

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
July 5, 2016-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

Also present: John Bennett, Borough Administrator
 Donnelly Amico, Acting Municipal Clerk
 Dominic DiYanni, Borough Attorney

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

MOMENT OF SILENCE: The Mayor asked for a moment of silence for all the loved ones who passed away.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. The weather was great for the holiday weekend. We received the newest plans and specifications for the beach replenishment project. They are looking to go out to bid for this in September and to get it started before next year. They won't finish before the summer starts next year but they are hoping to get through some of the towns before the summer starts.

Council President Zalom stated that they have decided to give us the four handicap accessible walkovers on all four of our wide streets. They were not definite about giving it to us for Trenton but guess they changed their mind.

The Mayor stated that if anyone wished to comment on any items that were not on the agenda or if they could not 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)

Maureen Alicino, 13 Dover Avenue stated that the news about the beach replenishment was refreshing but she is here tonight to present a petition from homeowners in Lavallette that want the beach access open on every street from May 15th through September 15th. She would like to present this petition and if Mayor and Council object to it she would like an objection in writing as to the reasons. They would like to see the question put on the ballot.

Mayor LaCicero stated that he would accept the petition tonight and have his Attorney go over the legalities.

Joe Alicino, 13 Dover Avenue stated that the shape of the dunes on Dover Avenue are horrible. They are walkable, low and no grass at all. Something eventually has to be done for us.

Jules Peterson, 6 New Brunswick Avenue stated that she always had her house rented every week until they took away the beach access on New Brunswick Avenue now she only has it rented for one week. It used to be a house four houses off the ocean and now it's four houses and a block off the ocean.

Mayor LaCicero stated that he is sorry but they are trying to look out for the residents and the town in case another storm hits. With the beach replenishment coming in we didn't want to open all the openings until after that is complete. Once that is done all the openings will be accessible.

Mrs. Peterson questioned if tax decreases will be done because of this?

Mayor LaCicero stated that there is a tax appeal process that can be done every year by April 1st through the County Tax Board.

Mrs. Peterson stated that she goes to the beach on Brooklyn Avenue and has never been asked to see her badge from the badge checker.

Mayor LaCicero stated that he will advise the supervisor.

Mrs. Peterson questioned when Bay Blvd. was on the list for repaving because it is very bad.

Mayor LaCicero stated that Bay Blvd. is a County road and the Borough always puts that on our wish list from them every year.

Mrs. Peterson questioned why there are bike cops on the boardwalk at 7am?

Councilwoman Filippone stated that the Chief makes those decisions but there have been a numerous amount of complaints about dogs on the beach in the early hours so that is probably the reason.

Janet Hayes, 105 President Avenue stated that she too thinks that all the beach accesses should be open. There are a lot of elderly people on my street who don't go up to the beach because they have to walk further down.

Kathy Congor, 219 Bay Beach Way stated that there is sidewalk broken on Bay Blvd. by Jacobsen Park and people have to walk into the street. Also, there are cars that are parked illegally all the time in that area that clearly states no parking.

Mayor LaCicero stated that he will advise the County about the sidewalks and also the Chief about the parking.

Bob Astorino, 2 Elizabeth stated that once the beach replenishment project is done the access will not be cuts they will be full access with walkovers.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of June 20, 2016

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

REPORTS:

- a) Construction Report for June 2016-Councilwoman Filippone-read report
- b) Zoning Report for June 2016-Councilwoman Filippone-read report
- c) Municipal Court Report for June 2016-Councilwoman Filippone-read report
- d) Police Overtime Report for June 2016-Councilwoman Filippone-read report
- e) Public Works Report for June 2016-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-The volleyball nets are up. Our fireworks were wonderful again this year and the concert was fantastic. They had a 30 piece band playing and they were really good. We are getting new shuffleboard equipment ordered. We will be getting a drop box for payments to be dropped at Borough Hall when they are not opened. The LBA had their 4th annual bike parade that went great! All our events are going nicely and we are going to have a great summer season.
- g) Beach Badge Report for June 2016-Councilman Michael Stogdill-read report
- h) Tax Account Report for June 2016-Tax Collector
- i) Revenue Transaction Report for May 2016-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2016-205 approving the renewal of Plenary Liquor License for license year 2016-2017 held by Lenny’s Pizzeria Restaurant, Inc.
- 2016-206 authorizing the Municipal Clerk to sign the Uniform Technical and Procedural Interconnection Agreement for self-generation for 106 Grand Central Avenue
- 2016-207 appointing Donnelly Amico as Municipal Clerk for the Borough of Lavallette for a period of three (3) consecutive years commencing July 5, 2016
- 2016-208 authorizing a refund in the amount of \$190.09 to Brian Hughes for unused

planning board escrow

- 2016-209 appointing four new lifeguards for the 2016 summer season
- 2016-210 appointing a badge checker for the 2016 summer season
- 2016-211 appointing a Class I Officer for the Lavallette Police Department commencing June 20, 2016 and ending September 5, 2016
- 2016-212 approving a facilities use application to Northern Ocean Habitat for Humanity to hold a 2 mile run/walk on September 10, 2016 from 10am to 12 noon on the boardwalk from Dover to Ortley Avenues and Grand Central Avenue from Ortley to Dover Avenues-Mayor stated that this is after our season and is before Founder's Day at 12 noon and not in there area.
- 2016-213 amending the 2016 temporary budget-Mayor LaCicero requested that this be put off consent.
- 2016-214 authorizing the state contract purchase for 911 Dispatch Management Software System from SPOK in the amount of \$1,627.29
- 2016-214A approving a change order with Wallace Brothers, Inc. for the construction of lifeguard headquarters in the amount of \$2,736.32-Councilman Borowski requested that this be put off consent.

A Motion to approve the consent agenda was made by Council President Zalom. The Motion was Seconded by Councilman Stogdill.

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

Clem Boyers, 20 Kerr Avenue questioned if the resolution for Lennys's liquor license renewal was for the new address?

Mayor LaCicero stated that it was for 76 Grand Central Avenue which is the new address.

Jon Corney, 1 Newark Avenue stated that the reserve for uncollected taxes doesn't seem to be coming down. The calculation doesn't come close. We are over appropriated.

Mr. Bennett stated that the calculation is done by the Auditor. We are not over appropriated at all.

Mayor LaCicero stated that the money is not gone or lost it is in our surplus and we are using some of the surplus to fund the budget.

Mr. Corney stated it wasn't all in the budget.

Mr. Bennett stated that there is \$1.4 million in surplus.

Mr. Corney stated that he reviewed the report for appropriations and we are not going to make it with the tipping fees.

Mr. Corney stated that he is going to email the Mayor and John Bennett the three statutes regarding the reserve for uncollected taxes and they need to take a look at it.

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.

RESOLUTION - OFF CONSENT:

2016-213 amending the 2016 temporary budget-Mr. Bennett stated that because the budget is not adopted yet we just needed to arrange some appropriations around.

A Motion to approve Resolution 2016-213 was made by Councilman Lamb. 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.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

2016-214A approving a change order with Wallace Brothers, Inc. for the construction of lifeguard headquarters in the amount of \$2,736.32

Mr. Bennett stated that this change order is to level the ramp 1 foot before the boardwalk and bring the railing 1 foot in because of safety issues.

A Motion to approve Resolution 2016-214A was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone.

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

No one wished to comment on this resolution.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

APPROVAL OF VOUCHERS:

2016-215 Bills List in the amount of \$1,212,356.67

A Motion to approve the bills list was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the bills list.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on the bills list.

