

**SUBJECT TO CHANGE**  
**BOROUGH OF WEST LONG BRANCH**  
**COUNCIL MEETING**

February 6, 2019  
(Immediately Following Caucus Meeting Which Starts at 6:30 PM)

MAYOR JANET W. TUCCI PRESIDES

MAYOR TUCCI REPORTS SUNSHINE LAW COMPLIED WITH

PRESENT: BRAY, CIOFFI, MANGO, MIGLIACCIO, NEYHART, PENTA

ABSENT:

READING AND APPROVAL OF MINUTES:

Caucus Minutes  
January 16, 2019

Executive Session Minutes  
January 16, 2019

Council Minutes  
January 16, 2019

REPORTS OF STANDING COMMITTEES:

MAYOR TUCCI:

COUNCILMAN BRAY (FINANCE & ADMINISTRATION):

COUNCILMAN CIOFFI (FIRE & FIRST AID):

COUNCILWOMAN MANGO (RECREATION, ENVIRONMENTAL, & SHADE TREE):

COUNCILMAN MIGLIACCIO (PUBLIC PROPERTY):

COUNCILMAN NEYHART (POLICE):

COUNCILMAN PENTA (PUBLIC WORKS):

BOROUGH ADMINISTRATOR DOLLINGER:

BOROUGH CLERK COLE:

BOROUGH ATTORNEY BAXTER:

BOROUGH ENGINEER MULLAN:

COMMUNICATIONS:

1. Resolution Authorizing the Annual Allocation From the Monmouth County Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund – Monmouth County Board of Chosen Freeholders
2. Monmouth County Improvement Authority's Invitation to Financing Seminar – February 26, 2019
3. Fire Department Membership Application – Christopher McAbee (Active)
4. Request to Use Monmouth University MAC for Graduation Ceremony – Ranney School

COMMUNICATIONS

5. Request to Use Monmouth University MAC for Graduation Ceremony – Middletown Township Public Schools
6. Request to Use Monmouth University MAC for Graduation Ceremony – Red Bank Catholic High School

ORDINANCES:

1. Ordinance No. O-19-1  
An Ordinance Repealing Ordinance O-18-5 Which Prohibited Smoking in Public Parks or Recreation Areas in the Borough of West Long Branch  
Introduction
2. Ordinance No. O-19-2  
An Ordinance Prohibiting Smoking Within Close Proximity to Municipal Buildings in the Borough of West Long Branch  
Introduction

RESOLUTIONS:

1. Resolution Approving Change Order of Titan Demolition & Salvage, LLC (R-19-36)
2. Resolution Approving Change Order and Payment Certificate of Titan Demolition & Salvage, LLC (R-19-40)
3. Resolution Reappropriating Excess Bond Proceeds in the Amount of \$61,448.86 to Finance a Portion of the Cost of Improvements to the Borough's Library (R-19-42)
4. Resolution Limiting Time for Speakers During Public Comment Sections of Meetings of the Governing Body in West Long Branch (R-19-43)

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Reappointment of Borough's Representative to the Monmouth County Regional Health Commission No. 1 – Stephanie C. Dollinger
2. RL 19-5 – Family & Childrens Service Monmouth County, Inc.
3. RL 19-6 – Parents Advisory Council of Shore Regional High School
4. RL 19-7 – Monmouth University, Inc.

BILLS AND CLAIMS:

OPPORTUNITY FOR ANY PERSON TO BE HEARD:

MOTION TO CLOSE THE PUBLIC PORTION AND ADJOURN:

**ORDINANCE NO. O-19-1**

**AN ORDINANCE REPEALING ORDINANCE O-18-5  
WHICH PROHIBITED SMOKING IN  
PUBLIC PARKS OR RECREATION AREAS IN THE  
BOROUGH OF WEST LONG BRANCH**

WHEREAS, in the spring of 2018, in order to address concerns made by residents and the governing body, the Borough Council adopted Ordinance O-18-5, which prohibited smoking in public parks or recreation areas in the Borough; and

WHEREAS, that Ordinance has not yet been codified; and

WHEREAS, the Borough received notice from the Municipal Court, which inquiry initially came from the New Jersey Administrative Office of the Courts, requesting that the Borough review its new Ordinance to see if it was substantially the same as N.J.S.A. 26:3D-65, which statute took effect on January 16, 2019; and

