as the First Aid Squad deems relevant to the application, provided none of such information is prohibited by law.
- d. Investigation by Chief of Police. Following the filing of such records check application, the Borough Clerk shall transmit one (1) copy of the application to the Chief of Police of the Borough of West Long Branch, who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If, as the result of such investigation, the applicant is found to have been convicted of any violation of any matter referred to in paragraph c,6, c,7 or c,8 or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the Borough Clerk. The Borough Clerk shall, thereafter, provide that

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information to the President of the applicable Fire Company or the President of the First Aid Squad, if the applicant is seeking membership in such organization.

e. Fingerprinting of Applicant. In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive State criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section.*

f. This section is intended to make the volunteer fire company and the First Aid Squad an Authorized Agency as defined by N.J.A.C. 13:59-1.1.

g. Time Limit for Investigation. The above investigation by the Chief of Police shall be completed within thirty (30) days of receipt of the application and the fingerprinting of the applicant, unless such time shall be extended by formal action of the governing body.

h. Fees. Any fees required for fingerprinting shall be paid by the Borough and not by the Fire Company, Fire Department or First Aid Squad.

2-9.4 Elections; Terms of Office.

On the first Tuesday after the first Monday of December in each Election year, the companies shall elect one (1) person to be known as Chief of the Fire Department and one (1) person to be known as Assistant Chief. The Chief shall serve for a term of one (1) year and the position shall alternate between companies on a yearly basis. The Chief and Assistant Chief shall not be members of the same company. Exempt, active, active exempt, exempt and life members in good standing of said Fire Companies shall be eligible to vote for said officers. The secretary of each Fire Company in the Fire Department of the Borough of West Long Branch shall not later than November 15, file with the Borough Clerk, as a matter of public record, a list of all such members who are then in good standing and entitled to vote at the election.

2-9.5 Eligibility for the Office of Chief or Assistant Chief.

No person shall be eligible for the office of Chief or Assistant Chief who has not met all requirements of the position of Captain and the following requirements:

a. Chief.

1. Three (3) ~~Four (4)~~ years' service in the Borough of West Long Branch as Line Officer or Assistant Chief, and meets all requirements.

2. Meet all firefighter training qualifications listed in this ordinance. Meet all years of service requirements set forth in Subsection 2-9.5.

3. If for any reason the term of Chief cannot be completed by the elected Chief, a qualified nominee from the company which the vacancy arose from will be voted upon in a special departmental election, to serve the remainder of the Chief's term. Said election shall be held within thirty (30) days of the vacancy.

b. Assistant Chief.

1. Two (2) ~~Three (3)~~ years' service in this Borough as Company Line Officer, and has completed all requirements.

2. Meet all firefighter training qualifications. Meet all qualifications for the office of ~~First~~ Lieutenant. Must meet all years of service requirements set forth in Subsection 2-9.5.

3. If for any reason the term of Assistant Chief cannot be completed by the elected Assistant Chief, a qualified nominee from the company which the vacancy arose from will be voted upon in a special departmental election, to serve the remainder of the Assistant Chief's term. Said election shall be held within thirty (30) days of the vacancy.

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c. The newly established educational requirements in Subsection 2-9.8b, c and d of this section shall not apply to the Chief or the Assistant Chief holding office at the time this section shall take effect.

2-9.6 Nominations for Chief and Assistant Chief.

All nominations for the offices of Chief and Assistant Chief shall be in the hands of the Borough Clerk not later than November 15 ~~each~~ that year. The nominations for Chief and Assistant Chief to be made only from the company from which the candidate is a member.

a. A nominating committee which will be comprised of the Training Committee and two (2) executive board members from each company will establish if nominated candidates for Chief and Assistant Chief are qualified to be elected for advancement or retain their position.

b. The Training Committee shall supply an up-to-date list of qualified firefighters that meet all requirements for advancement to officer status no later than the September company meetings.

c. When the nominating committee evaluates a candidate's training records and finds them to be insufficient to advance ranks, the candidate will be replaced by a candidate elected by the company which the vacancy arose from. Such candidate will have to meet all requirements and be established as a qualified candidate by the nominating committee.

d. All nominees for the position of Chief and Assistant Chief shall meet the newly listed resident requirements listed in this ordinance ~~be residents of the Borough of West Long Branch or shall be residents of a contiguous municipality, in which later case they shall have previously held the office of Fire chief in the Borough of West Long Branch.~~

2-9.7 Election of Chief and Assistant Chief.

The election for Chief and Assistant Chief shall be held at the fire station of the nominated Chief belonging to the West Long Branch Fire Department, the polls opening at 7:00 p.m. and closing at 9:00 p.m. of the day appointed for holding the election, and shall be conducted by ballot, and a statement of the results of the election shall be signed by the judge and clerk of each company and transmitted to the Borough Clerk, and shall be by him submitted to the Mayor and Council at the next regular meeting held after the election, and the Mayor and Council shall canvass the returns and declare the results, and the persons so declared to be elected as Chief and Assistant Chief shall hold office for ~~one (1)~~ year from the first day of January next ensuing.

a. The President and Secretary or designated company executive board member of each company shall act as judge and clerk of the election held under the provisions of this section.

2-9.8 Line Officers.

Each company in the Fire Department of the Borough of West Long Branch shall elect the Line Officers of Captain, and Lieutenant ~~First Lieutenant, and Second Lieutenant~~ to serve for a term of two (2) years. All candidates for line officers shall have been in active firefighter status in this Borough for at least three (3) years in order to be nominated, and eligible for election to the position, and shall have been qualified as per Subsection 2-9.8a and b.

a. The newly established requirement in Subsection 2-9.8 requiring active firefighter status in this Borough for three (3) years shall not apply to the Line Officers holding office at the time this Subsection shall take effect.

b. A nominating committee which will be comprised of the Training Committee and two (2) executive board members from each company will establish if nominated candidates for Captain, and Lieutenant ~~First Lieutenant and Second Lieutenant~~ are qualified to be elected for advancement or retain their position.

