

March 20, 2024
6:40 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, GOMEZ, NEYHART, PENTA, SNIFFEN
ABSENT: CIOFFI

*Oath of Office – Sergeant Tyler Brennessel
Employee Awards – Years of Service
Certificate of Recognition – Volunteer – David Vilacoba
Recognition – Borough Attorney Baxter – 40 Years of Service
Recognition – Mayor Janet Tucci – 40 Years of Service
2023 Volunteer of the Year Award – Lisa Conte-Wiener
2023 Employee of the Year Award – Lieutenant Brian Burton*

APPROVAL OF MINUTES:

Councilman Bray moved the approval of the minutes of the March 6, 2024, executive session meeting, and approved the release of all pages except pages 2 and 5-10. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the March 6, 2024, council meeting. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

Councilman Bray moved the approval of the minutes of the March 6, 2024, caucus meeting. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

REPORTS OF STANDING COMMITTEES:

Mayor Tucci had nothing to report.

Councilman Bray reported that an escrow report was submitted by the Planning and Zoning Secretary and everything on it is up to date. Councilman Bray reported that a company called Foveonics offered an informative demonstration during the Finance and Administration Committee meeting regarding records scanning and destruction and the committee is interested in learning more. Councilman Bray reported that the Borough Planner, Andy Thomas, is going to assist with correcting the conflicting verbiage in a couple Borough ordinances.

Councilman Cioffi was absent.

Councilman Gomez reminded everyone that the EMS Squad will be performing a demonstration at the first April meeting on their new LUCAS CPR Machine.

Councilman Neyhart had nothing to report.

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Councilman Penta reported that he had reached out to Verizon to set up a meeting with them to discuss the progress of FIOS installation. Councilman Penta reported that he reached out to Comcast to consider providing Peter Cooper Village discounted services.

Councilman Sniffen reported that the annual Easter Egg Hunt will be the Saturday before Easter at the Community Center. Councilman Sniffen reported that the emergency repairs at Franklin Lake have been completed.

The Borough Administrator reported that the PrimePoint conversion is going well and the time bank function should be up and running early next month.

The 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 – February 2024
- 2. Code Enforcement Monthly Report – February 2024
- 3. Zoning Monthly Report – February 2024
- 4. EMS Membership Application – Salome Guerrero – Auxiliary Membership

Councilman Bray moved to accept the above membership application. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

- 5. Fire Department Membership Application – Glenn Morgan – Active Membership

Councilman Bray moved to accept the above membership application. Seconded by Councilman Gomez and carried upon the following roll call vote:

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

ORDINANCES:

ORDINANCE NO. O-24-6

AN ORDINANCE INCREASING FINES FOR PARKING
WHEN ROADS ARE SNOW COVERED

Ordinance No. O-24-6 was read on its **second reading** by title only.

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

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

Ordinance No. O-24-6 was published in the Asbury Park Press in the issue of March 12, 2024, 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 Bray and carried unanimously.

ORDINANCE NO. O-24-6

**AN ORDINANCE INCREASING FINES FOR PARKING
WHEN ROADS ARE SNOW COVERED**

Ordinance No. O-24-6 was read on its **third and final reading** by title only.

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

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

ORDINANCE NO. O-24-7

**AN ORDINANCE AMENDING ORDINANCE 15-4.9
REGARDING THE PENALTIES FOR OPENING STREETS
WITHOUT FIRST OBTAINING A PERMIT**

Ordinance No. O-24-7 was read on its **second reading** by title only.

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

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

Ordinance No. O-24-7 was published in the Asbury Park Press in the issue of March 12, 2024, 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 Bray and carried unanimously.

ORDINANCE NO. O-24-7

**AN ORDINANCE AMENDING ORDINANCE 15-4.9
REGARDING THE PENALTIES FOR OPENING STREETS
WITHOUT FIRST OBTAINING A PERMIT**

Ordinance No. O-24-7 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 Bray, and carried upon the following roll call vote:

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

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RESOLUTIONS:

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION PROMOTING TYLER BRENNESSEL TO SERGEANT

WHEREAS, there is a vacancy in the position of Sergeant; and

WHEREAS, the eligible candidates previously took an examination administered by the New Jersey State Association of Chiefs of Police and participated in an internal interview process by the West Long Branch Police Department and an interview by the Police Committee; and

WHEREAS, the Police Committee has considered the results of the candidates as a result of this process; and

WHEREAS, the Police Committee recommends TYLER BRENNESSEL be promoted to the rank of Sergeant;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that TYLER BRENNESSEL be promoted to the rank of Sergeant effective immediately.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