WHEREAS, municipalities are prohibited from enacting Ordinances which prohibit the same activity as an existing New Jersey statute prohibits; and

WHEREAS, under these circumstances, the Borough Attorney has recommended that Ordinance O-18-5 be repealed; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of West Long Branch that Ordinance O-18-5 prohibiting smoking in public parks or recreation areas be and is hereby repealed, since those activities are now prohibited by N.J.S.A. 26:3D-65;

AND BE IT FURTHER RESOLVED that this Ordinance shall take effect immediately upon passage and publication according to law.

**ORDINANCE NO. O-19-2**

**AN ORDINANCE PROHIBITING SMOKING WITHIN  
CLOSE PROXIMITY TO MUNICIPAL BUILDINGS IN  
THE BOROUGH OF WEST LONG BRANCH**

WHEREAS, the governing body has been discussing for several weeks, general regulations regarding smoking in the public; and

WHEREAS, the Borough, as a result of a new State statute, needed to repeal its Ordinance adopted in 2018; and

WHEREAS, neither the State statute nor the Ordinance being repealed addresses the issue of smoking on municipal property, and the governing body feels there is a need to provide such restriction;

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

**SECTION 1.**

No person shall smoke or vape within twenty-five (25) feet of any entrance or exit to any municipal building in the Borough of West Long Branch.

**SECTION 2: VIOLATIONS AND PENALTIES**

Violators of this Ordinance shall be subject to a penalty not exceeding \$200.00.

**SECTION 3.**

The Borough shall post signs in conspicuous places, noting this Ordinance prohibition, which notice is a prerequisite to any person being charged with the violation of this Ordinance.

**SECTION 4: EFFECTIVE DATE**

This ordinance shall take effect immediately upon passage and publication according to law.

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CHANGE ORDER  
OF TITAN DEMOLITION & SALVAGE, LLC**

2/6/19

WHEREAS, TITAN DEMOLITION & SALVAGE, LLC, 35 Cutters Dock, Woodbridge, New Jersey 07095, has completed work in connection with the demolition of the old municipal building; and

WHEREAS, the Borough Engineer has reported that Change Order No. 3, which shows a net increase of \$266,517.25, is in proper form;

WHEREAS, funds are or will be available for this item;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that Change Order No. 3 is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 3.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION APPROVING CHANGE ORDER AND PAYMENT  
CERTIFICATE OF TITAN DEMOLITION & SALVAGE, LLC**

2/6/19

WHEREAS, TITAN DEMOLITION & SALVAGE, LLC, 35 Cutters Dock Road, Woodbridge, New Jersey 07095, has completed work in connection with the demolition of the old municipal building; and

WHEREAS, the Borough Engineer has reported that Payment Certificate No. 4, in the amount of \$161,296.68, and Change Order No. 4, which shows a net increase of \$213,474.00, are 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. 4, in the amount of \$161,296.68, as set forth in the Borough Engineer's letter dated January 31, 2019, is hereby approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign Change Order No. 4; and

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

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION AMENDING RESOLUTION NO. R-18-122  
REGARDING PERSON-TO-PERSON/PLACE-TO-PLACE  
TRANSFER OF LIQUOR LICENSE NO. 1353-33-002-014**

2/6/19

WHEREAS, Resolution No. R-18-122, which authorized the person-to-person and place-to-place transfer of Plenary Retail Consumption License 1353-33-002-014 from TMJC Enterprises, L.L.C. to RODEIO GRILL & BAR RESTAURANT, L.L.C., was adopted by the Borough Council at a meeting held on October 17, 2018; and

WHEREAS, the Division of Alcoholic Beverage Control has notified the Borough Clerk that it is necessary to amend said resolution to reflect that the new licensee's name should have been listed as RODEIO GRILL BAR & RESTAURANT, L.L.C. instead of RODEIO GRILL & BAR RESTAURANT, L.L.C. as stated in Resolution No. R-18-122;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of West Long Branch does hereby amend Resolution No. R-18-122 to reflect that the person-to-person and place-to-place transfer of the aforesaid Plenary Retail Consumption License is hereby approved, effective October 17, 2018, in the name of RODEIO GRILL BAR & RESTAURANT, L.L.C. instead of RODEIO GRILL & BAR RESTAURANT, L.L.C.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION REAPPROPRIATING EXCESS BOND PROCEEDS IN  
THE AMOUNT OF \$61,448.86  
TO FINANCE A PORTION OF THE COST OF IMPROVEMENTS TO  
THE BOROUGH'S LIBRARY**