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- c. No person shall be eligible for the office of Captain who has not met the following qualifications:
1. Meet all firefighter and driver training qualifications listed in the ordinance.
 2. Meet all qualifications for the office of ~~First~~-Lieutenant.
 3. Complete 8-hour Incident Safety Officer Course.
 4. Complete 12-hour course on Fire Ground Tactics and Strategy ~~Commanding the Emergency Incident~~.
 5. Complete 8-hour course on Management of the Fire Service or equivalent.
 6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73-1.6.
 7. Meet all requirements of NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6 as outlined in NIMS Incident Management System Training and meet all levels 1, 2 and 3 based on the position being elected to or assigned to as outlined.
- d. No person shall be eligible for the office of ~~First~~ Lieutenant who has not met the following qualifications:
1. Meet all minimum qualifications for firefighter and driver ~~the office of Second Lieutenant~~, in addition to the following minimum requirements:
 2. ~~Meet all firefighter training qualifications. Complete 8-hour certified course on Vehicle Extrication.~~
 3. ~~Reserved. Complete 8-hour course on Fire Ground Tactics and Strategy.~~
 4. ~~Reserved. Complete, at a minimum, N.J.D.O.F.S. FIRE INSTRUCTOR 1 course.~~
 5. Complete 8-hour course on basic building construction.
 5. 6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73.
- e. ~~No person shall be eligible for the office of Lieutenant who has not met the following qualifications:~~
- ~~1. 2. Complete 8 hour certified course on Vehicle Extrication.~~
 - ~~2. 3. Complete 8 hour course on basic building construction.~~
 - ~~3. 4. Meet requirements of NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6 as outlined in NIMS Incident Management System Training and meet all levels 1, 2, AND 3 based on the position being elected to or assigned to.~~
 4. 5. Meet all firefighter training qualifications and driver/operator qualifications CERTIFIED PUMP SCHOOL AND TRUCK SCHOOL, and any other training required by the borough's insurance carrier. as set forth in the West Long Branch Fire Department Training Annex.
 5. ~~6. Course requirements above shall be conducted in accordance with the requirements for fire services training as defined in N.J.A.C. 5:73.~~
 6. ~~7. Complete 8 hour course on Fire Ground Tactics and Strategy.~~
 7. ~~8. Complete, at a minimum, N.J.D.O.F.S. FIRE INSTRUCTOR 1 16 hour course. on Instructional Techniques for Company Line Officers.~~

2-9.9 Election of Line Officers.

Election of company line officers, as well as other company officers, shall be by ballot, and such officers shall be chosen by a majority of the votes cast. If upon any ballot there be no election, a new ballot shall be cast and on each successive ballot the candidate receiving the lowest number of votes shall be dropped from the balloting. Such balloting shall continue until one (1) candidate shall have received a majority of votes cast. Nominations for officers and the Chief and Assistant Chief shall be made on the first Monday in October, the nominations to remain open until annual meeting for election of officers to be held on the first Monday in November. The regular term of elected officers shall commence the first day of the year following the election. All voting members, with the exception of life members, shall be required to attend no less than three (3) company meetings per year prior to an election meeting to be eligible to vote for company or departmental officers.

2-9.10 Management of Companies.

The two (2) companies of the Fire Department shall manage their own affairs, subject to the terms and conditions of this section and regulations of the department and the approval of the Borough Council if the Council shall see fit to exercise such right of approval in the interest of the general welfare of the Borough.

2-9.11 Refusal to Obey or Enforce This Section.

Any company which shall refuse to obey or enforce obedience of any provisions of this section or direction of the Borough Council in accordance herewith, may be suspended from fire duty in the Borough of West Long Branch in the discretion of the Borough Council, and its control over the fire apparatus and fire equipment of the Borough in its charge shall thereupon cease and revert to the Borough.

2-9.12 Duty of the Officers to Preserve Orderly Conduct.

It shall be the duty of the officers of each company to prevent unauthorized persons riding on any fire apparatus going to or returning from a fire, or alarm of the fire; to prevent any racing of their company with any other company, and to abstain from and prevent any conduct that may be likely to cause a breach of the peace or reflect discredit on the Fire Department.

2-9.13 Duty of the Chief and Assistant Chief; Apparatus.

It shall be the duty of the Fire Chief, or in his absence the Assistant Fire Chief to examine all the fire apparatus, equipment and stations ~~in use~~ for the protection of the same, and report any defect thereof to the Fire Department Records Administrator and Fire Commissioner, Mayor and Council at its next regular meeting; he shall also file with the Mayor and Council, a the Fire Chief shall be responsible for the over all operations of the two fire companies' manpower, equipment and apparatus.

It shall also be the responsibility of the Fire Chief or, in his absence, the Assistant Fire Chief to submit a detailed monthly report of the number of responses, drills and operations for said month to the Fire Department Records Administrator and Fire Commissioner ~~fires, and the causes of the fires, and such other information as he shall think proper; he shall, under the direction of the Committee on Fire and Water, of the Mayor and Council, direct all necessary repairs to the apparatus which may be ordered to be built or repaired; he shall, in all cases of fire threatening danger or destruction to property, take efficient and prompt measures and use the means of the Department to extinguish the same and shall at such times on occasions of alarm of fire have sole and absolute control and command over all the fire apparatus, and all members of the Fire Department, and over all other fire apparatus and persons aiding and assisting the Fire Department in cases of actual fire.~~

2-9.14 Chain of Command in Chief's Absence.

In the absence of the Chief, his command shall devolve upon, and his duties be performed by the Assistant Chief, or in his absence, by the Senior Line Officer or a

qualified ex-chief that meets the N.J.D.F.S. NIMS AND OFFICER REQUIREMENTS.
~~or former Chief first to arrive at the fire.~~

2-9.15 Chief and Assistant Chief Should Attend All Fires.

The Chief and Assistant Chief should attend all fires within the corporate limits when they are within responding distance, and are hereby empowered and required to take charge of any building which may be on fire. The Chief or Assistant Chief may in writing direct the removal or securing of any such material or materials, and in case the possessors of the same neglect or refuse to comply with such written directions, the party or parties so refusing or neglecting shall, on due conviction, be punished as provided in Subsection 2-9.27, the Chief and Assistant Chief are hereby vested with all the power of police officers of the Borough while going to, attending and returning from a fire, and shall preserve the peace, and protect private and public property.

2-9.16 Identification of Chief and Assistant Chief.

The Chief, Assistant Chief, and all Line Officers shall carry official identification when on duty.

2-9.17 Power of Chief to Suspend Any Member.

