

September 6, 2017
7:41 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
ABSENT: PENTA

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the August 9, 2017, caucus meeting. Seconded by Councilwoman Mango and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the August 9, 2017, executive session meeting and approved the release of all pages except page 8. Seconded by Councilwoman Mango and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the August 9, 2017, council meeting. Seconded by Councilwoman Mango and carried upon the following roll call vote:

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

REPORTS OF STANDING COMMITTEES:

Mayor Tucci reported that this year's Summer Concert Series was successful despite the fact that the Beatlemania concert was rained out.

Mayor Tucci announced that she will be attending the grand opening of Diane Turton Realtors tomorrow night.

Councilman Bray announced that Stephanie Murray started her position as Borough Administrator on August 23rd and welcomed her to the Borough family. Further, he mentioned that she had her first department head meeting on August 30th.

Councilman Bray reported that the Borough staff has done a good job populating the Borough's new website. He confirmed that the next step will be the social media integration.

September 6, 2017

On behalf of Councilman Penta, Councilman Neyhart stated that a new Public Works Laborer will be hired this evening. Further, he confirmed that the Public Works Committee is in the process of obtaining estimates for work to be done in the Public Works Garage.

Councilwoman Mango had nothing to report on behalf of the Environmental Commission or the Shade Tree Commission.

Councilwoman Mango reported that the Recreation Commission is finalizing the details for this year’s Fall Festival to be held on October 22nd, from 1:00 PM to 4:00 PM. There is no rain date for this event. She also thanked Joe DeLeonardo and Debbie Ronan for putting together a successful Summer Concert Series.

Mayor Tucci announced that Movie Night is scheduled for Friday, September 29th, at the West Long Branch Community Center. The movie is *Moana*.

The Borough Clerk advised that the town-wide garage sale is scheduled for Saturday, October 14th. The semi-annual recycling event will be held that same day, from 1:00 PM to 4:00 PM, in the Borough Hall parking lot.

Councilman Neyhart read the following Police Report for August, 2017.

Motor Vehicle Stops	255	Alarms (Burglary)	39
Motor Vehicle Crash	74	Alarms (Fire)	18
Traffic Citations – Non Parking	133	School Bus Escorts	0
Traffic Citations – Parking	9	School Checks (SRHS BME/FAS)	8
Drunk Driving Arrests	1	School Walk Through–BME/FAS	0
Assist Motorists	7	Fire Calls (Structure)	0
Municipal Code Violations	12	EMS Calls	66
Arrest Total: 19 Crimes & Offenses to include: DWI; Possession of CDS; Possession of Drug Paraphernalia; Contempt of Court; Theft; Shoplifting			

August - Total Calls for Service: 1,420

Busiest Day of Week – Wednesday

Busiest Time of Day – 16:00 – 17:00

Professional Development - August

8/2/2017	CODIS (Combined DNA Index System) Training	Botti, Buono, Hanrahan
8/3/2017	OPRA Update	Botti & Woodroffe
8/4/2017	Rifle Qualification	Ellis, Lynch, Burton, Ferrugiaro, Rockhill, Kampf, Moore, Knott
8/8/2017	Domestic Violence Update	Hanrahan
8/15 & 8/16	MCPO-Holocaust Museum Bias Training	Buck
8/17/2017	Work Zone Safety Awareness	Buck, Szatkowski

Councilman Neyhart reminded drivers that school opens tomorrow and asked them to watch out for children and slow down when passing through school zones.

Councilman Migliaccio asked the Borough Clerk for an update on the demolition of the 95 Poplar Avenue building. The Borough Clerk indicated that she would follow up with the contractor.

Councilman Migliaccio instructed the Borough Administrator to have the Public Works Department remove the two trees situated in front of the Franklin Lake Gazebo and to arrange for a contractor to grind the stumps. Once the trees

September 6, 2017

are removed, work can begin on the gazebo. It was also noted that there are seven to eight trees on the northside of Woolley Park that need to be removed. The Borough Administrator will advise the Public Works Director.

The Borough Administrator stated that she was pleased and honored to serve the Borough in her new capacity.

The Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

Councilwoman Juliano read the following report from the West Long Branch Fire Department for the month of August.

2017 Runs/Reports for Month of (AUGUST)	<u>Calls</u>	<u>Hours</u>	<u>Men</u>
Total # of Calls For the Month:	27	54	66
Fire Alarms:	16		
Structural Fires/Electrical Fires:	3		
Wires Calls:	1		
MVA's:	7		
Monmouth University:	1		
Total # of Details:	2	23.5	6
Total Men for all calls	82		

Councilwoman Juliano stated that she did not have a report for the First Aid Squad.

COMMUNICATIONS:

The Borough Clerk made reference to the following letter, dated August 4th, from the West Long Branch First Aid Squad:

Dear Lori:

Attached please find a member application for Moshe Shalom. Moshe is applying for Active membership. His credentials have met the squad requirements. I have also attached a copy of his New York 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

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

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

The Borough Clerk made reference to the following resolution adopted by the Millstone Township Committee on August 16th:

RESOLUTION NO. 17-152
MEETING DATE: 08-16-17

September 6, 2017

**RESOLUTION URGING THE STATE LEGISLATURE TO PASS
COMMON SENSE AFFORDABLE HOUSING RULES**

C/Masci offered the following Resolution and moved its adoption, which was second by **C/Grbelja**.