2/6/19

WHEREAS, the Borough Council of the Borough of West Long Branch, in the County of Monmouth, State of New Jersey (the "Borough"), finally adopted Bond Ordinance Number O-11-9 on July 6, 2011 (the "Ordinance"); and

WHEREAS, following the effective date of the Ordinance, the Borough, if applicable, issued bonds or bond anticipation notes to fully fund same and to finance the improvements or purposes authorized therein; and

WHEREAS, the Borough has determined that all or a portion of the capital improvements or purposes set forth in the Ordinance have either been completed in full or discontinued as a result of events occurring subsequent to the adoption of the Ordinance, as applicable; and

WHEREAS, there currently remains on deposit in the Borough capital accounts excess bond or note proceeds and capital funds allocable to the Ordinance in the amount of \$61,448.86 (the "Excess Proceeds"), but no longer necessary to complete the improvements or purposes authorized therein; and

WHEREAS, in accordance with its statutory powers including, but not limited to, those set forth in section 39 of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Borough Council has determined that it is in the best interest of the Borough to reappropriate the Excess Proceeds in the amount of \$61,448.86 from the funds of the Borough to finance a portion of the cost of improvements to the Borough's Library including, but not limited to, partial demolition and reconstruction of the outside wall and entrance way; and also including and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto (the "Project"), which Project is an improvement or purpose for which bonds may be issued; and

WHEREAS, the Borough Council now desires to reappropriate the Excess Proceeds in the amount of \$61,448.86 from the funds of the Borough, making the reappropriation \$61,448.86 to undertake a portion of the cost of the Project, which is an improvement or purpose for which bonds may be issued; and

NOW THEREFORE BE IT RESOLVED by the Borough Council, as follows:



1. The following amount of Excess Proceeds of the Ordinance is no longer necessary for the purposes for which it was authorized and issued:

<b><u>Bond Ordinance/ Ordinance Number</u></b>	<b><u>Excess Proceeds Amount</u></b>
O-11-9	\$61,448.86

2. The amount of \$61,448.86 is hereby reappropriated, as applicable, for the Project, pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance a portion of the cost of the Project, which is a general capital improvement or purpose for which bonds may be issued and is set forth in Section 3 of this Resolution.

3. (a) The improvement hereby authorized and purpose for which the amount of \$61,448.86 is hereby reappropriated, and shall be utilized, is to finance a portion of the cost of improvements to the Borough's Library including, but not limited to, partial demolition and reconstruction of the outside wall and entrance way; and also including all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, which Project is an improvement for which bonds may be issued.

(b) The estimated portion of the cost of said purpose is \$61,448.86 being reappropriated for the Project pursuant to N.J.S.A. 40A:2-39 and other applicable law, and shall be used to finance a portion of the cost of the Project.

4. The capital budget of the Borough is hereby amended to conform with the provisions of this resolution to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the office of the Clerk and is available for public inspection.

5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this resolution is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

6. Two certified copies of this resolution shall be filed with the Director of the Division of Local Government Services.

7. This resolution shall take effect immediately.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

Councilmember            offered the following resolution and moved its adoption:

**RESOLUTION LIMITING TIME FOR SPEAKERS DURING  
PUBLIC COMMENT SECTIONS OF MEETINGS OF  
THE GOVERNING BODY IN WEST LONG BRANCH**

2/6/19

WHEREAS, the governing body has been discussing, over the past few months, the prospect of limiting speakers to a fixed amount of time to present their comments or ask their questions; and

WHEREAS, the council is of a mind that the placement of such limitations should apply to both the public comment portions of the caucus and business meetings, as well as to hearings on ordinances; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following conditions should be met by any persons seeking to speak at public meetings of the governing body:

1. Each person shall identify himself or herself by giving his/her name and address (either complete street address or street name only).
2. Each person shall approach the podium and speak from that location, so that everyone, both the council and the audience, can hear what is being said.
3. Each speaker shall be limited to three (3) minutes.
4. This time limitation shall apply to public comment portions of caucus and council meetings, as well as to hearings on ordinances.
5. If, in the judgment of the Council President, it is deemed that additional time should be granted to a particular speaker, the Council President shall determine the same.