The Chief shall have power to suspend from duty any company or any member of any company for disobedience of his orders or the orders of the officer in command when on duty. All appeals from his decision shall be made in writing within ten (10) days of notification to the Fire Department Board of Appeals, who shall try the same and affirm, reverse or change said decision of said Chief by majority vote.

a. The Fire Department Board of Appeals shall be comprised of the three (3) most recent former Chiefs, one (1) active or active exempt member from each company, and the Secretary (whose sole responsibility is to take notes of the proceedings) from the fire company from which the Chief belongs, who are empowered by this subsection to make the final decision on personnel matters. The active or active exempt members are to be elected by their respective company for a term of one (1) year. Said election will be held in conjunction with the annual company elections. Neither the current Fire Chief nor the current Assistant Fire Chief may serve as one of the active or exempt member(s) of the Fire Department Board of Appeals.

b. The Board of Appeals shall set forth honest and reasonable decisions on suspensions, which decisions will be voted upon, and must be unanimous.

c. The Board of Appeals, when necessary, may retain the Borough Attorney to mediate legal matters.

2-9.18 The Chief's Annual Report.

~~The outgoing Fire Chief shall file a complete year-end report no later than the second week in January to the Fire Department Records Administrator and Fire Commissioner. upon the adoption of this section and annually thereafter at the Annual Meeting of the Mayor and Council, file a duly verified list and report, under oath with the Borough Clerk of all active members of the companies under his control and supervision which shall set forth the name and residence of all such firemen, whether a citizen of the United States, whether of good moral character, date of becoming a fireman, age at that time, company of which they are a member and percentage of fire duty performed during that year by each fireman.~~

2-9.19 Permission of Chief for Apparatus to Leave Borough.

No fire apparatus shall leave the Borough limits except by permission of the Chief; in case of emergency the Mayor or any member of the Fire and Water Committee of the Council, the Chief or Assistant Chief, or Line Officers may permit any apparatus to leave the Borough limits, the officer in charge to determine the company or companies to respond to the call. No fire apparatus shall be used for any mere trial of skill or power except by consent of the Chief and Captain.

2-9.20 Department Training Division.

The Chief shall appoint a Department Training Committee consisting of a number not to exceed six (6) of Department training personnel within thirty (30) days upon taking office, with an equal number of training personnel appointed from each company if they meet the qualifications. Such personnel shall carry out efficiently and effectively the duties and responsibilities of the Fire Department. The Training Committee shall be subject to the terms and conditions of this section, and regulations of the Fire Department, and approval of the Borough Council, if said Council shall see fit to exercise such right of approval in the interest of the general welfare of the Borough. All appointments under this subsection shall include a statement of duties, responsibility, authority, and minimum qualifications. No person shall be eligible for the position of Department training personnel who does not meet the following minimum qualifications:

a. Completion of courses resulting in certification as a fire service instructor per ~~New Jersey Subchapter N.J.A.C. 5:73 N.J. Uniform Fire Code Fire Service Training and Certification. NEW JERSEY DIVISION OF FIRE SAFETY FIRE OFFICER REQUIREMENTS N.J.A.C. 5:73-1.6~~

b. Such instructors shall meet or exceed all qualifications to be Captain per Subsection 2-9.8a, b and c.

2-9.21 Interference with Fire Apparatus Prohibited.

No person shall interfere with, impede or delay any apparatus in the Borough of West Long Branch in any manner or for any cause under their control, nor willfully drive or cause to be driven any vehicle over any hose or other fire apparatus nor in any manner willfully damage, deface or injure any hose or other apparatus at any time nor give nor cause to be given any false alarms of the fire in this Borough, nor meddle with, injure nor destroy any of the property appertaining to or belonging to the Fire Department or any fire alarm system connected therewith.

2-9.22 Fire Department Drivers.

Each company in the Fire Department of the Borough shall elect qualified drivers for each apparatus, and the approved list shall be timely forwarded to the Borough Administrator. Said drivers shall undergo an operator's proficiency test administered by the Fire Company Line Officers annually, and said drivers to be experienced licensed drivers, and said drivers to be subject to the rules and regulations of the Fire Department and their respective companies.

a. Driver/operators must meet the following qualifications:

1. Have a valid New Jersey driver's license.
2. Meet NFPA 1002, Chapters, 1, 2, 3 and 4.
3. CDL license is not required for drivers of fire apparatus in the State of New Jersey.

b. Driver/operators of pumping apparatus must complete an advanced pump operator's course or similar course conducted by a recognized school or training organization.

c. Driver/operators of aerial apparatus must complete an advanced truck company operations course or similar course conducted by a recognized school or training organization.

d. Driver/operators of all other Department apparatus not specified in this section must be qualified and checked out by a certified instructor prior to driving or operating said apparatus.

e. All driver/operator qualification forms must be kept in a central training file location in Borough Hall, along with the annual driver's license check forms. An additional copy may be kept in each firehouse file system.

f. Only those officers for drivers holding the requirements to conduct training shall have the authority to conduct apparatus or any type of training to members of the department. At no time will any training be conducted without the approval of the Fire Chief or Assistant Fire Chief and company Captain. All required training documentation shall be completed by the Level II instructor or officer in charge. Head drivers shall be designated by the Captain in each company and shall, together with the Line Officers, be the only persons who have the authority to conduct driver training and certification.

2-9.23 Fire Police.

It shall be the duty of each company in the Fire Department to elect or appoint Fire Police, the selections to be approved by the Mayor and Council.

2-9.24 Assistance from Out of Town Fire Departments.

Should a fire or emergency develop in the Borough limits that requires mutual aid assistance from out of town Fire Departments, the Fire Chief or Officer in Charge (OIC) in his absence, the Assistant Chief, or in his absence the Line Officer(s) in charge shall have the authority to request any greater alarm assignment or special call resources as defined in the District 53 Response Plan that is on file with the dispatch center. is hereby vested with power to call such out of town assistance as he shall deem necessary to aid in the extinguishing of the fire.

2-9.25 Penalty.

The penalty for any violation of this section to which no distinct penalty is attached shall be, in the case of an officer, degradation from his office and suspension from the Department, and, in case of a fireman, suspension from the Department, and these penalties shall be enforced at the option of the Board of Appeals as per Subsection 2-9.17b and c.

2-9.26 Reporting of Violations.

It shall be the duty of the officers of the Department to promptly report any violation of this section to the Chief, and that officer shall report the same to the Mayor and Council at its next meeting, and the Mayor and Council shall examine into such charge or charges and shall take such action thereon as it may deem advisable, provided that no penalty other than such as are herein provided shall be enforced.

2-9.27 Violations; Penalty.

