

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, July 25, 2016-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

ROLL CALL: Council Members Borowski, Zalom, Filippone, Lamb, Finter and Stogdill

Also present: John Bennett, Borough Administrator
Eric Bernstein, Borough Attorney
Donnelly Amico, Municipal Clerk
Christine Sierfeld, Chief Financial Officer
Robert Oliwa, Municipal Auditor

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on January 8, 2016. Notice was also posted on our municipal website and municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all the police officers who were killed and their families. Also for Helen O'Donnell, a former resident of Lavallette, Vito Licata from WPI, Louis Alosco from Brown Avenue and Peggy Rehm of New York Avenue who all passed away recently.

PLEDGE OF ALLEGIANCE: Councilman Lamb led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero thanked everyone for coming out to tonight's meeting. He stated that there was a meeting with the DEP regarding our beach replenishment project and they have changed the tow of the dune from 8ft to 20 ft. They will now be merging the new and the old dune which was not in the original plans. They also didn't care about how many beach openings we had. We are trying to get some things back to what they were but are not sure if that will happen. There will be a 10 x 10 seating area on every walkover and three handicap walkovers but we are going to try and see if we can put one on Trenton Avenue through CDBG Funds next year. The bids are supposed to be going out in September and they will be awarding the contract in December and hopefully will be starting in the beginning of next year. Unfortunately, they are not telling us where they will be starting but once we get that information we will pass it along to you.

Council President Zalom questioned if we know what the height of the dune will be?

Mayor LaCicero stated that as of right now it will be 22 feet above baseline which is a foot above the boardwalk and they stated that the dunes in the north end will have to be cut down some.

The Mayor stated that if anyone wishes to comment on any items that are not on the agenda or if they cannot stay for the remainder of the meeting they could do so now.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)

Kristine Scuorzo, 4 Brooklyn Avenue, stated that she would like Mayor and Council to consider allowing bicycles on the boardwalk after the beach closes at night. We go out to dinner and we have children and instead of trying to search for a parking space we ride our bikes to and from. With the children it is not safe taking the bike lane on the highways because you still always have to watch for the cars pulling out of the spaces and make sure the kids are safe and do not get hit by the cars backing up. The mornings up on the boardwalk are so congested maybe if you allow the bikes on after 5pm it would alleviate all the congestion in the morning as well.

Mayor LaCicero stated that we have had this issue come up a few times a year and we never seem to get the support of all the Council. Maybe she needs to speak with the Council one to one and discuss it with them and see if she could change their mind.

Mary Buontempo, 1606 Baltimore Avenue stated that she sent a letter to Anita regarding a Bocci Ball Tournament in memory of Vince Marrone. We use to have this as an annual event until super storm Sandy hit and it was always a big turnout. We would like to have it on September 17th from 9am to around noon with some light refreshments with no cost to the Borough.

Council President Zalom stated that she received the letter and thinks it is a great idea. We will put it through as a Recreation event.

A Motion was made by Councilwoman Filippone to approve the Bocci Ball Tournament on September 17th 2016. The Motion was Seconded By Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Ann Ventimiglia, 1 New Jersey Avenue stated that she too has had some issues with renting her home due to not having any beach access from her property. She would like to sign the petition.

Mayor LaCicero stated that the petition has already been received so she would have to send a letter requesting to be added to the petition.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of July 5, 2016
Executive Session Minutes of July 5, 2016

A Motion to approve the minutes was made by Councilman Lamb. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passes.

RESOLUTIONS-ON CONSENT:

- 2016-218 certifying to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled “Comments & Recommendations”
- 2016-219 authorizing the fee for Recreation exercise classes to \$5.00 effective September 6, 2016-Councilwoman Filippone requested this resolution be put off consent.
- 2016-220 authorizing the Municipal Clerk to sign the Uniform Technical and Procedural Interconnection Agreement for self generation for 12 Camden Avenue
- 2016-221 refunding the unused balance of planning board escrow in the amount of \$371.00
- 2016-222 requesting approval of items of revenue and appropriation per N.J.S.A. 40A:4.87- Mr. Bennett stated that this Chapter 159 is in regards to the state road project. We needed to video some of the pipes to see why there were some issues with them. We don't have a camera to do that. Harms Construction, the Contractor of the project has agreed to give us the money to purchase the camera and we would get three quotes and will choose the lowest price. The Contractor has agreed to give us \$9,200 or whatever quote we choose. This Chapter 159 allows us to accept the donation and expend it in the same year so we have no issues.
- 2016-223 accepting the donation of a Van Duyne Boat from the New Jersey Board of Realtors for the Lavallette Beach Patrol-Councilman Stogdill thanked the NJ Board of Realtors for their donation and requested a thank you letter be sent out.
- 2016-224 approving a facilities use application to Elaine Schardien to hold yoga classes on the President Avenue ocean beach on Saturdays from 8am to 9am from July 30th thru September 3rd 2016-Council President Zalom stated that this is a local resident.
- 2016-225 appointing a badge checker for the 2016 summer season at an hourly rate of \$8.00

A Motion was made to approve the consent agenda by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Mark Speaker, 111 Brown Avenue stated that regard to the facilities use application for yoga. There are other yoga classes on the beach and they keep putting signs down on the bayfront advertising their classes. The Code Enforcement Officer keeps taking the signs and they still seem to be reappearing. He would like the application to stipulate that there can be no advertising with signs.