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:

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
18-01286	09/22/18	N0112	NEW JERSEY FIRE EQUIPMENT CO	FIRE - EQUIPMENT - HOSES	Open	2,388.00	0.00
18-01635	12/06/18	M0237	MOTOROLA SOLUTIONS, INC	FIRE RADIOS BATT & REPAIRS	Open	1,141.20	0.00
18-01702	12/20/18	P0124	PLANDICO	F.A.S. MEMBERSHIPS	Open	500.00	0.00
18-01706	12/22/18	M0249	MECHANICAL CONSTR SERVICE CORP	LIBRARY - BOILER REPAIRS	Open	4,946.71	0.00
18-01713	12/27/18	H0046	VICTOR HUHN JR.	FIRE WATCH-DAVID BYRNE 9/30/18	Open	100.00	0.00
18-01714	12/27/18	O0035	DENNIS O'RORKE	FIRE WATCH-DAVID BYRNE 9/30/18	Open	100.00	0.00
18-01715	12/27/18	G0100	TIMOTHY GRIFFIN	FIRE WATCH-DAVID BYRNE 9/30/18	Open	150.00	0.00
18-01724	12/31/18	S0012	SEABOARD WELDING	FIRST AID-OXYGEN/EXTING	Open	323.00	0.00
18-01775	12/31/18	N0005	NAPA AUTO PARTS CENTER	FIRE DEPT VEHICLE REPAIR	Open	348.18	0.00
18-01780	12/27/18	R0084	EARL S. REED JR	24 RIVINGTON AVE DPW REPAIRS	Open	125.71	0.00
19-00008	01/16/19	M0219	MARLIN LEASING CORPORATION	A & E COPIER LEASE	Open	327.00	0.00
19-00026	01/30/19	C0055	WEST LONG BRANCH BD OF	G/L-LOCAL SCHOOL TAX	Open	708,738.11	0.00
19-00027	01/30/19	C0058	CUSTODIAN OF SCHOOL MONIES	S.R.H.S. TAX	Open	325,515.00	0.00
19-00035	01/31/19	A0040	AT&T	TELEPHONE, DEC, 2018	Open	34.17	0.00
19-00036	01/31/19	V0027	VERIZON	TELEPHONE-SHARED SERV	Open	784.40	0.00
19-00037	01/31/19	C0083	COMCAST	150CEAN: 8499-05-216-0042612	Open	96.90	0.00
19-00039	01/31/19	A0113	ATLANTIC SECURITY & FIRE, INC.	965 POPLAR - ALARM	Open	201.00	0.00
19-00041	01/31/19	C0083	COMCAST	FIRST AID: 8499-05-216-0042620	Open	216.56	0.00
19-00042	01/31/19	A0071	AVAYA, INC	LIBRARY-TELEPHONE	Open	54.13	0.00
19-00043	02/02/19	M0055	MON.CTY.REGIONAL HEALTH COMM.	HEALTH COMMISSION QTR 1, 2019	Open	21,335.75	0.00
19-00044	02/02/19	B0021	BORO PRINTING	2019 BOROUGH CALENDAR	Open	4,850.00	0.00
19-00045	02/02/19	C0062	CENTRAL JERSEY HEALTH INS FUND	HEALTH BENEFITS - JAN, 2019	Open	116,392.00	0.00
19-00046	02/02/19	A0167	ATLANTIC COAST FIBERS LLC	RECYCLING - DECEMBER, 2018	Open	588.20	0.00
19-00047	02/02/19	A0023	ASBURY PARK PRESS	BOROUGH CLERK ADVERTISING	Open	7.20	0.00
19-00052	02/02/19	I0034	MICHAEL IRENE, JR.	ZONING BD ATTORNEY FEES	Open	1,232.00	0.00
19-00053	02/02/19	C0008	CARUSO & BAXTER	PROFESSIONAL ATTORNEY SERVICES	Open	6,957.37	0.00
19-00055	02/02/19	C0053	CITY OF LONG BRANCH	GAS/DIESEL - ALL DEPTS 12/2018	Open	6,285.38	0.00
19-00057	02/02/19	C0083	COMCAST	LIBRARY: 8499-05-216-0045946	Open	115.51	0.00