WHEREAS, the Supreme Court of New Jersey in the first Mount Laurel Decision (Mount Laurel I) in 1975 and the second Mount Laurel Decision (Mount Laurel II) in 1983 ruled that all New Jersey Municipalities are required to take affirmative action toward providing their “fair share” of the region’s need for affordable housing for low and moderate income persons and families; and

WHEREAS, in response to the litigation which followed the Mount Laurel I and Mount Laurel II Decisions, the New Jersey Legislature adopted the Fair Housing Act in 1985 which created the Council on Affordable Housing to adopt Rules and Regulations for assessing statewide, regional and local need for affordable housing to allocate the obligations of Municipalities to provide their fair share of such need and to create a process to review and approve Municipal housing plans designed to address the local fair share obligations; and

WHEREAS, the Municipal Land Use Law at N.J.S.A. 40:55D-28 and N.J.S.A. 40:55D-62.a. requires that Municipalities adopt a Master Plan with a housing plan element prior to the adoption of an Amendment to Zoning Ordinances which housing element must conform to the requirements of the Fair Housing Act, N.J.S.A. 52:27D-310; and

WHEREAS, COAH subsequently adopted first and second round Regulations, the validity of which were upheld by the Courts; and

WHEREAS, COAH subsequently adopted its third round Regulations on December 20, 2004 which required Municipalities to petition for third round substantive certification in order to remain under COAH jurisdiction; and

WHEREAS, on January 26, 2007 the Appellate Division of the New Jersey Superior Court issued a Decision requiring COAH to revise its third round rules and precluded COAH from issuing third round substantive certifications until the new Rules were adopted; and

WHEREAS, on May 6, 2008 COAH adopted new third round rules effective on June 2, 2008 followed by publication in the New Jersey Register as required which ultimately resulted in further litigation and the filing of amended Third Round certifications due on or before December 31, 2008; and

WHEREAS, the further litigation resulted in decisions requiring the new third round rules to be revised; and

WHEREAS, for the period from October 8, 2010 through October 2014 COAH failed to meet the deadline set by the Supreme Court for establishing new third round certification guidelines and subsequently the Supreme Court, on March 10, 2015 ordered that with the exhaustion of all administrative remedies, the Courts shall resume their role of evaluating municipal compliance with Mount Laurel obligations; and

WHEREAS, the effective date of the order was June 8, 2015; Municipalities that were under administrative review were permitted to file Declaratory Judgment actions with the Superior Court Law Division on or before July 8, 2015; and

WHEREAS, Municipalities, without State guidance on fair share housing obligations and due to insufficient time and resources, did not have the ability to conduct their own fair share housing studies; and

WHEREAS, a substantial number of Municipalities have formed a consortium in order to pool resources to have the necessary research done to establish their fair share obligations and have filed Declaratory Judgment actions in order to comply with the Supreme Court’s directives in order to maintain their immunity from builders remedy lawsuits costing the municipalities many

September 6, 2017

thousands of taxpayer dollars to fund the litigation, the research and the negotiation of terms acceptable to the Courts, interveners and interested parties; and

WHEREAS, the failure of the Governor and the Legislature of the State of New Jersey to adopt affordable housing rules is a major detriment to the long-term development of all Municipalities in the State whereby a Municipality cannot plan for future growth without the threat of builders remedy lawsuits; and

WHEREAS, Municipalities have spent millions of dollars complying with State Regulations only to see that money being wasted due to the constant changes promulgated by a State Agency and/or the Courts; and

WHEREAS, Municipalities are anxious to provide housing to all citizens. However, the inability of the State of New Jersey to pass common sense affordable housing Regulations has cost this State eighteen (18) years of inactivity during which little affordable housing was created; and

WHEREAS, tens of thousands of homeowners lost their homes during the Great Recession of 2008 and with the lack of affordable housing policies has led to empty homes in every Municipality that were returned to lenders; and

WHEREAS, common sense affordable housing policy could have turned these empty homes into affordable housing for the many who need it without imposing additional growth on Municipalities; and

WHEREAS, common sense affordable housing policies would call for affordable housing to be concentrated in areas where there is already supporting infrastructure, existing transportation with mass transit and employment opportunities; and

WHEREAS, requiring all five hundred sixty-five (565) Municipalities to create housing in locations that do not have infrastructure, transportation or employment opportunities violates the principles of smart growth in accordance with the New Jersey State Development and Redevelopment Plan and common sense.

NOW THEREFORE BE IT RESOLVED, that the Governing Body of the Township of Millstone, County of Monmouth and State of New Jersey calls upon the governor of the State of New Jersey, the Legislature of the State of New Jersey and the Administrative Agencies of the State of New Jersey to pass common sense affordable housing rules that directs affordable housing to those locations with existing infrastructure, existing transportation networks, existing mass transit and employment opportunities; and

BE IT FURTHER RESOLVED, the Township recognizes the value of preserving green space, open areas and the quality of life in New Jersey as discussed in the New Jersey State Plan and in the principles of smart growth. The Township also recognizes the value of limiting the intensity of development in environmentally sensitive planning areas to that which can be handled naturally by the land without the need for the creation of artificial infrastructure. These Regulations should apply equally to all Municipalities in the State of New Jersey and give each Municipality an opportunity to comply with clear and concise Regulations that spell out precisely each town's role; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Senate President, Assembly Speaker, the Council on Affordable Housing and all Municipal Clerks in Monmouth County and the League of Municipalities.