EMERGENCY TEMPORARY APPROPRIATIONS

WHEREAS, the temporary appropriations heretofore adopted will be inadequate to the point when the 2024 Budget will be finally adopted and N.J.S.A. 40A:4-20 provides for the making of emergency temporary appropriations to supplement the temporary appropriations already made;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and is stated that these emergency temporary appropriations shall be included in the 2024 Budget when adopted:

ADMINISTRATIVE & EXECUTIVE:

Salaries and Wages-----	\$150,000.00
Other Expenses-----	\$18,000.00

MUNICIPAL CLERK:

Salaries and Wages-----	\$30,000.00
Other Expenses-----	\$3,000.00

FINANCE:

Salaries and Wages-----	\$20,000.00
Other Expenses-----	\$20,000.00

AUDIT:

Other Expenses-----	\$7,000.00
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ASSESSMENT OF TAXES:

Salaries and Wages-----	\$26,500.00
Other Expenses-----	\$12,880.00

COLLECTION OF TAXES:

Salaries and Wages-----	\$25,000.00
Other Expenses-----	\$4,300.00

LEGAL SERVICES AND COSTS:

Other Expenses-----	\$81,500.00
ENGINEERING SERVICES AND COSTS:	
Other Expenses-----	\$40,000.00
PUBLIC BUILDINGS & GROUNDS:	
Other Expenses-----	\$60,000.00
PLANNING BOARD:	
Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$6,000.00
ZONING BOARD OF ADJUSTMENT:	
Salaries and Wages-----	\$1,500.00
Other Expenses-----	\$4,500.00
ENVIRONMENTAL COMMISSION:	
Salaries and Wages-----	\$250.00
Other Expenses-----	\$5,000.00
SENIOR CITIZEN COMMISSION:	
Salaries and Wages-----	\$250.00
Other Expenses-----	\$250.00
SHADE TREE COMMISSION:	
Salaries and Wages-----	\$150.00
Other Expenses-----	\$2,000.00
INSURANCE:	
Group Plans – Hospitalization/Dental-----	\$350,000.00
Other Premiums-----	\$143,000.00
FIRE:	
Fire Hydrant Service-----	\$21,000.00
Other Expenses-----	\$21,000.00
POLICE:	
Salaries and Wages-----	\$720,000.00
Other Expenses-----	\$75,000.00
TRAFFIC LIGHT MAINTENANCE:	
Other Expenses-----	\$4,100.00
FIRST AID ORGANIZATION CONTRIBUTION-----	\$12,000.00
EMERGENCY MANAGEMENT SERVICE:	
Other Expenses-----	\$2,000.00
PUBLIC WORKS:	
Salaries and Wages-----	\$158,000.00
Other Expenses-----	\$152,000.00
MUNICIPAL COURT:	
Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$2850.00
PUBLIC DEFENDER:	
Salaries and Wages-----	\$2,250.00
CAPITAL IMPROVEMENT LINE ITEM:	
FIRST AID EQUIPMENT-----	\$25,000.00
IMPROVEMENTS TO BUILDINGS AND GROUNDS -----	\$60,000.00
	\$60,000.00

REGISTRAR:

Salaries and Wages-----	\$2,840.00
Other Expenses-----	\$600.00

DOG REGULATION:

Other Expenses-----	\$2,500.00
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BOARD OF RECREATION COMMISSIONERS:

Salaries and Wages-----	\$500.00
Other Expenses-----	\$20,000.00

TRANSPORTATION OF CHILDREN:

Other Expenses-----	\$24,000.00
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LIBRARY:

Salaries and Wages-----	\$200.00
Other Expenses-----	\$16,065.00

UTILITIES

Electricity-----	\$33,000.00
Street Lighting-----	\$21,000.00
Telephone-----	\$30,000.00
Water-----	\$3,600.00
Natural Gas-----	\$19,200.00
Sewer-----	\$1,100.00
Gasoline/Diesel-----	\$40,000.00

LANDFILL DUMPING FEES-----	\$80,000.00
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STATE UNIFORM CODE:

Code Enforcement Official:

Salaries and Wages-----	\$40,000.00
Other Expenses-----	\$2600.00

Zoning Official:

Salaries and Wages-----	\$40,000.00
Other Expenses-----	\$1,210.00

Life Hazard Fire Protection:

Salaries and Wages-----	\$7,000.00
Other Expenses-----	\$1,000.00

Housing Inspector:

Salaries and Wages-----	\$2,250.00
Other Expenses-----	\$500.00

Construction Code NAT-GEO.....	\$9,400.00
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MUNICIPAL COURT SHARED SERVICE-----	\$65,000.00
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FINANCIAL ADMINISTRATION SHARED SERVICE-----	\$30,500.00
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INFORMATION TECHNOLOGY SHARED SERVICE-----	\$12,000.00
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CONTINGENT-----	\$315.00
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STATUTORY EXPENDITURES:

Other Expenses:

Social Security & Medicare-----	\$43,000.00
DCRP-----	\$3,000.00
SDI-----	\$6,700.00

MUNICIPAL DEBT SERVICE

Capital Lease Obligations.....	\$200,000.00
Green Trust Loan Repayments -----	\$10,000.00
Payment of Principal -----	\$125,000.00
Interest on Bonds -----	\$80,000.00

CONDO SERVICES-----	\$2,300.00
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Seconded by Councilmember SNIFFEN and carried upon the following roll call vote:

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION FOR EMERGENCY AWARD OF CONTRACT DUE TO COLLAPSE OF FRANKLIN LAKE WALL TO PRECISE CONSTRUCTION COMPANY INC.

