

March 1, 2023  
7:19 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: GOMEZ, NEYHART, PENTA, SNIFFEN  
ABSENT: BRAY, CIOFFI

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APPROVAL OF MINUTES:

Councilman Neyhart moved the approval of the minutes of the February 15, 2023, caucus meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

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Councilman Neyhart moved the approval of the minutes of the February 15, 2023, executive session meeting, and approved the release of all pages, except page 6. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

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Councilman Neyhart moved the approval of the minutes of the February 15, 2023, council meeting. Seconded by Councilman Sniffen and carried upon the following roll call vote:

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

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REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray was absent.

Councilman Cioffi was absent.

Councilman Gomez had nothing to report.

Councilman Neyhart had nothing to report.

Councilman Penta reported that the public works committee has been focusing on the plans to renovate the public works garage and they will be moving forward with getting all the plans for construction finalized.

Councilman Sniffen reported that public works has been able to get a real head start on springtime preparations as we have had such a mild winter. Councilman Sniffen reported that AEDs will be installed in the library, Van Brunt Room at the community center, and public works.

The Borough Administrator had nothing to report.

The Acting Borough Clerk had nothing to report.

The Borough Attorney had nothing to report.

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The Borough Engineer was absent.

COMMUNICATIONS:

1. Code Enforcement Monthly Report – February 2023
2. Zoning Officer’s Monthly Report – February 2023

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 **second reading** by title only.

Councilman Sniffen moved the ordinance be passed on **second reading** by title only.  
Seconded by Councilman Gomez, and carried upon the following roll call vote:

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

Ordinance No. O-23-5 was published in the Asbury Park Press in the issue of February 21, 2023, and proof of publication stating that a public hearing on said ordinance would be held at this time is on file.

Mayor Tucci declared the public hearing open.

There being no one wishing to speak, Councilman Neyhart moved the public hearing be closed. Seconded by Councilman Sniffen and carried unanimously.

**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 **third and final reading** by title only.

Councilman Penta moved the ordinance be adopted on **third and final reading** by title only. Seconded by Councilman Sniffen, and carried upon the following roll call vote:

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

**ORDINANCE NO. O-23-6**

**AN ORDINANCE AMENDING ORDINANCES 11-9 AND O-22-4  
REGARDING FEES FOR THE SUMMER RECREATION  
PROGRAM IN WEST LONG BRANCH**

Ordinance No. O-23-6 was read on its **first reading** by title only.

Councilman Penta moved the ordinance be passed on **introduction** and to set the public hearing for March 15, 2023, at 6:30 PM. Seconded by Councilman Sniffen, and carried upon the following roll call vote:

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

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RESOLUTIONS:

Councilmember SNIFFEN offered the following resolution and moved its adoption:

**RESOLUTION REFUNDING CERTIFICATE OF OCCUPANCY FEE**

WHEREAS, Thomas Juliano, filed Application for Certificate of Occupancy for 17 Dennis Street and paid the Smoke/CO Fee of \$45.00 on February 15, 2023; and

WHEREAS, it was subsequently discovered that a duplicate charge of the smoke fee of \$45.00 had been made, resulting in an unnecessary total charge of \$90.00; and

WHEREAS, Thomas Juliano requested that the duplicate Smoke/CO fee of \$45.00 be refunded; and

WHEREAS, the Housing Inspector has confirmed that a refund is in order;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the sum of \$45.00, which represents the Smoke/CO Fee of \$45.00, be refunded to Thomas Juliano, 17 Dennis Street, West Long Branch, NJ 07764; and

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

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

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

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Councilmember SNIFFEN offered the following resolution and moved its adoption:

**RESOLUTION APPROVING 2023 BOROUGH ENGINEER CONTRACT**

WHEREAS, FRANCIS W. MULLAN, of the firm of T&M ASSOCIATES, was appointed by the Mayor and Borough Council to the position of Borough Engineer for calendar year 2023 under the fair and open process as required by Ordinance No. O-06-9; and

WHEREAS, FRANCIS W. MULLAN submitted the attached contract for services for calendar year 2023 for approval by the Borough Council;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached contract for services to be provided by the Borough Engineer be and the same is hereby approved for calendar year 2023, and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that notice of this contract award be published as required by law.

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

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

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Councilmember SNIFFEN offered the following resolution and moved its adoption:

**RESOLUTION AMENDING RESOLUTION NO. R-22-100  
RESOLUTION RENEWING LIQUOR LICENSES FOR 2022-2023**

WHEREAS, the Borough had previously adopted Resolution No. R-22-100 Liquor License Renewals 2022-2023; and

WHEREAS, Resolution No. R-22-100 Liquor License Renewals 2022-2023, needs to be amended by rescinding the provision within the resolution authorizing the renewal of Liquor License No. 1353-32-003-003 (RAVI RANDAL CORP.) for the 2022-2023 licensing year until the applicant rectifies what is needed by the State Division of Alcoholic Beverage Control; and

WHEREAS, such a renewal was erroneously adopted as the applicant had not submitted a renewal application nor did they pay the corresponding State fee, following issuance of a special ruling from the Division of Alcoholic Beverage Control.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Resolution No. R-22-100 Liquor License Renewals 2022-2023, hereby be amended by rescinding the provision within the resolution authorizing the renewal of Liquor License No. 1353-32-003-003 (RAVI RANDAL CORP.) for the 2022-2023 licensing year; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the licensee and to the Alcoholic Beverage Control office.

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

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

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**UNFINISHED BUSINESS:**

There was no unfinished business.

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**NEW BUSINESS:**

**1. Raffle License Application – On-Premises Merchandise – SRHS Parent Advisory Council**

Councilman Neyhart moved to approve the raffle license. Seconded by Councilman Penta and carried upon the following roll call vote:

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

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**BILLS AND CLAIMS:**

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

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

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PUBLIC HEARING:

1. *Vincent Lepore, 33 Ocean Terrace, Long Branch* raised a concern with the amount of time being used by the police station as it relates to OPRA requests, ever since Ordinance No. O-23-4 was passed. The Borough Attorney informed Mr. Lepore that the police department having their own records custodian actually is more time efficient, as time was needed to retrieve the records anyways; the only difference is that now there is no middle step through the Clerk's office.

There being no one else wishing to speak, Councilman Neyhart moved to adjourn the Council meeting and to enter Executive Session. Seconded by Councilman Sniffen 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; 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):

- |              |   |
|--------------|---|
| _____        | 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