ROLL CALL:

AYES:	C/Grbelja, C/Kinsey, C/Masci, M/Kuczinski
NAYS:	None
ABSTAIN:	None
ABSENT:	C/Dorfman

September 6, 2017

The Borough Clerk read the following letter received on August 17th:

Dear Mayor and Council;

One Friday in early July I stopped in at Police Headquarters and expressed my concern to Police Chief Haberman (Habermann) over the fact that some drivers were exceeding the 25 MPH Speed limit (limit) on Walnut Pl.(,) Chestnut and Linden Aves. I also noted there were 4 to 5 young children riding bikes on these same Streets.

By mid-morning the following Monday, there was a Police presence on Walnut Pl. followed shortly thereafter by a large illuminated flashing device reminding drivers of the 25 MPH speed limit. I've notice lately that most of the people driving on Walnut Pl. are observing the speed limit.

I personally would like to thank the Chief-of-Police for his quick proactive response, the officers who participated and especially officer Nick Ferrugia (Ferrugiaro) who still periodically stops and watches these streets.

In my opinion it would be very beneficial that a Police presence is seen on all streets in WLB. Jiust (Just) driving thru does not yield the positive results we desire.

Thanks very much,

Mr. Fortunato (Fred) Acerra

ORDINANCES:

ORDINANCE NO. O-17-4

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT
BY THE BOROUGH OF WEST LONG BRANCH, NEW JERSEY, FROM THE
MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION
OF A LEASE AND AGREEMENT RELATING THERETO

Ordinance No. O-17-4 is read on its second reading by title only.

Councilman Bray 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
NAYS:	NONE
ABSENT:	PENTA
ABSTAIN:	NONE

Ordinance No. O-17-4 was published in the Asbury Park Press in the issue of August 17, 2017, 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-17-4

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT
BY THE BOROUGH OF WEST LONG BRANCH, NEW JERSEY, FROM THE
MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION
OF A LEASE AND AGREEMENT RELATING THERETO

September 6, 2017

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

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

RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING THE CERTIFIED LIST OF
WEST LONG BRANCH FIRE DEPARTMENT MEMBERS
WHO QUALIFIED FOR CREDIT UNDER THE LENGTH
OF SERVICE AWARDS PROGRAM FOR THE YEAR 2016
(R-17-88)

WHEREAS, Ordinance No. O-04-15 entitled, “AN ORDINANCE CREATING AN EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) IN THE BOROUGH OF WEST LONG BRANCH” was passed and approved on August 4, 2004; and

WHEREAS, the Length of Service Awards Program (LOSAP) was passed by voters on November 2, 2004, as a public question; and

WHEREAS, pursuant to N.J.S.A. 40A:14-191, emergency service organizations participating in a Length of Service Awards Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP for the previous year; and

WHEREAS, the Borough Council has received and reviewed such certified list from the LOSAP Officer of the West Long Branch Fire Department;

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

- 1. Per the certified list received, the following Borough Chemical & Truck Company No. 1 members are hereby approved to receive the 2016 LOSAP award:

Arthur Green	Victor Huhn, Jr.
Biagio Guzzi	Steven Nolin
Brian Hagerman	Dennis O’Rorke
Victor Huhn, Sr.	

- 2. Per the certified list received, the following West Long Branch Fire Company No. 2 members are hereby approved to receive the 2016 LOSAP award:

Mark Ciaglia	Anthony Nolin
Jack Guire, Jr.	Timothy W. Phillips
Jack Guire III	James Quinn
Patrick Joyce	Fred Migliaccio

- 3. The amount each qualified member will receive for the 2016 LOSAP award is \$1,150.00.
- 4. The certified list of members shall be posted at West Long Branch Borough Hall and at Borough Chemical & Truck Company No. 1 and West Long Branch Fire Company No. 2 for a period of 30 days to allow sufficient time for membership review.

September 6, 2017

5. Appeals shall be mailed to the Borough Clerk of the Borough of West Long Branch, 965 Broadway, West Long Branch, New Jersey 07764, and must be received within 30 days of the posting date of the approved certified list.
6. Payment for service credit shall be processed at a meeting of the Mayor and Borough Council after the 30 day posting requirement has been met.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING PAYMENT CERTIFICATE OF
Z BROTHERS CONCRETE CONTRACTORS, INC.
(R-17-89)

WHEREAS, Z BROTHERS CONCRETE CONTRACTORS, INC., 304 Jernee Mill Road, Sayreville, New Jersey 08872, has completed work in connection with the 2016 Road Improvement Program; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 2, in the amount of \$213,124.64, is in proper form and that the stated work has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Payment Certificate No. 2, in the amount of \$213,124.64, as set forth in the Borough Engineer's letter dated August 30, 2017, is hereby approved; and