Mayor LaCicero stated that we will change the application and the Municipal Clerk will reach out to the applicants and remind them they cannot advertise with signs.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

RESOLUTIONS OFF CONSENT:

2016-219 authorizing the fee for Recreation exercise classes to \$5.00 effective September 6, 2016

Councilwoman Filippone stated that she doesn't have an objection to the increase in the fee but just wants it to be known that the recreation events need to be paid by the participants and budget but now seem to be burdening taxpayers money because our budget for recreation is in the red which means we are no longer even breaking even. This means that the exercise events we have are not paying the instructors, the taxpayers are and that is not the way we are supposed to run it.

A Motion to approve Resolution 2016-219 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Nancy Parlin, 704 Ocean Front stated that she attends the exercise with Mary Walls three times a week on the dilapidated basketball courts and the goose poop all over. It's not the best of places for the classes but she has a lot of people and regulars who attend. She does a fantastic job and has been doing it for many years.

Mayor LaCicero stated that he will let DPW know that the courts need to be swept everyday and try to see if they can do something about the goose droppings but that is always an issue.

Councilwoman Filippone stated that we are in discussions with a resident who wants to donate a lot of their money to fix up the basketball courts so they will get renovated before next year.

Alice Comer, 13 Vance Avenue stated that she utilizes the exercise classes every week and feels that the increase is a little too much. She is in favor of the town subsidizing the fees for the residents. Mary Walls does a fantastic job as does the other instructors. They should not be held responsible for the budget being in the red.

Mr. Bennett stated that in no way does this have to do with any of the instructors. We are not and have never been critical of them at all. It all has to do with finances and budgeting and breaking even. If we don't at least start to break even it will all be on the taxpayers and that is how taxes go up.

Councilwoman Filippone stated that we have lost a lot of grant money and and donations to help us fund these recreation events also. Municipal Alliance use to fund all the movies on the bay but now they only fund one or two so recreation has to pay for the rest. Heritage Committee use to pay for all the concerts and give us donations for the fireworks and other events but now we fund them ourselves so this also has a lot to do with it. It is certainly not fair to the taxpayers who do not utilize the classes or attend any of the events.

Council President Zalom stated that \$5 is not a lot to pay for exercise classes at all. In other towns, she was told they pay \$10 and \$15 a class. Even the instructors when she told them didn't think that was a lot to charge at all.

Nancy Parlin, 704 Ocean Front stated that maybe they should start charging a fee to attend the movies and the concerts where there are far more people who attend those events than the classes.

Janet Vander Linden, 4 Washington Avenue questioned what the budget line was for Recreation?

Mr. Bennett stated that it was \$12,000 and that includes concerts, movies, classes, bus trips. Last year we lost money, also.

APPROVAL OF VOUCHERS:

2016-226 Bills List in the amount of \$ 817,485.42

A Motion to approve the bills list was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

PUBLIC HEARING AND FINAL ADOPTION OF THE 2016 BUDGET AMENDMENT

Mr. Bob Oliwa, Auditor read the budget amendment in full.

Mayor LaCicero stated that the initial budget proposed a 16% tax increase because of being denied the Essential Services Grant. We went back in and did some adjusting and used some of our surplus to amend the budget. There is a 1 cent increase in the taxes which is less than last year. This is all still from our issues with sandy. The CDL loan will be hopefully gone after next year and we will be doing some long term bonding to help alleviate some of our costs. Overall, our ratables are still up. There are still some properties that are vacant and some homes that have been built that are still not on our tax rolls but we have a new Tax Assessor who is already taking care of all of that.

A Motion to open the Public Hearing was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: All of Council was present and in favor. The Motion Passed.

The Mayor asked if anyone wished to comment on the budget amendment.

Jon Corney, 1 Newark Avenue stated that he is not happy with the revenue for uncollected taxes number and they really need to follow the state statute calculation for next year's budget.

Mayor LaCicero stated that they will look into it for next year.

Mr. Corney questioned how much unexpended balances were cancelled at the end of the year?

Mr. Oliwa stated that approximately \$400,000 was cancelled at end of year.