WHEREAS, N.J.S.A. 40A:11-6 authorizes a municipality to adopt a resolution authorizing special emergency contracts without public advertising for bids when an emergency affects public health, safety or welfare; and

WHEREAS, the Borough, due to the emergency condition created by a collapse of walls at Franklin Lake, had to issue and emergency contract; and

WHEREAS, the Borough of West Long Branch must enter into an emergency contract with PRECISE CONSTRUCTION COMPANY INC. to provide wall repair services; and

WHEREAS, the Administration of the Borough of West Long Branch and Borough Council needs to approve emergency contract to comply with the Health, Safety and Welfare concerns and protect public safety; and

WHEREAS, the Chief Financial Officer of the Borough of West Long Branch has certified, in accordance with the Certification of Funds form attached hereto and incorporated herein, that funds for this contract are available in Appropriation Line Item #4-01-44-900-000-205, for \$53,150.00.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of West Long Branch, that the contract to provide repairs of collapsed walls at Franklin Lake is hereby awarded to PRECISE CONSTRUCTION COMPANY INC. without public bidding and that the contract to provide repairs of collapsed walls at Franklin Lake shall not exceed the sum of \$53,150.00.

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

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

Councilmember BRAY offered the following resolution and moved its adoption:

RESOLUTION APPROVING REGROUP MASS NOTIFICATION SERVICES AGREEMENT

WHEREAS, the West Long Branch Office of Emergency Management and Borough Administrator have been exploring the idea of implementing a system to provide the ability to send out important announcements to the Borough as a whole or in sections; and

WHEREAS, the Borough Administrator has obtained a proposal for this service from REGROUP MASS NOTIFICATION, 3400 N Central Expressway #110-256, Richardson, TX 75080, for their Annual Subscription, which includes messaging via landline, cellphone, email, and social media, at an annual cost of \$2,500.00; and

WHEREAS, the Borough Administrator and OEM Coordinator have investigated this service and recommend entering an agreement for this service; and

WHEREAS, REGROUP MASS NOTIFICATION submitted the attached service agreement for approval, which Agreement is for a one year period following the effective date, at an annual cost of \$2,500.00.; and

WHEREAS, fund are or will be available for this service;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of West Long Branch that the attached REGROUP MASS NOTIFICATION AGREEMENT is hereby approved and the Mayor and Borough Clerk are hereby authorized to sign the same; and

BE IT FURTHER RESOLVED that this agreement shall take effect upon the date of which the agreement is signed.

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

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

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

- 1. RL 24-5 – Lions Club of West Long Branch – Off-Premises 50/50
- 2. RL 24-6 – Parent Advisory Council of SRHS – On-Premises Merchandise Raffle

Councilman Bray moved to approve the above raffle licenses. Seconded by Councilmen Gomez and carried upon the following roll call vote:

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

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

PUBLIC HEARING:

- 1. *Albert Bale, 5 Windsor Dr, West Long Branch* asked if the provision requiring mandatory court appearances for garbage violations be reconsidered; the Borough Attorney replied that court appearances are not required in every instance, in most cases, they are not required. Mr. Bale asked if the gas company had finished opening roads; the Borough Attorney informed that the Borough has been having issues with unauthorized street openings by utility companies, which triggered the ordinance that was passed that evening.
- 2. *Paul Edinger, Monmouth Rd, West Long Branch* stated that he was present on behalf of his client, the owner of 6 Delaware Ave, to which a road opening permit was denied due to the paving moratorium. *James Attardi, Bowne Rd, Ocean Township* was also present on behalf of the owner of 6 Delaware. The owner of 6 Delaware would like to open the road to connect to gas services and Mr. Edinger, his attorney, communicated that a moratorium-based denial imposes great inconvenience on the owner and requested that the Council reconsider. The Council agreed to re-visit the request and consider the options; if they come to a different conclusion, a letter will be sent to Mr. Edinger detailing it.

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

Fire Department Personnel; Police Contract; Municipal Court Agreement; Shared Services Agreement.

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. |
| <u> X </u> | 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. |


BOROUGH CLERK