

**BOROUGH OF LAVALLETTE(minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, September 19, 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

**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 who have passed.

**PLEDGE OF ALLEGIANCE:** Council President Zalom led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed all to tonight's meeting. He stated that the events that occurred over the weekend in New York and Seaside Park clearly makes us face the reality that no one is safe and we should always keep our eyes and ears open and be aware of our surroundings. The Founder's Day Committee requested a statement be read that they are not affiliated with any other Committee and they only fundraise for strictly Founder's Day events so the residents and visitors can enjoy all that is offered for free. The Mayor stated that if anyone wishes to comment on any items that are not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

Gary Ost, 1104 Ocean Front stated that there is a transformer blocking his entrance to his driveway and the Borough agreed to take care of the issue as long as we filed an easement in order for the Borough to move the transformer to another location on our property. The easement agreement has already been done and recorded at the County months ago and yet the Borough is still saying they can not move the transformer yet because they are too busy. This has gone on too long already.

Mayor LaCicero stated that he is aware of the issue and the Councilman liaison will speak with DPW and see where you are at on the schedule.

Mr. Ost stated that there is a new house next door to him and the gutters are facing his house and every time it rains he has 8 inches of water in his garage. He spoke to the Zoning Officer and he told him that the ordinance does not have a provision relating to rain water. Also, regarding the air condensers and where they are located, how is a condenser allowed to be put in the 5foot yard setback.

Mayor LaCicero stated that the drainage issue regarding the gutters and the ordinance is an issue and our Borough Attorney is going to look further into and see what can be done if anything. He stated that he agrees with him regarding the condenser not being allowed in the setbacks. They are not allowed and he is not sure why some houses do have them there.

Councilwoman Filippone stated that those condensers are not allowed in the five or ten yard setbacks and she will take a look and if it is she will see if it can be moved.

Arthur Crosta, 243 Bryn Mawr Avenue questioned if Bryn Mawr is going to be repaved anytime soon?

Mayor LaCicero stated that Bryn Mawr he believes is on the list for the next street to be redone.

Mr. Crosta stated that in the beginning of both highways coming into town could maybe a sign be put there stating that bicycles are to ride with the traffic not against.

Mayor LaCicero stated that we had signs there before the state highway project started so those signs were not put back up as of yet. We will check into with the State and see where they are.

Mr. Crosta stated that the Borough should look into having a reciprocal badge with the other barrier island towns so all of the island town residents could go on each others beaches with their town badge as long as they are a resident of any of those towns.

Mayor LaCicero stated that it sounds like a good idea but not for the government and finance side of things.

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

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of September 6, 2016

A Motion to approve the minutes 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.

**RESOLUTIONS-ON CONSENT:**

2016-255 appointing Kaitlyn Smith to the position of Cashier for the Administration Office at an annual salary of \$30,000 effective September 19, 2016

2016-256 authorizing the execution of a deed of easement and right of way from Giant Realty, Inc.-Mayor LaCicero stated that this is in regards to the four lots on Jersey City and Princeton.

- 2016-257 authorizing the hourly rate changes for some employees in the Construction Department-Councilwoman Filippone stated that these rate changes and also the hours of the office also have to do with getting ready for the shared services.
- 2016-258 appointing John Gervato as a full time Construction Official at an annual salary of \$75,000 effective October 3, 2016-Councilwoman Filippone stated that the Borough is in the process of doing a shared services with Seaside Park for their construction services. The Borough of Lavallette would be the primary in this and that is why we now need a full time Construction Official. We are still in the process of figuring out the terms of the agreement but we are close to the final stages.
- 2016-259 appointing three temporary laborers from October 1, 2016 thru December 31, 2016 for the Department of Public Works

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

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

No one wished to comment.

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:**

- 2016-260 approving a facilities use/special event application to the Lavallette Business Association to sponsor a food truck festival on Saturday, October 16, 2016 from 11am to 3pm on Philadelphia Avenue close to Bay Blvd.

Mark Speaker, LBA stated that the ladies of the LBA would like to eliminate some of the events that the LBA sponsors and just do a couple bigger ones with this event being one of the bigger ones they are going to try and see how it goes. There is going to be approximately 16 trucks. We do know that there is a license that is required for food trucks so we understand if this will create a problem.

Mr. Bernstein stated that we are going to have to discuss this issue in executive session and take action after that.

Motion: Second: Public Comment: Vote:

**APPROVAL OF VOUCHERS:**

2016-261 Bills List in the amount of \$495,093.05

A Motion to approve the bills list was made by Council President Zalom. The Motion was Seconded by Councilman Lamb.

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.