Any persons who shall violate this section shall be liable, upon conviction, to a penalty as established in Chapter I, Section 1-5 of this Code.

2-9.28 Emergency Services Records Administrator.

a. Position Created. There is hereby created the position of Emergency Services Records Administrator of the Borough of West Long Branch.

b. Duties of Emergency Services Records Administrator. The duties of the Emergency Services Records Administrator shall include the following:

1. All duties previously set forth in Subsection 2-9.28e.* and its subsections, both for the West Long Branch Fire Department, the First Aid Squad, and the Department of Public Works.

2. Maintain all national and State fire incident reporting, and record the same into the Borough's computer.

3. Maintain all Federal and State mandated training records for all departments, and record the same into the Borough's computer.

4. Coordinate with the Fire Department and First Aid Squad to insure that all fire and first aid vehicles are properly maintained. As authorized by the Fire Chief

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and First Aid Captain, schedule all repairs, maintenance and testing for the Fire Department and First Aid vehicles, and record the same into the Borough's computer.

5. Maintain all records required by LOSAP, and record the same into the Borough's computer.

6. Develop a schedule and maintain results of all Fire Department required testing of vehicles and equipment, as required by PEOSHA (Public Employees Occupational Safety & Health Act), including mandated and NFPA (National Fire Prevention Association) standards for ladders, pumps, hose, and SCBA (Self-Contained Breathing Apparatus), and record the same into the Borough's computer. Included therein is any other testing deemed appropriate by the Borough.

7. At the beginning of each calendar year, advise the Fire Department and First Aid Squad officers of any testing which is to be scheduled for that coming calendar year.

8. Maintain records regarding all purchases of equipment and vehicles for the West Long Branch Fire Department and the West Long Branch First Aid Squad, and set up a data base of all equipment purchased each year. These records will be maintained in the Borough's computer program.

c. Appointment. The Emergency Services Records Administrator shall be appointed by the Mayor, with the advice and consent of the Council, pursuant to N.J.S.A. 40A:60-6(d). At least three (3) affirmative votes shall be required to appoint. He shall serve a term not exceeding one (1) calendar year, such appointment to terminate on December 31 of each year, or until his successor is appointed and qualified. Vacancies shall be filled for the balance of any unexpired term.

d. Compensation. The Emergency Services Records Administrator shall receive a salary as established in the annual salary ordinance, together with any approved stipend(s).

2-9.29 Compliance with Fire Department Occupational Safety and Health Program, NFPA 1500.

Compliance with the Fire Department Occupational Safety and Health Program, NFPA 1500, will be the responsibility of the Fire Chief and the Assistant Fire Chief, who will establish a committee, to see that all standards are met pertaining to NFPA 1500 for the West Long Branch Fire Department.

2-9.30 Consolidation of First and Second Lieutenant Positions.

Henceforth there shall be only a Lieutenant, and no longer a First Lieutenant or Second Lieutenant. All references in the ordinance to First Lieutenant or Second Lieutenant shall now be read simply as "Lieutenant."

2-9.31 Termination of Membership.

Any conviction under subsection 2-9.3Ac,6, c,7 or c,8 by any member, other than an honorary member, shall result in automatic termination of membership within the Fire Department. The company shall determine whether honorary membership shall be terminated or not.

Councilwoman Juliano moved to approve the above ordinance on its first reading and to set the public hearing on this ordinance for October 17, 2018, at 7:00 PM. Motion was seconded by Councilman Penta and carried upon the following roll call vote:

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE

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ABSTAIN: NONE

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING VETERAN'S EXEMPTION
FOR VILLANO (BLOCK 102, LOT 16)
(R-18-111)

WHEREAS, ALBERT VILLANO, of 24 Sherman Avenue (Block 102, Lot 16), has been certified to be 100% permanently and totally disabled by the Department of Veteran's Affairs; and

WHEREAS, MR. VILLANO filed an application for a 100% veteran's exemption with the Borough of West Long Branch, which application has been reviewed by the Municipal Tax Assessor, who has recommended that the Governing Body grant a 100% veteran's exemption to the taxpayer, effective as of January 1, 2018;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that a 100% veteran's exemption is hereby granted to ALBERT VILLANO, of 24 Sherman Avenue (Block 102, Lot 16), in West Long Branch, such exemption to be effective as of January 1, 2018; and

BE IT FURTHER RESOLVED that the appropriate Borough officials shall process the necessary paperwork, such that any tax paid by MR. VILLANO for calendar year 2018 shall be refunded to him.

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PEANT
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING GREEN COMMUNITIES GRANT APPLICATION
(R-18-112)

WHEREAS, the West Long Branch Shade Tree Commission desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$3,000 to hire a forestry consultant to assist in updating the Borough's Forestry Management Plan;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the Borough Clerk is authorized to make application for such a grant, and, if awarded, the Mayor and Borough Clerk are authorized to execute a grant agreement with the State for a grant in an amount not less than \$3,000 and not more than \$3,000; and

BE IT FURTHER RESOLVED that the Borough Council authorizes and hereby agrees to match 100% of the Total Project Amount, in compliance with the match requirements of the agreement, with in-kind services. The availability of the match for such purposes, whether cash, services, or property, is hereby certified; and

BE IT FURTHER RESOLVED that the Borough agrees to comply with all

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applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

A RESOLUTION TO AFFIRM THE BOROUGH OF WEST LONG BRANCH'S
CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES,
EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT
CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO
CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS
(R-18-113)

WHEREAS, it is the policy of the Borough of West Long Branch to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law Against Discrimination, the Americans With Disabilities Act, and the Conscientious Employee Protection Act; and

WHEREAS, the Borough Council of the Borough of West Long Branch has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that:

1. No official, employee, appointee or volunteer of the Borough of West Long Branch by whatever title known, or any entity that is in any way a part of the Borough of West Long Branch shall engage, either directly or indirectly, in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of the Borough of West Long Branch's business or using the facilities or property of the Borough of West Long Branch.
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of West Long Branch to provide services that otherwise could be performed by the Borough of West Long Branch.
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
4. The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

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- 5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
- 6. The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of West Long Branch, as well as all other entities subject to this resolution, to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.
- 7. The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the Governing Body the results of the monitoring.
- 8. At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough of West Long Branch. This communication shall include a statement from the Governing Body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's website.
- 9. This resolution shall take effect immediately.

A copy of this resolution shall be published in the official newspaper of the Borough of West Long Branch in order for the public to be made aware of this policy and the Borough of West Long Branch's commitment to the implementation and enforcement of this policy.

