

February 15, 2023
7:17 PM

A regular meeting of the Mayor and Council of the Borough of West Long Branch was held on the above date and time in the Council Chambers, Borough Hall, 965 Broadway, West Long Branch, N.J.

Mayor Janet W. Tucci presided.

Mayor Tucci reported that in accordance with N.J.S.A. 10:4-6 adequate notice of this meeting of the Mayor and Council has been provided.

PRESENT: BRAY, CIOFFI, GOMEZ, NEYHART, SNIFFEN
ABSENT: PENTA

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the February 1, 2023, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the February 1, 2023, executive session meeting, and approved the release of all pages, except pages 2, 6, 8, 10, and 11. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the February 1, 2023, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray stated that if anyone had any questions regarding the department budgets that they can email him.

Councilman Cioffi reported that the annual Easter Egg Hunt is schedule for April 8th at 10:00 AM at the community center. There was nothing to report for Shade Tree or Environmental at this time, however, Councilman Cioffi mentioned that plans for the farmers market are underway.

Councilman Gomez reported the monthly call figures for the Fire Department.

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Councilman Neyhart stated that the annual employee recognition ceremony is planned for the March 1st council meeting and that all department members are welcome to come. Councilman Neyhart reported that the beautification committee is seeking volunteers.

Councilman Penta was absent.

Councilman Sniffen reported that public works has been getting a jump start on springtime preparation work at the parks thanks to the mild weather.

The Borough Administrator reported that pop warner should have their equipment out of the old police shed by mid-March or April. The Borough Administrator reported that the shredding event is set for April 29th.

The Acting Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

The Borough Engineer was absent.

COMMUNICATIONS:

1. Tax Collector's Monthly Report – January 2023
2. Thank-You Card from Miss Marylynn Mango

ORDINANCES:

ORDINANCE NO. O-23-5

**AN ORDINANCE AMENDING AND SUPPLEMENTING
ORDINANCE 7-3.3 REGARDING PROHIBITED PARKING
IN THE BOROUGH OF WEST LONG BRANCH**

Ordinance No. O-23-5 was read on its **first reading** by title only.

Councilman Cioffi moved the ordinance be passed on **introduction** and to set the public hearing for March 1, 2023, at 6:30 PM. Seconded by Councilman Gomez, and carried upon the following roll call vote:

AYES: BRAY, CIOFFI, GOMEZ, NEYHART, SNIFFEN
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 EMERGENCY MEDICAL SERVICES
MEMBERS WHO QUALIFIED FOR CREDIT UNDER THE
LENGTH OF SERVICE AWARDS PROGRAM FOR THE YEAR 2022**

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 Emergency Medical Services;

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 West Long Branch Emergency Medical Services members are hereby approved to receive the 2022 LOSAP award:

Karen Broome-Bischoff	Patty Mikolon
Kenneret Kanik	Jeffrey Newenhouse
Judy Wortman	Beth Weston-Knotts
Timothy Knotts	

2. The amount each qualified member will receive for the 2022 LOSAP award is \$1,150.00.
3. The certified list of members shall be posted at West Long Branch Borough Hall and at the West Long Branch Emergency Medical Services building for a period of 30 days to allow sufficient time for membership review.
4. 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.
5. 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 CIOFFI and carried upon the following roll call vote:

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

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

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 2022**

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:

6. Per the certified list received, the following Borough Chemical & Truck Company No. 1 members are hereby approved to receive the 2022 LOSAP award:

Robert Arnts	Victor C. Huhn, Jr.
Ryan Czeslaw	Victor C. Huhn, Sr.
Brian T. Hagerman	Mark Russo
Dennis O’Rorke	

7. Per the certified list received, the following West Long Branch Fire Company No. 2 members are hereby approved to receive the 2022 LOSAP award:

Mark Ciaglia	Fred Migliaccio
Mike Ciaglia, Sr.	Tim Phillips
James Blake	James Quinn
Ronald J. Guidetti	Nick Saffiotti
Santo Guzzi	