**ORDINANCES ON FOR INTRODUCTION:**

BOND ORDINANCE 2016-07 (1151) BOND ORDINANCE PROVIDING FOR THE PAINTING AND REPAIR OF THE WATER TOWER, AND APPROPRIATING \$1,352,250 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,352,250 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY

Mr. Bennett stated that we are not going to borrow the money until we know whether or not the grant was approved. In order to enter into an agreement with the Engineer for the proposal services the ordinance needs to be in place before we can enter into agreement with the Engineer.

Mayor LaCicero stated that we will introduce and adopt this ordinance but will wait until we here on the grant and then we will bring this back for discussion on the borrowing.

A Motion to introduce Bond Ordinance 2016-07 (1151) was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption will be held on October 3, 2016.

**ORDINANCES ON FOR PUBLIC HEARING:**

ORDINANCE NO. 2016-02 (1146) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT ESTABLISHING THE NEW JERSEY PUBLIC POWER AUTHORITY, A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY

Councilman Borowski stated that we will go through with the Public Hearing tonight and wait on the adoption pending approval of the request from the Local Finance Board.

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

The Mayor opened the Public Hearing and asked if anyone wished to comment on Ordinance 2016-02 (1146).

Joe Palinsky, 122 Washington Avenue questioned how many municipalities are in this Association?

Councilman Borowski stated that there are about 8 municipalities involved in the Public Power Association.

Mr. Palinsky stated that if the Authority decides to manufacture the power what town would that be in as the primary?

Councilman Borowski stated that he is not sure where this would be located.

Jon Corney, 1 Newark Avenue stated that Vineland has a public power station already, correct?

Councilman Borowski stated that Vineland does produce most of their own power.

Mr. Corney stated that he is all for this whole Public Power Authority change. He is happy when he sees that rates will be going down.

Final Adoption is being carried until the next Council Meeting of October 3, 2016

**ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:**

ORDINANCE NO. 2016-03 (1147) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER § 48A OF THE BOROUGH CODE, ENTITLED “PROPERTY MAINTENANCE”, TO PERMIT THE BOROUGH TO DO CORRECTIVE ACTION FOLLOWING NOTICE TO PROPERTY OWNER

Mayor LaCicero stated that this ordinance is definitely needed especially after the storm. This will allow us to go onto the property not the building and clean up the outside of the property making it presentable. Once completed we will send off a bill to the homeowner and if they don't pay we will put a lien on the property.

A Motion to adopt Ordinance 2016-03 (1147) was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this ordinance.

Dave Caruso, 29 Bullard Drive questioned if this includes properties that are under construction as well?

Mayor LaCicero stated that it includes all properties in town.

Mr. Caruso questioned if the outside of the home includes any pools on the property?

Mayor LaCicero stated that any issues with the property that is not inside the dwelling is included in this ordinance.

Clem Boyers, 20 Kerr Avenue questioned if vehicles and rubbish would be considered in this ordinance?

Mayor LaCicero stated that with regards to vehicles if they are still registered and on the property they would not be covered but if they are unregistered we can have them removed.

The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

ORDINANCE 2016-04 (1148) AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 56, ENTITLED "STREETS AND SIDEWALKS" OF THE CODE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

Mayor LaCicero stated that this is for any company that needs to open a portion of one of our streets to do work. Also, we have a five year moratorium on any of our streets that have been newly paved within the last five years. If any contractors want to open up these streets and do work there will be more rules, restrictions and insurance for them to pay.

A Motion to adopt Ordinance 2016-04 (1148) was made by Councilwoman Filippone. The Motion was Seconded by Councilman Lamb.

The Mayor opened the public hearing and asked if anyone wished to comment on this Ordinance.

No one wished to comment.

The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

ORDINANCE NO. 2016-05 (1149) AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 26, FENCES OF THE CODE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY

Mayor LaCicero stated that this is to change the type of fence from chain link to board on board with a 2 inch opening on the bayfront lots.

A Motion to adopt Ordinance 2016-05 (1149) was made by Councilman Finter. The Motion was Seconded by Council President Zalom.

The Mayor opened the Public Hearing and asked if anyone wished to comment on this Ordinance.

No one wished to comment.

The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

BOND ORDINANCE 2016-06 (1150) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO ELIZABETH AVENUE AND DOVER AVENUE, AND APPROPRIATING \$270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$270,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE IN THE COUNTY OF OCEAN, NEW JERSEY

The Mayor stated that this is for Elizabeth Avenue Road Improvements. Each year we get approved for a DOT grant to help with improvements to one road. We always apply for two roads and get approved for the first one and the second street is pushed to the next year.