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

INTRODUCTION OF AMENDMENT TO 2016 BUDGET

2016-216

Mayor LaCicero stated that we did not get the \$800,000 Essential Services Grant so we needed to amend our budget. We utilized our surplus to balance the budget and there will be a .1 cent increase in taxes. We still have a comfortable surplus of \$760,000 still. Next year is going to be difficult. We still have one more payment of our emergency note but we are still good. Our ratables are up, the town looks good and we are moving forward.

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

Clem Boyers, 20 Kerr Avenue stated that the budget is balanced with only a minor increase so they did a good job. Is the Sandy money not resolved yet?

Mayor LaCicero stated that we are still waiting to hear on whether we can convert the CDL loan of 2 million to a grant. Overall, Sandy cost us about 17 million total with the Borough being responsible so far for 5 or 6 million.

Mr. Boyers questioned when the appeal was coming in on this municipal building?

Mayor LaCicero stated that we are probably going to be responsible for this building but that is included in the 5 or 6 million that we will be responsible for.

Jon Corney, 1 Newark Avenue stated that the Borough will have to eat between 5 and 7 million with the cost of the municipal building included.

Mayor LaCicero stated that was correct.

The Mayor closed the floor to the public and asked Council for a vote on Resolution 2016-216.

A Motion to approve Resolution 2016-216 was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

COMMUNICATIONS:

Legal:

- a) Eric Bernstein & Associates/Dominic DiYanni, Esq/7 Brooklyn Avenue, LLC v. Borough of Lavallette/Received June 27, 2016

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Vance Avenue Road Improvements/Change Order #1/Received June 14, 2016
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Guyer Avenue Road Improvements/Change Order #1/Received June 14, 2016
- c) O'Donnell, Stanton & Associates/Construction of New Lifeguard Building/Pay Estimate No. 4/Received June 15, 2016

New Jersey League of Municipalities:

- a) Weekly Policy Update/Received June 3, 2016
- b) Weekly Policy Update/Received June 10, 2016
- c) Transportation Funding Proposal Benefits Motorists and Taxpayers/Received June 13, 2016
- d) Weekly Policy Update/Received June 17, 2016
- e) Elected Officials Hall of Fame//Received June 23, 2016
- f) Weekly Policy Update/Received June 24, 2016
- g) 19th Annual Elected Officials Hall of Fame/Received July 1, 2016

General With No Action:

- a) State of New Jersey/Department of Transportation/Ahmed Qureshi, Project Manager/Utility Final Acceptance to Owner/Received June 6, 2016
- b) Ocean County Planning Board/David McKeon, Director/2016 Dune Fencing Program/Received June 10, 2016
- c) State of New Jersey/Department of Environmental Protection/Christopher Jones, Manager/NJDOT Rt. 35 Restoration/Cafra Permit/Received June 13, 2016
- d) State of New Jersey/Department of Environmental Protection/Eric Virostek, Environmental Specialist/EZ-Trail/Beach and Dune Maintenance/Received June 13, 2016

- e) US Army Corps. of Engineers/Public Notice/Samuel Reynolds, Acting Chief/Lavallette Beach Channel/State of New Jersey/Department of Transportation/Received June 15, 2016
- f) Ocean County Health Department/Mary Gibson, Municipal Alliance Coordinator/Upcoming Deadlines for Municipal Alliance Grant/Received June 21, 2016/Received June 21, 2016
- g) State of New Jersey/Department of Community Affairs/Louis Mraw, Supervisor/Demolitions Completed/Jurisdiction Returned to the Borough of Lavallette/Received June 21, 2016
- h) Public Power Association/James Borowski, Council Liaison/Residential Rate Comparison/Received June 21, 2016-Councilman Borowski stated that this gives us a comparison of the rates we pay along with the other towns in the Association. Our rates are not bad. Other towns in the association supplement the costs. We are pretty comparable with JCP & L as well.
- i) US Army Corps. of Engineers/Public Notice/Samuel Reynolds, Acting Chief/All State of New Jersey coastal and estuarine waterways along Delaware Bay and Atlantic Coastal Regions/State of New Jersey/Department of Environmental Protection/Received June 23, 2016
- j) State of New Jersey/Office of the Attorney General/David Mahler, Deputy Attorney General/State of New Jersey v. Great Swan Bay Corp./Received June 27, 2016
- k) State of New Jersey/Department of Environmental Protection/Ray Bukowski, Assistant Commissioner/Water Quality Compliant/Received July 1, 2016