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to make payment in accordance with this resolution.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING DEVELOPER'S AGREEMENT
WITH MARTIN MC DONALD/HIGHVIEW HOMES JB, LLC
(R-17-90)

WHEREAS, HIGHVIEW HOMES JB, LLC (also known as the Martin McDonald Development Group LLC project) has obtained preliminary and final site plan approval, as well as bulk variances and design waivers to construct 16 townhouses on Lots 1, 2, 3, 22.01, 24, 25 and 26 in Block 23 from the West Long Branch Zoning Board of Adjustment, which approval resolution was memorialized on September 26, 2016; and

September 6, 2017

WHEREAS, the Board required that the developer enter into a developer's agreement with the Borough, as part of the approval process, and do so prior to the developer obtaining any construction permits for the project; and

WHEREAS, the Borough Attorney and Borough/Board Engineer have approved the final form of agreement, and are now recommending the same for approval by the governing body;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached developer's agreement between the BOROUGH OF WEST LONG BRANCH and HIGHVIEW HOMES JB, LLC regarding the aforementioned premises is hereby approved, and the Mayor and Borough Clerk are hereby authorized to sign the same.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING POST-VERDICT
SETTLEMENT IN BOTTI LITIGATION
(R-17-91)

WHEREAS, the Borough of West Long Branch was the named defendant in a police discrimination case entitled BOTTI vs. WEST LONG BRANCH, Superior Court of New Jersey, Docket No. MON-L-3327-12, which case was tried to conclusion before a jury in Freehold, in May 2017; and

WHEREAS, the jury returned verdicts of (a) \$25,125.00 for gender bias; (b) \$496,000.00 for emotional damages; and (c) \$1,000,000.00 in punitive damages against the Borough; to which figures interest and court costs would be added, plus the plaintiff filed a post-verdict motion for attorney's fees; and

WHEREAS, following trial, the insurance carrier attorney defending the Borough filed post-verdict motions for a number of forms of relief; and

WHEREAS, while those motions were pending, the Court conducted in-court settlement conferences with the trial attorneys representing the plaintiff and the Borough, which conferences resulted in an overall settlement by the Borough (both directly and through its insurance carrier) with the plaintiff; and

WHEREAS, the settlement reached between the parties was recommended by the court and all counsel present, which settlement was subject to the approval of the governing body;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of West Long Branch hereby authorizes the necessary settlement paperwork to be prepared, signed, and filed, the particulars of which settlement shall provide the following:

1. The Borough will pay \$600,000.00 as its entire obligation to the plaintiff in this matter.

2. The Borough's insurance carrier will pay \$800,000.00 as its entire obligation; bringing the total settlement to \$1,400,000.00.

3. Marlowe Botti shall be the Senior Sergeant in the Police Department, which organizational change shall take effective upon finalization and filing of the settlement documents.

September 6, 2017

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION RELEASING MAINTENANCE GUARANTEE
FOR 185 MONMOUTH PARKWAY ASSOCIATES, L.P.
(MONMOUTH UNIVERSITY SCHOOL OF PHYSICIANS
ASSISTANT/PSYCHIATRIC COUNSELING)
(R-17-92)

WHEREAS, the performance guarantee posted for 185 Monmouth Parkway Associates, L.P. (Monmouth University School of Physicians Assistant/Psychiatric Counseling), Block 69, Lot 8, was previously released and a maintenance guarantee was posted; and

WHEREAS, Carol J. Truss, of Gross, Truss & Herstik, has requested that the maintenance bond for this project be released because the time has run out and the improvements are satisfactory; and

WHEREAS, the Borough Engineer's office has reported by letter dated August 8, 2017, that the bonded improvements remain in a satisfactory condition, and, therefore, it is recommended that the maintenance bond be released subject to the payment of any outstanding escrow fees;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the maintenance bond and any engineering escrow fees posted by 185 Monmouth Parkway Associates in connection with the Monmouth University School of Physicians Assistant/Psychiatric Counseling project be released subject to the payment of any outstanding engineering fees; and

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

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

BOROUGH OF WEST LONG BRANCH
EMERGENCY RESOLUTION REQUIRING APPROVAL OF
THE DIRECTOR OF THE DIVISION
OF LOCAL GOVERNMENT SERVICES – NJS 40A:4-49
(Over 3% limitation)
(R-17-93)

WHEREAS, an emergency has arisen with respect to Post Verdict Settlement and no adequate provision was made in the 2017 budget for the aforesaid purpose; and

September 6, 2017

WHEREAS, NJS 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution, is \$835,000.00 and three (3) percent of the total operating appropriations in the budget for 2017 is \$267,815.96 and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2017;

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-49, petition be made to the Director of the Division of Local Government Services for permission to exceed the statutory limitation of 3 percent for the creation of an appropriation for the purpose set forth in the preamble in accordance with the following:

1. An emergency appropriation is hereby made for: Other Expenses Post Verdict Settlement in the amount of \$600,000.00;
2. That said emergency appropriation shall be provided for in full in the 2018 budget, within CAPS, pursuant to NJS 40A:4-53.3c(1);
3. That an Emergency Note not in excess of the above amount be authorized pursuant to NJS 40A:4-51;
4. That such note shall be executed by Michael Martin, Chief Financial Officer, and by Mayor Janet Tucci;
5. That such note shall be date TBD 2018, may be renewed from time to time, and such note and any renewals shall be payable on or before December 31, 2018;
6. That the statement required by the Local Finance Board has been filed with the Borough Clerk and a copy transmitted to the Director of the Division of Local Government Services; and
7. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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

Councilmember JULIANO offered the following resolution and moved its adoption:

RESOLUTION DESIGNATING ANTHONY VALENTI
AS THE PUBLIC WORKS GENERAL FOREMAN
(R-17-94)

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

WHEREAS, in accordance with Article 23, Section B, of the C.W.A. Local 1031 Collective Bargaining Agreement, the position was posted for seven working days; and

September 6, 2017

WHEREAS, members of the Public Works Committee, the Administrator, and the Public Works Director conducted interviews of those employees who expressed interest in the position of General Foreman; and

WHEREAS, it is their recommendation that ANTHONY VALENTI be designated to fill the position of Public Works General Foreman since he meets the qualifications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that ANTHONY VALENTI be designated as the Public Works General Foreman at a stipend of \$4,200.00 per year.

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

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

Councilmember JULIANO offered the following resolution and moved its adoption:

RESOLUTION HIRING PUBLIC WORKS LABORER
(R-17-95)

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

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

WHEREAS, it is their recommendation that PETER CARLISLE, 12 Linden Avenue, West Long Branch, New Jersey 07764, be hired to fill the position of Public Works Laborer since he meets the qualifications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that PETER CARLISLE be hired as a Public Works Laborer, with a ninety day probationary period, at a salary of \$29,100.00 per year; and

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

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

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

UNFINISHED BUSINESS:

Councilman Neyhart advised that he is working with Councilman Migliaccio on the installation of bocce courts. A letter was sent to The Home Depot seeking a donation toward the project. Eosso Brothers Paving has committed to donating toward this project.

NEW BUSINESS:

Councilman Neyhart moved to authorize the Borough Clerk to process the necessary paperwork for the installation of a banner on Locust Avenue to announce the Recreation Commission’s Fall Festival. Seconded by Councilwoman Juliano and carried upon the following roll call vote:

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

BILLS AND CLAIMS:

Councilman Bray moved to approve the following bill list:

September 1, 2017 02:38 PM			BOROUGH OF WEST LONG BRANCH Bill List By P.O. Number			Page No: 1		
P.O. Type: All Range: First to Last Format: Condensed			Include Project Line Items: Yes			Open: N Rcvd: Y Bid: Y	Paid: N Held: Y State: Y	Void: N Aprv: N Other: Y Exempt: Y
PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
17-00014	01/27/17	C0008	CARUSO & BAXTER	LEGAL-PROF FEES	Open	5,277.86	0.00	
17-00039	01/28/17	W0034	WHISPERING MEADOW CONDO ASSOC.	STREET LIGHTING;CONDO SERVICE	Open	76.37	0.00	
17-00079	01/29/17	M0219	MARLIN LEASING CORPORATION	A&E-COPIER	Open	327.00	0.00	
17-00192	02/21/17	H0083	JOSEPH G. HUGHES, ESQ.	MUN COURT-PERSONNEL	Open	1,458.33	0.00	
17-00401	04/07/17	R0120	EMILY ROMAN	EASTER EGG HUNT - DJ SERVICES	Open	100.00	0.00	
17-00655	05/22/17	A0150	AMERICAN UNIFORM & SUPPLY	POLICE EQUIPMENT	Open	145.99	0.00	
17-00695	05/30/17	L0061	LIFESAVERS INC	POLICE-EQUIPMENT	Open	144.00	0.00	
17-00744	06/07/17	I0034	MICHAEL IRENE, JR.	PLANNING BOARD ATTORNEY FEES	Open	857.00	0.00	
17-00773	06/12/17	B0021	BORO PRINTING	RECREATION-SUMMER REC	Open	640.00	0.00	
17-00783	06/14/17	F0020	FAIL SAFE	FIRE PUMP TESTING	Open	725.00	0.00	
17-00787	06/15/17	T0103	THE PHOTO CENTER	P.D. - CAMERAS AND SUPPLIES	Open	266.12	0.00	
17-00800	06/15/17	S0052	SCHOOL SPECIALITY	RECREATION-SUMMER REC	Open	922.21	0.00	
17-00802	06/15/17	F0020	FAIL SAFE	FIRE PUMP TESTING	Open	2,615.00	0.00	
17-00811	06/16/17	U0023	ALL COVERED/IT SOLUTIONS	PUBLIC BLDG-IT PROVIDER	Open	826.00	0.00	
17-00834	06/21/17	M0034	MGL PRINTING SOLUTIONS	DOG TRUST-MUN EXP	Open	221.00	0.00	
17-00836	06/22/17	U0023	ALL COVERED/IT SOLUTIONS	PUBLIC BLDG-IT PROVIDER	Open	1,572.00	0.00	
17-00849	06/26/17	M0029	MONMOUTH COUNTY POLICE ACADEMY	POLICE-EDUCATION	Open	25.00	0.00	
17-00855	06/27/17	T0014	TOYS R US	RECREATION-SUMMER REC	Open	495.58	0.00	
17-00903	07/10/17	D0109	DIDI'S AUTOMOTIVE II,LLC	POLICE-VEHICLE REPAIR	Open	81.99	0.00	
17-00911	07/10/17	R0059	RUTGERS THE STATE UNIVERSITY	FINANCE-EDUCATION	Open	1,734.00	0.00	
17-00933	07/12/17	P0116	PICASSO BUSINESS SOLUTIONS	A&E-COPIER	Open	32.16	0.00	
17-00942	07/12/17	N118	NEW JERSEY GRAVEL & SAND	SHADE TREE-BEAUTIFICATION	Open	208.00	0.00	
17-00944	07/12/17	R0076	RED BANK VETERINARY HOSPITAL	RACCOON CARE	Open	128.80	0.00	
17-00946	07/13/17	P0117	PLOSTA COHEN LAW FIRM		Open	56.00	0.00	
17-00957	07/17/17	G0002	GALL'S INC..	POLICE-UNIFORMS	Open	202.00	0.00	
17-00974	07/17/17	V0039	STEPHEN J. VETRANO, DO EMT LLC	FIRST AID-MEMBERSHIP	Open	2,000.00	0.00	
17-00989	07/19/17	D0109	DIDI'S AUTOMOTIVE II,LLC	POLICE-VEHICLE REPAIR	Open	60.00	0.00	
17-01013	07/26/17	U0010	UCPO POLICE ACADEMY TRAINING	POLICE-EDUCATION	Open	90.00	0.00	
17-01015	07/26/17	L0072	LANGUAGE LINE SERVICES	COURT-TRANSLATOR	Open	17.00	0.00	
17-01032	07/28/17	G0002	GALL'S INC..	POLICE-UNIFORMS	Open	141.00	0.00	
17-01034	07/28/17	G0078	GEESE PATROL	ENVIRON-GEESE CONTROL	Open	1,445.00	0.00	
17-01035	07/28/17	D0022	DRAEGER INC.	POLICE-TRAFFIC SAFETY	Open	120.00	0.00	
17-01036	07/28/17	M0034	MGL PRINTING SOLUTIONS	TAX COLLECTOR-SUPPLIES	Open	84.00	0.00	
17-01045	08/05/17	S0027	SIP'S PAINTS AND HARDWARE	POLICE BUILDING MAINTENANCE	Open	59.90	0.00	
17-01046	08/05/17	M0136	MONMOUTH TRUCK EQUIPMENT	DEPT OF PUBLIC WORKS	Open	390.00	0.00	
17-01085	08/07/17	U0023	ALL COVERED/IT SOLUTIONS	PUBLIC BLDG-IT MNTHLY SERVICES	Open	1,420.00	0.00	
17-01087	08/07/17	W0006	WATCHUNG SPRING WATER	WATER-PUBLIC BLDG ACCT:128007	Open	14.15	0.00	
17-01094	08/09/17	S0027	SIP'S PAINTS AND HARDWARE	DEPT OF PUBLIC WORKS	Open	17.97	0.00	
17-01095	08/09/17	T0042	TREASURER - ST. OF NEW JERSEY	DPW-PERMITS/FEES	Open	80.00	0.00	
17-01098	08/09/17	N0060	NJ STATE DEPARTMENT OF HEALTH	DOG FUND-DUE STATE	Open	6.60	0.00	
17-01103	08/09/17	M0204	MONMOUTH WIRE & COMPUTER	RECYCLING-TONNAGE GRANT	Open	450.00	0.00	
17-01104	08/11/17	S0027	SIP'S PAINTS AND HARDWARE	DEPT OF PUBLIC WORKS	Open	7.99	0.00	
17-01105	08/11/17	G0024	GRAINGER INC.	DPW-SHOP SUPPLIES	Open	222.83	0.00	
17-01107	08/11/17	W0018	WEST LONG BRANCH FIRE CO. #2	FIRE DEPT-RENT	Open	900.00	0.00	
17-01108	08/11/17	B0037	BOROUGH CHEMICAL & TRUCK CO	FIRE DEPT-RENT	Open	900.00	0.00	
17-01109	08/11/17	B0037	BOROUGH CHEMICAL & TRUCK CO	FIRE DEPT-RENT	Open	900.00	0.00	
17-01110	08/11/17	B0037	BOROUGH CHEMICAL & TRUCK CO	FIRE DEPT-RENT	Open	900.00	0.00	
17-01111	08/11/17	W0018	WEST LONG BRANCH FIRE CO. #2	FIRE DEPT-RENT	Open	900.00	0.00	
17-01112	08/11/17	W0018	WEST LONG BRANCH FIRE CO. #2	FIRE DEPT-RENT	Open	900.00	0.00	
17-01113	08/11/17	W0017	WEST LONG BRANCH FIRST AID	FIRST AID-RENT	Open	575.00	0.00	