Councilman Finter stated that Toms River Township owns some of Dover Avenue so we will have to reach out to them and see what they have to say about Dover as well.

Mr. Bennett stated that he has already put a call in to the Administrator of Toms River but the repair is on our side of the street so it should not be an issue. There is also a freeze on any DOT work per the Governor so we can apply for all of this but nothing will get done until the freeze is lifted.

Council President Zalom stated that changing the traffic lights back to blinking for the winter is also on hold because of that freeze.

A Motion to adopt Bond Ordinance 2016-06 (1150) was made by Council President Zalom. The Motion was Seconded by Councilman Lamb.

The Mayor opened the public hearing and asked if anyone wished to comment on this Bond Ordinance.

Clem Boyers, 20 Kerr Avenue questioned if painting the parking spaces was included in the road improvement projects?

Mayor LaCicero stated that if the lines are there when the project begins then yes they will put back what was already there.

Pat Marrone, 11 Elizabeth Avenue stated that on the ocean block streets parking spaces marked are most definitely needed because of the beach goers especially.

The Mayor closed the public hearing and asked Council for a vote on this Bond Ordinance.

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

**UNFINISHED BUSINESS:**

Councilman Lamb stated that the Dalys have submitted revised plans for the new basketball courts that they would like us to take a look at.

Mr. Bernstein stated that there are a number of issues that need to be discussed by all the parties before we can make a final decision on this issue.

Councilman Lamb stated that he and the Dalys were hoping to move forward with this project within the next few months.

Councilwoman Filippone stated that she believes that we owe the public as well as the Beautification Committee a chance to look at the plans and give their opinions. The sign needs to be addressed and there are no sidewalks around the area.

Councilman Lamb stated that we really need to start discussing very soon and get the concerns addressed.

Councilwoman Filippone stated that she agrees that it definitely needs more discussion.

Mr. Bernstein stated that it will be further discussed in executive session tonight.

Mr. Bennett stated that he and Councilman Finter walked the highway from Reese Avenue to Philadelphia Avenue. The commercial area has pavers and the residential areas have stones. There is nothing that can be done right now because of the freeze but we are going to put together the area that needs to be done with this grant and forward it to the Engineer for his review and he will be the one submitting the grant application.

Mr. Bennett stated that Verizon is requesting we redo the 50 year ordinance we have with them regarding the poles in town. It should be stipulated to them that the Borough decides on the antennas on a case to case basis.

Councilman Finter stated that he will discuss this with Verizon. He has some contacts there from when he worked there.

Mr. Bennett stated that the next streets we will be submitting for road improvements are Bryn Mawr and President Avenues. Public Works will be repairing the boardwalk within a four block radius.

Councilwoman Filippone questioned if they were going to do a continuous four blocks or inspect the areas up and down the boardwalk that need repair?

Mr. Bennett stated that he will pass that on to Public Works. He also stated that one of the garbage trucks is 23 years old and is in really bad shape. We have the money in Recycling Trust and they would like to purchase a new truck.

Mayor LaCicero stated that we always first check to see the condition of the chassis or packer before we purchase a new one. If the chassis or packer just needs to be replaced why purchase a new one.

Council President Zalom stated that Pickleball has become so popular that she recommends that with the new proposal of the volleyball courts along with the basketball courts that we make one of the volleyball courts a pickleball court.

Mayor LaCicero stated that if this proposal goes through we can always make the old basketball courts the pickleball courts. We have time and options here so we will figure it **out**.

#### **NEW BUSINESS:**

Councilman Lamb stated that with the events that went on in Seaside Park over the weekend and with all the new events coming up in Lavallette he thinks we need to set up some type of emergency policy regarding this type of situation so we know what to do if ever it happens in Lavallette.

Mayor LaCicero stated that he agrees with Councilman Lamb and we should set something up with Emergency Management and work on a policy that all can follow. Unfortunately, this is the world that we live in and it doesn't seem that it is going to get any better so we have to prepare for the worst.

Mr. Bennett stated that the recycling center collects e waste and brings it to the County recycling center and it costs the Borough \$450 a load. He would like to propose that the residents either take it directly to the County recycling center or up the fee to \$10 to pickup.

Mr. Bennett stated that roof repairs needed to be done at PW. The job is too big for our guys and the estimate they received is under the bid threshold so it should be good to go with.

Mayor LaCicero stated that years ago they talked about putting a hip roof on the flat.

Mr. Bennett stated that the numbers they got were pretty good prices.

Mr. Bennett stated that he would also like to increase the zoning fees and also the beach badge fees before we order for 2017.

Mr. Bennett stated that a homeowner on 152 Newark Avenue on the bay front has a gazebo on his property that is in violation because it is in our Borough easement.. He has received numerous violations and has not moved it and now would like to donate this gazebo to the town.