8. The amount each qualified member will receive for the 2022 LOSAP award is \$1,150.00.
9. 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.
10. 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.
11. 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 SNIFFEN and carried upon the following roll call vote:

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPOINTING DEPUTY DIRECTOR OF PUBLIC WORKS

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

WHEREAS, THOMAS VARRICCHIO was hired to fill the position of Public Works Mechanic in 2022; and

WHEREAS, the Finance Committee and Borough Administrator have discussed the best course for filling this vacancy and recommended the appointment of THOMAS VARRICCHO as the Deputy Director of Public Works, at an annual salary of \$75,000 effective February 1, 2023; and

WHEREAS, Councilman Penta moved to promote THOMAS VARRICCHIO to the position of Deputy Director of Public Works at an annual salary of \$75,000 at the February 1, 2023 Council Meeting; and

WHEREAS, the motion was seconded by Councilman Bray and passed unanimously in the affirmative through a roll call vote.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that THOMAS VARRICHHIO be and is hereby appointed to the position of Deputy Director of Public Works, at an annual salary of \$75,000 effective February 1, 2023.

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

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

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Councilmember BRAY offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION
TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN
THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the Monmouth County Board of County Commissioners, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area,” the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of West Long Branch is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations;

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

1. The Borough Council hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
 - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
 - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

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

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

UNFINISHED BUSINESS:

Councilman Bray reported that the planning board voted to refer a project request for the old driving range off of Route 36 to the town’s planner, Andy Thomas, for his recommendation. Councilman Bray reported that this matter should be on the planning board’s upcoming agenda, granted that the applicant posts escrow.

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NEW BUSINESS:

Councilman Gomez reported that the State of New Jersey is proposing legislation to permit cannabis lounges at certain premises, however, individual municipalities can adopt ordinances prohibiting such use. Borough Attorney Baxter stated that the Borough’s current cannabis ordinance would prohibit things of the sort.

Councilman Neyhart stated that there are a lot of old files being stored in a shed at Valenzano Park that are likely within their expiration date and proposed that the older summer recreation counselors could work extra hours to sort and label the files, if they are interested.

BILLS AND CLAIMS:

Councilman Bray moved to approve the bill list. Seconded by Councilmen Sniffen and carried upon the following roll call vote:

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

PUBLIC HEARING:

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

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EXECUTIVE SESSION RESOLUTION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

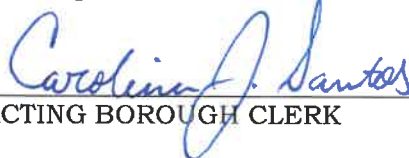
Tax Appeals; Administrative Personnel; Municipal Court Personnel; Police Personnel

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date under the following circumstances:

When the need for privacy as to each item no longer exists.

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Open Public Meetings Act (N.J.S.A. 10:4-12):

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| _____ | 1. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds. |
| _____ | 2. Rendered confidential by State Statute or Court Rule. |
| _____ | 3. Would constitute an unwarranted invasion of individual privacy. |
| _____ | 4. Deals with collective bargaining or any employment agreement, including negotiations positions. |
| _____ | 5. Deals with purchase, lease or acquisition of real property with public funds. |
| _____ | 6. Related to setting of bank rates or the investment of public funds and disclosure could adversely affect the public interest. |
| _____ | 7. Related to tactics and techniques utilized in protecting the safety and property of the public and disclosure may adversely affect the public. |
| _____ | 8. Related to investigation of violations or possible violations of the law. |
| <u> X </u> | 9. Related to pending or anticipated litigation or contract negotiations in which the public body is or may be a party. |
| <u> X </u> | 10. Falls within the attorney-client privilege and confidentiality is required. |
| <u> X </u> | 11. Deals with personnel matters involving the employment, appointment, termination of employment, terms and conditions of employment, performance evaluation or discipline of any public officers or employees, either current or prospective, and all of the employees or appointees whose rights could be adversely affected have not requested that the matter be discussed publicly. |
| _____ | 12. Quasi-judicial deliberations after public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit. |



ACTING BOROUGH CLERK