19-00058	02/02/19	C0083	COMCAST	8499-05 216 0041994 379 MON RD	Open	200.73	0.00
19-00059	02/03/19	T0138	TITAN DEMOLITION	WLBR G1801 95 POPLAR BLDG DEMO	Open	161,296.68	0.00
19-00060	02/03/19	C0045	MONMOUTH COUNTY TREASURER	W/L-COUNTY TAXES - QTR 1, 2019	Open	858,854.33	0.00
19-00061	02/03/19	C0061	MONMOUTH COUNTY TREASURER	G/L-LIBRARY TAX - QTR 1, 2019	Open	60,875.06	0.00
19-00062	02/03/19	C0060	MONMOUTH COUNTY TREASURER	G/L-OPEN SPACE TAX - QTR 1, 19	Open	95,262.53	0.00
19-00063	02/03/19	C0045	MONMOUTH COUNTY TREASURER	G/L-COUNTY ADDED OMITTED	Open	15,348.56	0.00
19-00064	02/03/19	C0061	MONMOUTH COUNTY TREASURER	G/L-LIBRARY ADDED/OMITTED	Open	1,100.38	0.00
19-00065	02/03/19	C0060	MONMOUTH COUNTY TREASURER	G/L-OPEN SPACE ADDED/OMITTED	Open	1,675.38	0.00
19-00066	02/03/19	T0001	TWO RIVERS WATER RECLAMATION	SEWER - ALL DEPARTMENTS	Open	540.00	0.00
19-00067	02/03/19	V0027	VERIZON	LIBRARY-TELEPHONE	Open	170.86	0.00
19-00068	02/03/19	J0042	JERSEY CENTRAL POWER & LIGHT	STREET LIGHTING - 930,989,037	Open	5,587.43	0.00
19-00070	02/03/19	N0036	NEW JERSEY NATURAL GAS CO.	NATURAL GAS VARIOUS DEPTS	Open	4,826.44	0.00
19-00071	02/03/19	T0142	TREASURER, STATE OF NEW JERSEY	ARBOR DAY SEEDLINGS	Open	90.00	0.00
19-00072	02/03/19	J0044	HUNTER KEYSTONE PETERBILT	DPW PARTS & SUPPLIES	Open	2,083.90	0.00
19-00073	02/03/19	C0083	COMCAST	8499 05 216 0049187	Open	13.99	0.00
19-00075	02/03/19	V0026	VERIZON WIRELESS	CELL PHONES JAN, 2019	Open	1,308.33	0.00
19-00076	02/03/19	C0083	COMCAST	ACCOUNT: 8499 05 216 0050458	Open	30.53	0.00
19-00077	02/03/19	C0083	COMCAST	965BROAD: 8499-05-216-0043313	Open	111.85	0.00
19-00078	02/03/19	N0029	NEW JERSEY AMERICAN WATER CO.	WATER - ALL DEPARTMENTS	Open	737.06	0.00

Total Purchase Orders: 47    Total P.O. Line Items: 0    Total List Amount: 2,413,967.52    Total Void Amount: 0.00

February 3, 2019  
06:11 PM

BOROUGH OF WEST LONG BRANCH  
Bill List By P.O. Number

Page No: 2

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PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
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Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
	8-01	37,759.43	0.00	37,759.43	0.00	0.00	37,759.43
	9-01	2,233,474.10	0.00	2,233,474.10	0.00	0.00	2,233,474.10
	C-04	137,508.99	0.00	137,508.99	0.00	0.00	137,508.99
	G-01	4,850.00	0.00	4,850.00	0.00	0.00	4,850.00
	T-03	375.00	0.00	375.00	0.00	0.00	375.00
Total of All Funds:		<u>2,413,967.52</u>	<u>0.00</u>	<u>2,413,967.52</u>	<u>0.00</u>	<u>0.00</u>	<u>2,413,967.52</u>