General With Action:

- a) Ocean County College/Jennifer Barnes, Professor/requesting the Mayor's attendance at their first Annual Mayors' Panel on Thursday, October 27, 2016/Received June 8, 2016-Mayor stated he will put this on his calendar.
- b) Steven Adzima/1702 Ocean Front/requesting the bench on New York Avenue and boardwalk be removed/Received June 16, 2016-Council President Zalom stated that we talked about putting in the sand on the east side. Councilman Lamb stated that it was going to attract kids no matter where it is. Councilwoman Filippone stated that she doesn't think it should go in the access way because there is too much already there like strollers and flip flops and the badge checker. It will be too congested. Councilman Borowski stated that we need to be able to enable the senior population to have the opportunity to see the ocean.
Council President Zalom made a motion to put the bench on the northeast side of the boardwalk on the sand for two weeks to see how it goes. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. Councilwoman Filippone voted No. The Motion Passed.
- c) Lavallette Heritage Committee/Denise Wirth, Chairperson/requesting that the Borough release the old Lavallette Welcome Signs and the old Borough Hall clock to the possession of the Lavallette Heritage Committee/Received June 17, 2016-Council President Zalom stated that she thought one sign was stolen and one sign was damaged. Councilman Borowski stated that he thought we were going to use the old clock for salvage. Mr. Bennett stated that he has a meeting with her tomorrow and will discuss.

He doesn't mind if they use the historical items for some events but they are Borough property and must be returned. Councilwoman Filippone stated that her concern is that some Borough property is in her possession and we need to do an inventory and everything should be brought back to the Borough. Regarding the welcome signs, one sign was in tact and one was broken.

- d) New Jersey Society of Municipal Engineers/Todd Hay, P.E./requesting the Mayor to honor the Borough's Engineer for these awards/Received June 22, 2016-Mayor will look into.
- e) Lisa Gardner/806 Ocean Front/requesting some help regarding the LED lighting in front of their home on the boardwalk that shines very brightly in their windows at night/Received June 23, 2016-Councilman Finter spoke to Ms. Gardner and her light is not as bright as all the others. She was advised that we have requested the shades for these lights and it will be taken care of.
- f) Raymond and Grace Maragni/98 Grand Central Avenue/requesting that the town look at the damage that was left in front of her property pertaining to the driveway apron and curbing from Harms Construction during the Road Construction Project/Received July 1, 2016-Mayor LaCicero stated that we will send this over to the Engineer for the punch list.
- g) Friends of Lavallette Beautification/Pat Marrone, President/requesting permission to go ahead with the landscaping with trees in front of the ball field on Baltimore Avenue/Received July 1, 2016-Mayor LaCicero stated that he thought we approved this already. Pat Marrone was in the audience so the Mayor asked her to come up and speak about it. Mrs. Marrone stated that Councilman Finter had asked for a schematic of where the trees were going before getting approval. She did the best she could with the drawing showing the trees and where they will go. This will be at no cost to the Borough as well.

A Motion to accept the plan for the trees at the ball field on Baltimore Avenue was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS

Mayor LaCicero asked Mr. Bennett for an update on lifeguard headquarters.

Mr. Bennett stated that they had a meeting on Friday. The Plumbing, Fire and Electric is all completed enough for a temporary co. The issues that are holding us up are the showers and the ramp. There was some residual money held from this last bill from Wallace until some issues are resolved. There are other items that need to be addressed further but in time.