Councilman Borowski stated that this guy new exactly what he was doing and just didn't care. If we do choose to accept the donation we should still charge him for the removal that we will have to do. He is wrong on so many levels. He knew it was within the easement and now since he realizes that he is not going to get away with leaving it where it is he wants to donate it just because he doesn't want to pay for the removal.

Mayor LaCicero stated that he thinks this needs more thought before we accept. We will discuss at next meeting.

Councilwoman Filippone stated that it needs more discussion and Beautification should look at it also.

### **COMMENTS FROM THE PUBLIC:**

Pat Marrone, Beautification Committee, stated that when they did the first Streetscape Plan they actually hired an electrical engineer to determine exactly where those decorative street lights should go so everything was uniform. Also, we recommended that they start at B & B and for some reason that block was not included and that was not our fault. Before anything is done with this next streetscape it really needs to be discussed further and I have the plans from the first one we can all look out.

Clem Boyers, 20 Kerr Avenue questioned if the Ordinance regarding the air conditioners in the setbacks was going to be changed?

Mayor stated that the ordinance is correct where they should go, the problem was that the ordinance was not interpreted correctly by the Official.

Mr. Boyers questioned outside showers and if they should be to ground?

Councilwoman Filippone stated that she doesn't think that outside showers are even in the code book separately. It needs to be looked at and maybe modified.

Mayor LaCicero stated that if they Ordinance has to be changed to specifically state outside showers we will have to do it.

Mark Speaker, 111 Brown Avenue questioned if the punch list was given to the State on the highway project and if so, do we know when they are coming back to take care of it?

Mayor LaCicero stated that he believes the list was sent to the engineer and it was forwarded to Harms but they probably cannot do anything on it until the freeze is lifted by the Governor.

Mr. Speaker stated that he would like to thank all who helped with Founder's Day. It was a community effort. Public Works and all other Departments were all very helpful to us.

Arthur Crosta, 243 Bryn Mawr Avenue questioned when the Beach Replenishment was going to start?

Mayor LaCicero stated that they are supposed to go out to bid this month for the project and if all goes well they will award the contract in January and they will start in 2017.

Jon Corney, 1 Newark Avenue questioned if anything about the drainage and grading of the streets was going to be taken care of with an ordinance?

Mr. Bernstein stated that falls under stormwater management which is separate from Construction Code. We would have to take a look at the stormwater management plans.

#### COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she is still working on getting the nutrition center back at the firehouse. The Mayor has been chosen to be inducted in the Mayors' Hall of Fame and the ceremony will be at the League Conference. We have spent all of our 2015 CDBG funds and she will be applying for the 2017 funds when they are available. She will be requesting the funds to construct a handicap walkover on Trenton Avenue with the Army Corps project. We pay for it and the Army Corps. will install it. Also, the County has advised me that Bay Blvd. is scheduled for paving in 2017.

Mayor LaCicero stated that Congressman MacArthur is having a open house for the public on October 3<sup>rd</sup> from 3:30 to 5pm. He is serving coffee.

Mr. Bernstein stated that there is a need for an executive session to discuss some attorney client privilege and some renovations of the basketball courts. There may be some action taken.

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

The Regular Meeting was adjourned to go into executive session at 8:50 pm.

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

The regular meeting was reconvened at 9:10 pm.

Mr. Bernstein stated that while in executive session there were two items discussed. One was the ongoing proposal issue regarding the renovations of the basketball courts. Councilman was directed to set up a meeting with the homeowners to discuss some issues. The second item discussed was a special event permit that will be approved on a one time only basis. There is action that will be taken.

2016-261 approving a facilities use/special event application to the Lavallette Business Association to sponsor a food truck festival on Saturday, October 16, 2016 from 11am to 3pm on Philadelphia Avenue close to Bay Blvd.

A Motion to approve Resolution 2016-260 as a one time only permit specifically for the Lavallette Business Association to hold this specific event for this year and that there will be no similar situation for this specific one time only permit to any other persons for any such event nor shall this event serve as precedent for any other request of a similar nature was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

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

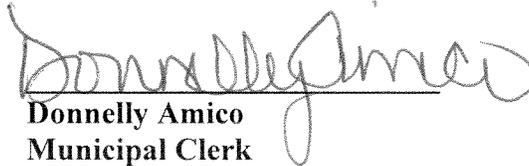
**ADJOURNMENT:**

A Motion to adjourn the Regular Meeting was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was adjourned at 9:14 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 19<sup>th</sup> day of September 2016

  
**Donnelly Amico**  
**Municipal Clerk**