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION REJECTING BIDS FOR THE
MARYLAND AVENUE RECONSTRUCTION PROJECT
(R-18-114)

WHEREAS, the Borough advertised for the receipt of bids for the Maryland Avenue Reconstruction project and accepted said bids on September 11, 2018; and

WHEREAS, the Borough received the following bids:

<u>BIDDER</u>	<u>TOTAL BID</u>
Earle Asphalt Company	\$432,613.13
Fiore Paving Co., Inc.	\$460,800.76
Black Rock Enterprises, LLC	\$462,328.50
L&L Paving Company, Inc.	\$504,539.50
Seacoast Construction	\$514,405.76

AND WHEREAS, the bids exceed the amount budgeted for this project, and, therefore, the Borough Engineer recommends that they be rejected for that reason;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the bids, which were received on September 11, 2018, are hereby rejected for the reason set forth above; and

BE IT FURTHER RESOLVED that the Borough Clerk is directed to notify the bidders of this rejection and return the bid bonds to the bidders; and

BE IT FURTHER RESOLVED that the Borough Engineer is authorized to re-bid the project.

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

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING A PROPOSAL FROM JERSEY ELEVATOR
FOR MAINTENANCE OF THE ELEVATOR IN THE WEST LONG
BRANCH POLICE DEPARTMENT
(R-18-115)

WHEREAS, the West Long Branch Police Department has the need for an elevator maintenance contract; and

WHEREAS, JERSEY ELEVATOR, 657 Line Road, Aberdeen, New Jersey 07747, has been performing this service since 2011; and

WHEREAS, JERSEY ELEVATOR submitted the attached maintenance contract in the amount of \$123.05 per month for a three-year period commencing on October 1, 2018; 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 proposal submitted by JERSEY ELEVATOR be accepted in the amount of \$123.05 per month for a three-year period commencing October 1, 2018.

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

AYES:	BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS:	NONE
ABSENT:	NONE
ABSTAIN:	NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY
(R-18-116)

WHEREAS, the Borough of West Long Branch is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch as follows:

The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-83453/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com.

The sale will be conducted online and the address of the auction site is govdeals.com.

The sale is being conducted pursuant to Local Finance Notice 2008-9.

The surplus property to be sold is a 2005 Dodge Durango – VIN 1D8HB48N85F540125.

The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

The Borough of West Long Branch reserves the right to accept or reject any bid submitted.

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION AWARDING CONTRACT FOR
LEAF COMPOSTING WITH HOLLY HILL FARM
(R-18-117)

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 received the following proposals:

	<u>Compacted</u>	<u>Vacuumed</u>
Holly Hill Farm	\$5.00/C.Y.	\$3.00/C.Y.
Juliano Farm	\$5.50/C.Y.	\$5.50/C.Y.

WHEREAS, Holly Hill Farm and Juliano Farm are authorized by Monmouth County as Leaf Mulching Sites;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of West Long Branch hereby awards a contract for leaf composting to HOLLY HILL FARM, in the amount of \$5.00/C.Y. for compacted leaves and \$3.00/C.Y. for vacuumed leaves, and the Borough agencies and employees are hereby authorized to deliver leaves to Holly Hill Farm located on Obre Road, Colts Neck, for the 2018-2019 season.

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

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AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION RENEWING TMJC ENTERPRISES, L.L.C.
LIQUOR LICENSE FOR 2018-2019
(R-18-118)

WHEREAS, the liquor license issued to TMJC ENTERPRISES, L.L.C. (License No. 1353-33-002-014) has been inactive for more than two years; and

WHEREAS, in accordance with N.J.S.A. 33:1-12.39, a request for a special ruling to permit the renewal of this license was submitted to the New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, the Director of the New Jersey Division of Alcoholic Beverage Control has issued his ruling in this matter and has determined that the West Long Branch Governing Body is authorized to consider this license for renewal for the 2018-2019 and 2019-2020 license term; and

WHEREAS, Liquor License No. 1353-33-002-014 was properly renewed for the 2017-2018 license term;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Liquor License No. 1353-33-002-014 issued to TMJC ENTERPRISES, L.L.C. be renewed for the 2018-2019 term subject, however, to the rules, regulations, and ordinances affecting the same, said license to expire on June 30, 2019.

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

Mayor Tucci read the following proclamation:

WHEREAS, across the nation, traffic crashes caused 37,461 fatalities in 2016, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 604 individuals lost their lives in traffic crashes in 2016; and

WHEREAS, pedestrian related crashes accounted for 27.3 percent of the State's traffic fatalities; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

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WHEREAS, 66 motorcyclists, 18 bicyclists and 165 pedestrians were killed in New Jersey in traffic-related crashes in 2016; and

WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, JANET W. TUCCI, Mayor of the Borough of West Long Branch, do hereby proclaim October 10, 2018, ***Put the Brakes on Fatalities Day®***, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

Councilman Bray moved to approve Raffle License 18-14 – Legal Aid Society of Monmouth County and Raffle License 18-15 – Legal Aid Society of Monmouth County. Seconded by Councilman Neyhart and carried upon the following roll call vote:

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Councilman Neyhart advised that the West Long Branch Community Center 50/50 raffle held on September 30th brought in \$17,100. The winner was Cindy Van Brunt (May) in the amount of \$8,550.

Councilman Neyhart announced that the next meeting of the West Long Branch Community Center was scheduled for Monday, October 22nd. Further, he mentioned that the Community Center will be hosting a holiday party on December 14th and a kids’ party on December 20th.