Mr. Bennett stated that PEOSHA did an inspection of our Public Works Buildings and found some violations. Our DPW is already in the process of taking care of the issues so there should be no problems. Gary Royer and myself are working on two ordinances regarding property maintenance code regarding abandoned homes and road opening permits.

Councilman Borowski-Discussion of Dr. Stuart Farrell's Proposal on Proposed Dredging of Lavallette Beach Channel

Councilman Borowski stated that this proposal is regarding the dredging issue with the Lavallette Channel and the State dredging. We were concerned about the dredge spoils. West Point Island has a hole in the bay that is 20.5 feet. Mr. Farrell's proposal is \$5,700 but he basically explained everything in the letter. At least we have this information if ever we have another issue.

Councilman Lamb stated that he always sees people with their chairs bathing on that little beach area by the ramp. He thinks that a badge checker needs to be there to check for badges.

Council President Zalom stated that the light by the dock is not working. Public Works needs to address this. She stated that she spoke to the Engineer and the County about the dredging under the West Point Island Bridge. There are two permits that are required for this. The Army Corps permits expires at the end of the year and the DEP permit has expired already. The Engineer will be taking care of getting the necessary permits for this. They also advised me that there can be no dredging in that area from June to September because of the Flounder Fish. Also, spoke to the County regarding dredging under the Schedule C agreement. She is also having the Engineer look into a grant that she saw that is given by the marine industry.

Mayor LaCicero stated that we could use that grant for repairing the bulkhead next to the ramp on Bay Blvd.

Council President Zalom stated that the yellow curb is very faded on the side of Dunkin Donuts where there deliveries come in and people are parking there because they can't see the yellow. She spoke to the Chief and he is going to take a look at it.

Councilwoman Filippone stated that we are going to be ordering new Borough Flags sizes are 2 x 3 and 4 x 6. We also changed the official logo on it to match everything else. The prices are \$30 and \$50. She has received complaints regarding residents painting their curbs with yellow paint to prevent people parking in front of their homes. We are advising everyone that doing that is illegal and the police will be inspecting each property.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that there are 15 minute parking in front of the building. Do they have time restrictions?

Mayor LaCicero stated that they do have time restrictions.

Mr. Boyers questioned if the municipal parking lot is public?

Mayor LaCicero stated that right now it is a public lot.

Jules Peterson, 6 New Brunswick Avenue stated that the hedges on Route 35 South by the ball field need to be trimmed.

Councilman Lamb stated that he will advise Public Works.

COMMENTS FROM THE MAYOR AND COUNCIL:

Councilman Borowski stated that he would like to have an executive session to discuss the Tax Assessor position.

Council President Zalom stated that some people are parking in their driveways and blocking the sidewalks. Remember it is illegal to block sidewalks no matter where you are parked.

EXECUTIVE SESSION:

Mr. DiYanni, Borough Attorney stated that there is a need to go into Executive Session to discuss a personnel matter. There may be action taken.

A Motion to adjourn the Caucus/Regular Meeting to go into Executive Session was made by Council President Zalom. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:25pm.

A Motion to reconvene the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was reconvened at 9:41 pm.

Mr. DiYanni stated that while in executive session there was discussion of the tax assessor position which became vacant as of July 1, 2016. There were interviews and an applicant has been picked. There is action that will be taken.

A Motion was made by Councilman Lamb to appoint Bryan Covert to the position of Tax Assessor effective immediately. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Resolution 2016-217 appointing Bryan Covert as the Borough of Lavallette's Tax Assessor effective immediately

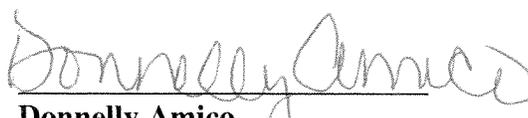
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 9:43 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 5th day of **July 2016**


Donnelly Amico
Municipal Clerk