A Motion to close the Public Hearing was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

A Motion to adopt the Budget Amendment was made by Councilman Borowski. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

FINAL ADOPTION OF THE 2016 MUNICIPAL BUDGET:

A Motion to adopt the 2016 Budget was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Update on Petition Received on July 5, 2016

Mayor LaCicero stated that the petition was received to open all the access points to the beach at the last meeting. To put the question on the ballot would be a non-binding referendum which would not be binding even if the question was put on the ballot. The Borough would be given the option to allow it or to not allow. Before we could even put the question on a ballot we would have to first introduce and adopt an ordinance which would take at least two meetings. He stated that some of the signatures were not from homeowners or residents. Our first priority is to our taxpayers, second is to our visitors and then our outsiders. Technically, an official petition needs the printed name, signature and address of homeowners. The limited access to the beach is an issue for some people and not to others. We are sorry for the inconvenience and it seems like it is most of the ocean blocks with the issue. The homeowners west of Rt. 35 are more concerned with the weakening of the dune. Our dunes are designed to protect our community. Luckily, the beach replenishment project is moving forward by next year. To change anything now would be a waste of time. The question in my opinion would still read should we allow access even if it would require weakening of the dune.

Council President Zalom stated that the last time we tried to move sand up there we were fined \$67,000 by the DEP. The opinion is split between homeowners with some wanting the access of all streets open and some worrying more about a natural disaster taking us out again.

Councilwoman Filippone stated that most of the homeowners complaining about the access are only summer residents. They are not here during the fall and winter when we have our noreasters and storms and how much they affect our dune system. The dune at Elizabeth Avenue was weakened so badly from the storm in January of this year and always is affected the worst by all the storms and that is also where most of the homeowners want the most access. This is for the safety of our community and our year round residents as well.

Councilman Stogdill stated that super storm sandy came through this town like butter. Our dunes were completely destroyed and we were mostly under water. We can not take that chance ever again. Since that storm our number one priority is safety.

The Mayor opened the floor to the public and asked if anyone wished to comment on this issue.

Joe Alicino, 9 Dover Avenue stated that in the town he lives in full time the Army Corps promised to come in and protect us and they never did and we are the closest street to Ortlely Beach and we are taking a hit from them as well so I don't trust the Army Corps and don't buy that they are starting next year. Bottom line is we need more access to the south of the town. There is a heavier concentration at that end for some reason.

Mitchell Hoch, 19 Dover Avenue stated that when there is a thunder storm with lightning and there are that many people on that beach in those congested areas with limited access off the beach it becomes a very dangerous situation.

Maureen Alicino, 9 Dover Avenue stated that she went over that petition and crossed out the non homeowners before she submitted it to us.

Mayor LaCicero stated that some of it was not ledgeable so he couldn't tell what was crossed out and what wasn't.

Mrs. Alicino stated that she cannot believe that the DEP will not allow us to do anything.

Mr. Bernstein stated that we had an issue previously and we had to pay a substantial fine. We cannot and will not touch the dunes for any reason.

Mrs. Alicino questioned if we will have all our access for every street after the project is complete?

Mayor LaCicero stated that once the project is done we will have every street open with walkovers on every street and three or four handicap accessible walkovers.

Mrs. Alicino questioned who she should contact to make this happen?

Mayor LaCicero stated that there is no support up here for the question on ballot or for more openings.

Mr. Bennett stated that he will forward the petition and these minutes as well as a letter to the Army Corps. so they can see that it has become of the utmost necessity to start this program immediately.

Council President Zalom stated that she will also reach out to Congressman MacArthur and see if he can also do a letter in support of the project getting started very soon.

Craig Peterson, 6 New Brunswick Avenue stated that he is not a year round resident or voter but he does pay taxes to the town and would like to be treated the same.

Mayor LaCicero stated that he is a homeowner and will be treated the same.

Lisa Duffy, 1 Dover Avenue stated that she has the worst house on the block. My mother in law is handicapped and trying to navigate her and chairs two blocks down and maneuver all of this around people on the beach is just a nightmare.

The Mayor closed the floor to the public.

Update on Lifeguard Building

Mr. Bennett stated that there is an issue with the flooring already lifting in the modular so we have a call into the contractor about that. Also, we equipped the building with two room air conditioners for the time being for the employees.

Mayor LaCicero questioned if the storage container was removed as of yet?

Mr. Bennett stated that they are just waiting on the shed to come so they can transfer what is in the container to the shed.

NEW BUSINESS:

Discussion on NJ Environmental Infrastructure Financing Program Application Fees for Water Storage Tank Repainting and the Proposal of Services from O'Donnell, Stanton & Associates

Mr. Bennett stated that he had asked the Engineer to put together the cost factors and scope of work so we had an idea of what it will cost the Borough before hand. My suggestion is to approve the application fee of \$2,500 so they can get that started. As far as the project cost itself they are looking to sub it out to a third party any way at a cost of \$70,000. If that is the case, then we should discuss this further and consider going out to bid for it by ourselves.