BILLS AND CLAIMS:

Councilman Bray moved to approve the following bill list:

September 29, 2018 01:50 PM			BOROUGH OF WEST LONG BRANCH Bill List By P.O. Number			Page No: 1		
P.O. Type: All			Include Project Line Items: Yes			Open: N	Paid: N	Void: N
Range: First to Last						Rcvd: Y	Held: Y	Aprv: N
Format: Condensed						Bid: Y	State: Y	Other: Y Exempt: Y
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
18-00013	02/01/18	S0070	STAPLES ADVANTAGE	OFFICE SUPPLIES VARIOUS DEPT	Open	520.30	0.00	
18-00333	03/14/18	C0053	CITY OF LONG BRANCH	18 SHARED SERVICE FINANCE/QPA	Open	16,906.50	0.00	
18-00510	04/16/18	C0008	CARUSO & BAXTER	LEGAL PROFESSIONAL FEES	Open	5,383.42	0.00	
18-00551	04/24/18	T0113	TOWNSHIP OF OCEAN	COURT SHARED SERVICES	Open	35,855.55	0.00	
18-00571	04/25/18	H0083	JOSEPH G. HUGHES, ESQ.	2018 PROSECUTOR FEES	Open	1,458.33	0.00	
18-00701	05/15/18	G0092	GOPHER	RECREATION-SUPPLIES	Open	1,039.59	0.00	
18-00719	05/19/18	E0066	EMERGENCY REPORTING	FIRE DEPT-METERING EQUIP PURCH	Open	1,520.00	0.00	
18-00849	06/14/18	M0034	MGL PRINTING SOLUTIONS	DOG TRUST-MUN EXP	Open	231.00	0.00	
18-00887	06/21/18	S0218	SHI INTERNATIONAL CORP.	F.A.S EQUIPMENT PURCHASE	Open	2,300.00	0.00	
18-00895	06/26/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	316.50	0.00	
18-00896	06/26/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	298.50	0.00	
18-00906	06/28/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	289.50	0.00	
18-00911	06/29/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	289.50	0.00	
18-00914	06/29/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	289.50	0.00	
18-00915	06/29/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOUR - POLICE DEPT	Open	310.58	0.00	
18-00994	07/14/18	M0257	MTC, LLC	BUILDING IMPROVEMENT	Open	16,248.00	0.00	
18-01024	07/23/18	C0009	MICHAEL CELLI JR.,ESQ.	PUBLIC DEFENDER RETAINER	Open	400.00	0.00	
18-01041	07/26/18	G0002	GALL'S INC..	CODE ENFORCEMENT UNIFORMS	Open	237.40	0.00	
18-01088	08/05/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOR - POLICE DEPT HANLO	Open	880.00	0.00	