September 6, 2017

17-01116	08/11/17	J0044	HUNTER KEYSTONE PETERBILT	DPW SUPPLIES	Open	31.88	0.00
17-01117	08/11/17	D0015	DELTA DENTAL PLAN OF N.J.	DENTAL PREMIUM	Open	1,545.38	0.00
17-01118	08/14/17	S0080	STAVOLA COMPANY	DPW-TRAFFIC MAINTENANCE	Open	431.20	0.00
17-01120	08/14/17	M0161	MR. JOHN, INC.	PUBLIC BLDG-PARK MAINTENANCE	Open	573.16	0.00
17-01134	08/15/17	A0040	AT&T	TELEPHONE	Open	32.35	0.00
17-01135	08/15/17	C0156	CUSTOM BANDAG	DPW-GBG/REC TIRES	Open	310.97	0.00
17-01136	08/15/17	C0053	CITY OF LONG BRANCH	GAS/DIESEL	Open	6,040.33	0.00
17-01137	08/16/17	N0049	NJ ST ASSN OF CHIEFS OF POLICE	POLICE-EDUCATION	Open	225.00	0.00
17-01141	08/16/17	M0204	MONMOUTH WIRE & COMPUTER	RECYCLING-TONNAGE GRANT	Open	125.00	0.00
17-01142	08/16/17	M0204	MONMOUTH WIRE & COMPUTER	RECYCLING-TONNAGE GRANT	Open	450.00	0.00
17-01143	08/16/17	B0009	MICKY BENOIT, INC.	RECYCLING	Open	1,530.00	0.00
17-01145	08/16/17	M0134	MONMOUTH BUILDING CENTER	DPW EQUIP REPAIRS & MAINTENANC	Open	103.90	0.00
17-01150	08/17/17	A0023	ASBURY PARK PRESS	BOROUGH CLERK-ADVERTISING	Open	151.80	0.00
17-01157	08/18/17	S0070	STAPLES ADVANTAGE	A&E & FINANCE OFFICE SUPPLIES	Open	107.30	0.00
17-01163	08/22/17	A0023	ASBURY PARK PRESS	ZONING BOARD - ADVERTISING	Open	12.10	0.00
17-01164	08/22/17	S0070	STAPLES ADVANTAGE	POLICE OFFICE SUPPLIES	Open	179.99	0.00
17-01165	08/22/17	S0070	STAPLES ADVANTAGE	OFFICE SUPPLIES - FIRE MARSHAL	Open	932.99	0.00
17-01166	08/22/17	A0023	ASBURY PARK PRESS	BOROUGH CLERK-ADVERTISING	Open	113.85	0.00
17-01168	08/22/17	V0027	VERIZON	LIBRARY-TELEPHONE	Open	163.70	0.00
17-01169	08/25/17	S0011	SEABOARD FIRE AND SAFETY	FIRST AID-OXYGEN/EXTING	Open	727.00	0.00
17-01170	08/25/17	G0078	GEESE PATROL	ENVIRON-GEESE CONTROL	Open	1,445.00	0.00
17-01173	08/25/17	N0029	NEW JERSEY AMERICAN WATER CO.	WLB POLICE-1018-210024549001	Open	338.58	0.00
17-01174	08/25/17	N0036	NEW JERSEY NATURAL GAS CO.	POLICE DEPT - 22-0012-4310-51	Open	81.67	0.00
17-01175	08/25/17	N0036	NEW JERSEY NATURAL GAS CO.	GAS - FIRE 2 22-0012-6557-84	Open	29.11	0.00
17-01176	08/25/17	N0036	NEW JERSEY NATURAL GAS CO.	BORO HALL 22-0007-1767-20	Open	29.11	0.00
17-01178	08/25/17	N0036	NEW JERSEY NATURAL GAS CO.	GAS - FIRE 2 - 13-3266-7180-13	Open	26.78	0.00
17-01179	08/25/17	C0008	CARUSO & BAXTER	LEGAL PROFESSIONAL SERVICES	Open	2,867.82	0.00
17-01181	08/25/17	C0083	COMCAST	299 MON RD:8499 05 216 0011716	Open	104.85	0.00
17-01182	08/25/17	C0083	COMCAST	LIBRARY: 8499-05-216-0045946	Open	115.53	0.00
17-01186	08/28/17	S0070	STAPLES ADVANTAGE	ADMINISTRATOR OFFICE SUPPLIES	Open	464.37	0.00
17-01187	08/29/17	C0058	CUSTODIAN OF SCHOOL MONIES	S.R.H.S. TAX	Open	324,461.00	0.00
17-01189	08/29/17	C0055	WEST LONG BRANCH BD OF	G/L-LOCAL SCHOOL TAX	Open	745,824.00	0.00
17-01191	08/29/17	N0029	NEW JERSEY AMERICAN WATER CO.	HYDRANTS 1018-210026568664	Open	6,945.40	0.00
17-01192	08/29/17	C0083	COMCAST	8499-05 216 0041994 379 MON RD	Open	136.06	0.00
17-01193	08/29/17	O0047	OLIWA & COMPANY	2016 - ANNUAL AUDITOR FEES	Open	2,500.00	0.00
17-01194	08/30/17	J0042	JERSEY CENTRAL POWER & LIGHT	STREET LIGHTING	Open	6,131.26	0.00
17-01197	08/30/17	C0195	CASA REPORTING SERVICE	FINANCE SUPPLIES	Open	70.00	0.00
17-01198	08/30/17	V0026	VERIZON WIRELESS	CELL PHONES	Open	1,048.53	0.00
17-01201	09/01/17	A0138	AVS TECHNOLOGY	POLICE-EQUIPMENT	Open	175.00	0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
7-01		1,137,839.42	0.00	1,137,839.42	0.00	0.00	1,137,839.42
7-13		356.40	0.00	356.40	0.00	0.00	356.40
Year Total:		1,138,195.82	0.00	1,138,195.82	0.00	0.00	1,138,195.82
G-01		125.00	0.00	125.00	0.00	0.00	125.00
Total of All Funds:		1,138,320.82	0.00	1,138,320.82	0.00	0.00	1,138,320.82