Councilman Borowski stated that he likes the idea of getting RFP's for the Engineering costs.

Mr. Bennett stated that we could go either way but it would not seem worth it to go with O'Donnell for this if they are just going to give it to a third party.

Lavallette Planning Board-Quick Checklist of Actions that Planning Board would like Mayor and Council to Review Regarding Revisions to Ordinances.

Mr. Bennett stated that the Master Plan has been adopted by the Planning Board and this is a list of suggestions that the Planning Board has put together for the Mayor and Council to review the ordinances on file and see about amending some of them in accordance with the Master Plan.

Councilwoman Filippone stated that the Planning Board developed this list according to the Master Plan guide. There is no legal obligation for us to follow their recommendations.

Mayor LaCicero stated that just reviewing it he can see some of their recommendations are not going to be approved by us.

Councilman Lamb stated that maybe the Ordinance Committee should go over this checklist and give their recommendations and see if any of this is worth the hassle.

Mayor LaCicero stated that he would like all of Mayor and Council to review the list and give their recommendations.

Councilman Stogdill to Recognize the Beach Employees who helped Save a Life on the Beach on July 15, 2016

Councilman Stogdill stated that there was a woman who was having a heart attack on the beach on July 15th and all the beach employees took action and saved her life. He wants to just acknowledge how trained our employees are in every aspect up at the beach as well as our Police and First Aid. A letter of appreciation will go in each personnel file.

Council President Zalom stated that she is working on getting the signs for parking in front of Borough Hall. Gwen Miller of 17 Vance Avenue donated a Bocci Ball set to us so we thank her for her generosity

COMMENTS FROM THE PUBLIC:

Maureen Alicino, 9 Dover Avenue questioned what she needs to do about feral cats?

Mayor LaCicero stated that we have an Animal Control Officer located at the Public Works and he will trap them and take them to the shelter.

Mrs. Alicino questioned the issue with the rocks under the WPI Bridge and what will happen with that issue?

Mayor LaCicero stated that we are looking into a grant that would improve the ramp and also help dredge under that bridge. The State is already planning on dredging the channel but not under the bridge.

Council President Zalom stated that our Army Permit for the dredging is good until the end of the year but we need to apply for the DEP Permit which our Engineer will be working on doing that. We were also told that there can be no dredging from May to September due to the Flounder.

Mr. Bernstein stated that those grants are frozen right now also because of the Governor.

Joe Palinsky, 122 Washington Avenue stated that the State gives the DEP the right to levy fines and we were already fined for moving openings and sand so why would we even chance it again.

Mary Logios, 4 Sterling Avenue thanked Mayor and Council for taking care of the parking situation on Bryn Mawr and Sterling and putting the yellow curbing where needed.

Debra Restaino, 113 White Avenue stated that she would appreciate all the beach openings accessible because it is just not convenient in an emergency.

John Comer, 13 Vance Avenue stated that he would like Mayor and Council to ban smoking on all of our beaches. All the shore towns are starting to do it and we are such a family resort town it doesn't make sense that we still allow it at all.

Mayor LaCicero stated that this is another issue that always comes up every year at this time and never has the support up here with Council. We will continue to discuss it and see where it goes.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the kids who ride their bicycles the correct way with their helmets will get free ice cream at Iceberg Ice Cream. The skimboarding contest was great! All of our events are always packed and everyone loves them.

Councilman Borowski stated that he had his Public Power Meeting on Thursday and we will be doing another interlocal agreement soon with all the same municipalities. We went out to bid for the last six months and the rate becomes lower each month starting at 48.83 per kwh and towards the end of the six months it is as low as 34 per kwh. We are continuing to keep our rates constant and low for the next four years or so. The fixed costs are up but our rates are down. Waves of Impact will be hosting their surf camp for the disabled and autistic children on Wednesday, July 27th.

Councilwoman Filippone stated that the Police flag is here and will be put on our flag pole in front of Borough Hall. We ordered more Lavallette flags again but with our new logo and we got them in white this time.

Councilman Stogdill stated that there was a lifeguard swim on July 14th and our Lavallette lifeguards took first place. The beach badges sales are up 11% from last year which is fantastic!

EXECUTIVE SESSION:

There was no executive session.

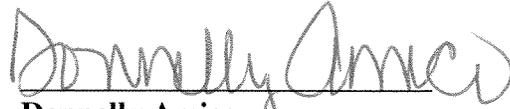
ADJOURNMENT:

A Motion was made to adjourn the Regular Meeting by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 9:55 pm.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, does hereby attest these to be a true copy of the minutes of the meeting held on the 25th day of **July 2016**


Donnelly Amico
Municipal Clerk