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18-01089	08/05/18	L0030	LAWMEN SUPPLY CO OF NJ	BODY ARMOR - POLICE DEPT ELLIS	Open	184.50	0.00
18-01092	08/05/18	D0109	DIDI'S AUTOMOTIVE II,LLC	POLICE-VEHICLE REPAIR	Open	802.80	0.00
18-01106	08/06/18	I0015	INTERNATIONAL CODE COUNCIL	FIRE PREVENTION SUPPLIES	Open	325.90	0.00
18-01110	08/11/18	C0156	CUSTOM BANDAG	GBG / REC - TIRES - DPW	Open	962.70	0.00
18-01131	08/13/18	L0002	LANIGAN ASSOCIATES	P.D. EQUIPMENT - PAOLANTONIO	Open	234.00	0.00
18-01133	08/13/18	K0046	K & T MATERIALS CO., LLC	DPW - TRAFFICE MAINTENANCE	Open	343.00	0.00
18-01136	08/13/18	S0012	SEABOARD WELDING	DPW - OXY - EXT - ACETYLENE	Open	18.00	0.00
18-01137	08/13/18	D0109	DIDI'S AUTOMOTIVE II,LLC	DPW - VEHICLE REPAIRS	Open	134.95	0.00
18-01140	08/14/18	S0012	SEABOARD WELDING	FIRST AID-OXYGEN/EXTING	Open	271.50	0.00
18-01146	08/22/18	A0060	ATLANTIC TACTICAL	POLICE - EQUIPMENT	Open	541.94	0.00
18-01148	08/22/18	S0070	STAPLES ADVANTAGE	VARIOUS DEPT COPY PAPER	Open	118.44	0.00
18-01155	08/25/18	J0011	JOHN GUIRE COMPANY	DPW GROUNDS - MAINTENANCE	Open	53.85	0.00
18-01156	08/25/18	I0006	INSTITUTE FOR PROF.DEV.	EDUCATIONS / TRAINING	Open	125.00	0.00
18-01157	08/25/18	S0027	SIP'S PAINTS AND HARDWARE	PUB BLDGS - MAINTENANCE	Open	12.99	0.00
18-01158	08/25/18	J0011	JOHN GUIRE COMPANY	DPW GROUNDS - MAINTENANCE	Open	29.79	0.00
18-01159	08/25/18	J0044	HUNTER KEYSTONE PETERBILT	DPW PARTS & SUPPLIES	Open	170.77	0.00
18-01160	08/25/18	J0011	JOHN GUIRE COMPANY	DPW GROUNDS - MAINTENANCE	Open	29.15	0.00
18-01161	08/25/18	S0027	SIP'S PAINTS AND HARDWARE	PUB BLDGS - MAINTENANCE	Open	6.99	0.00
18-01164	08/25/18	J0054	JOE'S PIZZERIA	RECREATION-COMMUNITY REC	Open	41.36	0.00
18-01197	08/28/18	N0035	NJ LEAGUE OF MUNICIPALITIES	A & E EMPLOYMENT ADVERTISING	Open	115.00	0.00
18-01198	08/30/18	A0167	ATLANTIC COAST FIBERS LLC	RECYCLING - JULY, 2018	Open	530.10	0.00
18-01199	08/30/18	T0025	TROPICANA HOTEL & CASINO	VARIOUS DEPT -CONFERENCE	Open	1,030.00	0.00
18-01200	08/31/18	A0150	AMERICAN UNIFORM & SUPPLY	POLICE EQUIPMENT	Open	143.94	0.00
18-01201	08/31/18	M0212	MONMOUTH COUNTY SPCA	DOG FUND-MUNICIPAL 7/18	Open	1,245.00	0.00
18-01202	08/31/18	E0007	EDWARDS TIRE CO. INC.	ZONING OFFICE - VEHICLE REPAIR	Open	510.76	0.00
18-01205	09/01/18	M0034	MGL PRINTING SOLUTIONS	TAX COLLECTOR-SUPPLIES	Open	38.00	0.00
18-01212	09/04/18	C0008	CARUSO & BAXTER	LEGAL PROFESSIONAL FEES	Open	780.00	0.00
18-01229	09/08/18	J0011	JOHN GUIRE COMPANY	DPW GROUNDS - MAINTENANCE	Open	606.96	0.00
18-01230	09/08/18	S0012	SEABOARD WELDING	DPW - OXY - EXT - ACETYLENE	Open	32.50	0.00
18-01232	09/08/18	S0027	SIP'S PAINTS AND HARDWARE	PUB BLDGS - MAINTENANCE	Open	3.99	0.00
18-01233	09/08/18	S0027	SIP'S PAINTS AND HARDWARE	PUB BLDGS - MAINTENANCE	Open	7.69	0.00
18-01234	09/08/18	J0011	JOHN GUIRE COMPANY	DPW GROUNDS - MAINTENANCE	Open	44.97	0.00
18-01235	09/08/18	M0252	MAZZA RECYCLING SERVICES, LTD.	DPW-RECYCLING	Open	32.00	0.00
18-01247	09/11/18	B0009	MICKEY BENOIT, INC.	RECYCLING - JUL & AUG, 2018	Open	2,450.00	0.00
18-01249	09/12/18	H0003	PAUL HABERMANN	P.D. UNIFORMS ALLOWANCE 2018	Open	454.59	0.00
18-01253	09/15/18	M0219	MARLIN LEASING CORPORATION	A & E COPIER LEASE	Open	327.00	0.00
18-01254	09/15/18	M0054	BCM ONE	TELEPHONE	Open	1,821.00	0.00
18-01257	09/18/18	C0053	CITY OF LONG BRANCH	GAS/DIESEL - ALL DEPTS 8/2018	Open	8,575.54	0.00
18-01258	09/18/18	C0083	COMCAST	8499 05 216 0049187	Open	11.99	0.00
18-01259	09/18/18	P0044	PITNEY BOWES	FINANCE-POSTAGE	Open	105.00	0.00
18-01260	09/18/18	C0083	COMCAST	F.A.S 8499 05 216 00048940	Open	19.92	0.00
18-01261	09/18/18	C0083	COMCAST	15OCEAN: 8499-05-216-0042612	Open	94.90	0.00
18-01263	09/18/18	F0010	FIRE & SAFETY SERVICES LTD	FIRE - VEHICLE REPAIRS	Open	8,275.00	0.00
18-01276	09/22/18	J0042	JERSEY CENTRAL POWER & LIGHT	STREET LIGHTING - 930,989,037	Open	4,737.86	0.00
18-01277	09/22/18	N0036	NEW JERSEY NATURAL GAS CO.	GAS - FIRE 2 22-0012-6557-84	Open	64.73	0.00
18-01278	09/22/18	N0036	NEW JERSEY NATURAL GAS CO.	BORO HALL 22-0007-1767-20	Open	4.47	0.00
18-01282	09/22/18	A0040	AT&T	TELEPHONE	Open	33.57	0.00
18-01283	09/22/18	N0036	NEW JERSEY NATURAL GAS CO.	FIRST AID: 16-3276-0600-16	Open	65.45	0.00
18-01284	09/22/18	N0036	NEW JERSEY NATURAL GAS CO.	NJ GAS FIRE #1 16-3276-4015-11	Open	77.68	0.00
18-01285	09/22/18	N0035	NJ LEAGUE OF MUNICIPALITIES	VARIOUS-CONFERENCES	Open	385.00	0.00
18-01287	09/22/18	A0170	ACCSES NJ	PUB BLDGS - CLEANING SERVICES	Open	2,224.00	0.00
18-01288	09/24/18	O0046	LAURA OSBORN	PPRS REIMBURSEMENT PAYMENT	Open	215.40	0.00
18-01297	09/27/18	A0033	ATLANTIC PLUMBING & SUPPLY	PUBLIC BLDG-MAINTENANCE	Open	318.15	0.00
18-01301	09/27/18	D0015	DELTA DENTAL PLAN OF N.J.	DENTAL PREMIUM - 10/2018	Open	1,985.85	0.00
18-01302	09/27/18	T0031	TREAS.CTY OF MONMOUTH-DUMPING	LANDFILL - AUGUST, 2018	Open	24,216.47	0.00
18-01303	09/27/18	V0027	VERIZON	LIBRARY-TELEPHONE	Open	170.68	0.00
18-01304	09/27/18	J0052	JERSEY ELEVATOR	PUBLIC BLDG-MAINTENANCE	Open	123.05	0.00
18-01305	09/27/18	A0071	AVAYA, INC	LIBRARY-TELEPHONE	Open	447.88	0.00
18-01312	09/27/18	N0029	NEW JERSEY AMERICAN WATER CO.	WATER - ALL DEPARTMENTS	Open	3,839.91	0.00
18-01313	09/27/18	N0036	NEW JERSEY NATURAL GAS CO.	POLICE DEPT - 22-0012-4310-51	Open	87.03	0.00
18-01314	09/27/18	C0083	COMCAST	LIBRARY: 8499-05-216-0045946	Open	115.51	0.00
18-01315	09/27/18	C0058	CUSTODIAN OF SCHOOL MONIES	S.R.H.S. TAX	Open	325,516.00	0.00
18-01316	09/27/18	C0055	WEST LONG BRANCH BD OF	G/L-LOCAL SCHOOL TAX	Open	708,738.11	0.00
18-01318	09/28/18	A0023	ASBURY PARK PRESS	BOROUGH CLERK ADVERTISING	Open	25.85	0.00
18-01319	09/28/18	C0008	CARUSO & BAXTER	LEGAL PROFESSIONAL FEES	Open	756.10	0.00
18-01320	09/28/18	N0005	NAPA AUTO PARTS CENTER	DPW VEHICLE PARTS/SUPPLY	Open	337.01	0.00
18-01321	09/28/18	N0005	NAPA AUTO PARTS CENTER	FIRE DEPT VEHICLE REPAIR	Open	12.99	0.00
18-01322	09/28/18	N0005	NAPA AUTO PARTS CENTER	FIRST AID VEHICLE PARTS/SUPPLY	Open	166.60	0.00
18-01323	09/28/18	N0005	NAPA AUTO PARTS CENTER	P.D. VEHICLE PARTS & REPAIRS	Open	255.24	0.00
18-01324	09/28/18	W0006	WATCHUNG SPRING WATER	WATER-PUBLIC BLDG ACCT:002483	Open	15.79	0.00
18-01325	09/28/18	W0006	WATCHUNG SPRING WATER	PUBLIC BLDG - ACCT: #185246	Open	25.78	0.00
18-01327	09/28/18	C0009	MICHAEL CELLI JR.,ESQ.	PUBLIC DEFENDER OCT, 2018	Open	400.00	0.00
18-01328	09/28/18	C0074	GEORGE CIERI, ESQ.	PLANNING BD-LEGAL FEES	Open	894.00	0.00
18-01329	09/28/18	I0034	MICHAEL IRENE, JR.	ZONING BD ATTORNEY FEES	Open	857.00	0.00
18-01330	09/28/18	N0099	LISA NORMAN	PLANNING BD-STENOGRAPHER	Open	250.00	0.00
18-01331	09/28/18	C0053	CITY OF LONG BRANCH	PUBLIC BLDG-IT MNTHLY SERVICES	Open	1,667.00	0.00
18-01334	09/28/18	C0062	CENTRAL JERSEY HEALTH INS FUND	HEALTH BENEFITS SEPT, 2018	Open	128,929.00	0.00
18-01335	09/28/18	C0062	CENTRAL JERSEY HEALTH INS FUND	HEALTH BENEFITS OCT, 2018	Open	125,140.00	0.00
18-01336	09/29/18	S0056	SHORE REGIONAL HIGH SCHOOL	BUS SERVICE FOR SUMMER REC	Open	2,227.04	0.00
18-01342	09/29/18	K0038	MARLOWE BOTTI	EDUCATION REIMBURSEMENT	Open	750.00	0.00