WIRE TRANSFERS.

USA Bank	MCIA 2015	\$62,294.73
US Bank	MCIA 2013	\$68,160.58
US Bank	MCIA 2011	\$86,782.46
US Bank	MCIA 2007	\$39,462.50
AT&T	Telephone service	\$32.35
BCM One	Telephone Service	\$1,726.73
Comcast	Internet	\$124.85
Jersey Central Power & Light	Electric	\$395.47
New Jersey American Water Co.	Water	\$1,710.92
New Jersey Natural Gas	Gas	\$187.37
Monmouth County	County Taxes	\$848,826.83
Monmouth County	Open Space Tax	\$50,918.49
Monmouth County	Library Tax	\$60,619.12

Bill List Total \$*2,359,563.22

September 6, 2017

Seconded by Councilwoman Mango 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

MIGLIACCIO – Fail Safe; Fail Safe; New Jersey Gravel & Sand; Plosia Cohen Law Firm; Sip's Paints and Hardware; Monmouth Truck Equipment; Sip's Paints and Hardware; Monmouth Wire & Computer; Sip's Paints and Hardware; West Long Branch Fire Co. #2; West Long Branch Fire Co. #2; West Long Branch Fire Co. #2; Hunter Keystone Peterbilt; Stavola Company; Mr. John, Inc.; Custom Bandag; City of Long Branch; Monmouth Wire & Computer; Monmouth Wire & Computer; Seaboard Fire and Safety

PUBLIC HEARING:

David Ornstein, 11 Maryland Avenue, commented on the following items:

- He complimented the Borough's new website, but he felt that there was a flaw in the calendar function because he was unable to create a calendar showing the recycling dates.
- He asked the Borough to consider changing the date for Movie Night since the date conflicts with a Jewish holiday.

Vicky Giglio, 50 Golf Street, asked how the Borough would handle code enforcement complaints on properties that are owned by a limited liability company (L.L.C.). The Borough Attorney explained that a summons would be issued to the L.L.C. at the address on record. If the summons results in a fine, that could be assessed on their tax bill. Mrs. Giglio advised that the properties in question are vacant. Mayor Tucci asked her to provide the specific addresses to the Borough Administrator for proper investigation.

William Drach, 11 Orchard Road, expressed concern that one limited liability company purchased three properties in rapid succession. According to him, the Borough should require the limited liability company to advise what their intentions are for these properties. The Borough Attorney replied that there is no requirement for single family homes except for a Certificate of Occupancy. He went on to state that if it is a residential property, it has to be used for residential purposes. Mr. Drach then inquired how long a house can remain vacant. The Borough Attorney stated that he was not aware of any ordinance limiting the time.

Joanna Napolitano, 78 Golf Street, commented on the following items:

- She requested more of a police presence in her neighborhood because there are individuals walking on other peoples' properties pointing things out on various homes. Councilwoman Mango suggested that she call the Police Department if she feels uncomfortable.
- She asked if the Borough planned to have its own Facebook page.
- She confirmed that the Borough's ordinance prohibits soliciting beyond 6:00 PM.

Paul Giglio, 50 Golf Street, reported that the properties that were mentioned earlier this evening, which are in the area of Bampton Place, Orchard Road, and Golf Street, are falling apart, and that will drive property values down. Further, he expressed his concern that the West Long Branch Residents Facebook page is out of control.

September 6, 2017

Mike Habeck, 15 West Campbell Avenue, suggested that the Borough consider adopting a "No Knock" ordinance. The Borough Attorney advised that the Borough does not have a choice in this area because federal law oversees it. If the Borough outlawed this activity, it would be challenged. The Borough Attorney suggested that residents post a "No Trespassing" sign.

Gavino Napolitano, 78 Golf Street, commented on the following items:

- He asked if the Borough intended to post all meeting minutes on the Borough's website.
- He asked where the bocce courts will be installed. Councilman Neyhart informed him they will be in Ronan-Shirvanian Park. Mr. Napolitano offered to assist in their installation.

Mayor Tucci encouraged everyone to report code enforcement violations to the Code Enforcement Officer. Councilman Migliaccio added that if a resident sees something that makes them uncomfortable, they should call the Police Department and let them investigate the situation.

Gerry Fawcett recommended that solicitors be required to wear Borough-issued tags.

Honey Ornstein 11 Maryland Avenue, confirmed that if a certain lot is empty, it still must be maintained.

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 8:33 PM.



BOROUGH CLERK