Totals by Year-Fund		Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description								
	8-01		1,449,357.85	0.00	1,449,357.85	0.00	0.00	1,449,357.85

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8-03	800.00	0.00	800.00	0.00	0.00	800.00
8-13	1,476.00	0.00	1,476.00	0.00	0.00	1,476.00
Year Total:	1,451,633.85	0.00	1,451,633.85	0.00	0.00	1,451,633.85
G-01	880.00	0.00	880.00	0.00	0.00	880.00
Total Of All Funds:	1,452,513.85	0.00	1,452,513.85	0.00	0.00	1,452,513.85

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

AYES: BRAY, JULIANO, MANGO, MIGLIACCIO, NEYHART, PENTA
NAYS: NONE
ABSENT: NONE
ABSTAIN: JULIANO – Custodian of School Monies

PUBLIC HEARING:

Victor Huhn, Jr., Assistant Fire Chief, questioned why the Borough never responded to several letters Borough Chemical & Truck Company No. 1 sent to the Mayor and Council. Mayor Tucci asked him if they had followed the proper chain of command. Councilman Bray asked that the letters be resent since it was not clear what letters he was referencing.

Assistant Chief Huhn asked why the Fire Department wasn’t involved in the preparation of the amendment to the Fire Department ordinance on tonight’s agenda. Councilwoman Juliano replied that the Committee met with the Emergency Services Records Administrator, and it was recommended that the ordinance be brought up to the State standard. Assistant Chief Huhn explained that such an ordinance amendment would have been brought to a committee from each fire company in the past. Councilwoman Juliano asked him to state his objections to the amendment. Assistant Chief Huhn responded that he was opposed to the process that was followed in this case. He indicated that he found out about the amendment via the internet and only received a copy of it after he requested it. Councilwoman Juliano advised him that the amendment was sent to the Fire Chief, and it was the Committee’s understanding that it would be disseminated to the membership by him. Councilman Bray acknowledged that he was not aware of the procedure followed in the past, but felt that the changes were “vanilla”, and it did not occur to him that it was something that should have been brought to both fire companies. He assured him that no one was left out of the process intentionally.

Tim Phillips, Fire Chief, stated that all the Assistant Fire Chief had to do was ask for it. He confirmed that he did receive a copy of the amendment, but he was out of town at the time. He commented that by the time he returned, the Assistant Fire Chief had contacted the Council and broken the chain of command. Further, he indicated that the proposed changes have been discussed by the companies for the past several years.

Joanna Napolitano, Golf Street, asked if there were plans to build something on the property at 95 Poplar Avenue. Councilman Neyhart informed her that the only thing that had been discussed concerning that property was a possible community garden.

Ms. Napolitano also wanted to know if there were houses in her neighborhood that are being investigated as houses of worship. Mayor Tucci responded that the Code Enforcement Officer and Deputy Code Enforcement Officer were on top of any code violations and certificate of occupancy issues. The Borough Attorney informed her that certain criteria must be met for houses of worship and that a tax exemption was not automatic. He explained that the Borough has a conditional use ordinance which permits houses of worship to request a conditional use permit from the Planning Board as long as they meet five or six requirements. He confirmed that if all of the requirements were not met, a use variance would be required from the Zoning Board.

Grace Gangemi Ryan, 19 Hilltop Road, reported an imminent life hazard

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situation on a property in her neighborhood which was being used as a place of assembly. She was encouraged to notify the Code Enforcement Officer so that he could investigate the situation.

Victor Huhn, Sr., 127 Hollywood Avenue, requested that the amendment to the Fire Department ordinance be tabled since both chiefs apparently weren't aware of it. He pointed out that there are items contained within the ordinance which would cost the Borough money. Further, he felt that communication between the two fire companies needed to improve. Councilman Penta asked him why the two companies did not communicate and expressed concern that they don't act as a unit. Councilwoman Juliano reminded him that the members of the department must follow the chain of command and go through the Fire Chief. Councilman Penta asked the Fire Chief if there were regular meetings between the two companies. The Fire Chief advised him that there weren't. The Mayor asked the Fire Chief and Assistant Fire Chief to work on improving the lines of communication.

Ron Guidetti, 78 Atlantic Avenue, pointed out that there was a letter sent to the Borough last year which evoked the issue of residency by the Chief and Assistant Chief, the existing training qualifications needed to be updated, and the ordinance needed to be brought into compliance with LOSAP. He stated that it wasn't necessary for these changes to be brought to committees of the fire companies and that none of the amendments were detrimental to either fire company. The Mayor asked that the Chief and Assistant Chief be informed of such changes immediately in the future.

Brian Hagerman, President of Borough Chemical & Truck Company No. 1, wanted to know what letter Ron Guidetti was referencing. Councilman Migliaccio clarified that the Borough received a letter concerning the residency of the incoming Fire Chief.

Assistant Chief Huhn argued that Councilman Migliaccio just acknowledged that the Borough received the letter that was never answered.

Councilwoman Juliano thanked Ron Guidetti for his hard work on this ordinance amendment.

Jeanine Wagner, 36 Stevens Avenue, stated that she heard rumors that the strip mall on Locust Avenue was going to be sold. No one on the Governing Body could confirm or deny the rumor.

There being no one else wishing to speak, on motion made by Councilman Neyhart, seconded by Councilman Bray, and carried unanimously, the meeting was adjourned at 8:40 PM.


BOROUGH CLERK