

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Tuesday, September 6, 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, Municipal Clerk
 Phil George, 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 Kathy Giacobbe, a resident of Westmont Avenue as well as a long time member of the Lavallette Yacht Club who passed away recently. He also read the names of residents of Lavallette or relatives of residents of Lavallette who passed away on September 11th. He asked that 9-11 never be forgotten.

Council President Zalom stated that the plaques of those names that were just read from 9-11 are all up on the boardwalk for all to view.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero welcomed everyone to tonight's meeting. He stated that we had a little taste of the storm today with the rain but definitely dodged a bullet. We were prepared for the worst but weren't going to implement until absolutely necessary. The only issue that he witnessed was a little water that got past the snow fencing on Elizabeth Avenue. Sometimes, the news media gets a little blown out of proportion with any storm since sandy. He stated that anyone who 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)

No one wished to comment at this time.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of August 22, 2016

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

REPORTS:

- a) Construction Report for August 2016-Councilwoman Filippone-read report
- b) Zoning Report for August 2016-Councilwoman Filippone-read report
- c) Municipal Court Report for August 2016-Councilwoman Filippone-There was no court report.
- d) Police Overtime Report for August 2016-Councilwoman Filippone-read report
- e) Public Works Report for August 2016-Councilman Lamb-
- f) Public Affairs Report-Council President Zalom-Public Works did a great job in getting everything off the beach and streets that could have been damaged from the possible storm. Founder’s Day is this Saturday. Pickleball has become so popular and everyone is playing so we are glad that we took care of getting that equipment for our residents. There is a bocci ball tournament on September 17th. The next beach sweeps will be on October 22nd and our NYC bus trips will be on December 7th and December 10th so get your tickets early because they fill up quick. The Annual Halloween Hoedown will be on October 28th. Our Christmas tree lighting will be on December 2nd with the Oyster Supper on December 3rd. We are all so excited that the Oyster Supper is back finally. Everyone missed that so much!
- g) Beach Badge Report for August 2016-Councilman Michael Stogdill-read report
- h) Tax Account Report for August 2016-Tax Collector
- i) Report of Bond Anticipation Notes of August 2nd and 3rd-Chief Financial Officer-Mr. Bennett stated that all our debt is now wrapped up in bans. Mayor LaCicero stated that its more realistic to go long term with the bans. It makes more sense.
- j) Revenue Transaction Report for July 2016-Chief Financial Officer

A Motion to approve the reports 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2016-244 recognizing the month of September 2016 as “National Preparedness Month” in the Borough of Lavallette
- 2016-245 urging the elimination of requirements for municipalities to publish notices in newspapers to instead post only on their government websites
- 2016-246 appointing Susan Boyers as a badge office clerk at a maximum of 5 hours per week at \$12.00 per hour-Mr. Bennett stated that this is to get ready for the Christmas badge sales and we are going to be selling some Lavallette items also.

- 2016-247 accepting the resignation of Lauren Grogan and authorizing payment of unused vacation time
- 2016-248 appointing Vincent Percella as a temporary laborer for the Department of Public Works at a hourly rate of \$10.00
- 2016-249 approving 3 applicants to attend Class II training at the Ocean County Police Academy at an hourly rate of \$7.25 commencing September 9, 2016-Mr. Bennett stated that this will be the last time for this training because a new system will be implemented.
- 2016-250 authorizing the transfer of a 2014 and 2015 state tax appeal credit to 2016 taxes receivable for 2200 Ocean Front in the amount of \$2,048.20
- 2016-251 authorizing the application to apply for a grant from the New Jersey Department of Community Affairs to reimburse the Borough for their 10% share of certain project worksheets from super storm sandy in the amount of \$211,660.38-Mayor LaCicero stated that this is what the Governor had the meeting with the Mayor's last week. Hopefully, we will get some good news that will help us out financially.
- 2016-251A authorizing the Borough Administrator to act in the capacity of Code Enforcement Officer when necessary
- 2016-251B authorizing the Borough Administrator and Municipal Clerk to execute the grant application for the 2017 Ocean County Local Arts Program Grant for our summer concert series-Council President Zalom stated that she attends these meetings also to help us get points to go towards the grant approval.
- 2016-251C authorizing the Borough Administrator and Municipal Clerk to execute the grant application for the 2017 Ocean County Local History Program Grant for the preservation of our historical memorabilia in our Municipal Building-Council President Zalom stated that this is the first year that we are applying for this one so hopefully we get something to help us out with our historical walls in Borough Hall.

A Motion to approve the consent agenda 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 the consent agenda.

No one wish 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.

RESOLUTION - OFF CONSENT:

2016-252 making application to the Local Finance Board pursuant to N.J.S.A. 40A:66-1(2016) regarding a Municipal Shared Services Energy Authority

Councilman Borowski stated that this resolution along with the Ordinance that we already introduced will help the Public Power Association become an Authority so we can also deal with the manufacturing side of it, also. The ordinance as well as this resolution is all protocol in order to for the proper approvals and executions to be done.

A Motion to approve Resolution 2016-252 was made by Councilman Borowski. The Motion was Seconded by Councilman Finter.

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

Jon Corney, 1 Newark Avenue questioned if this application will be approved before the end of the year?

Councilman Borowski stated that the members are hopeful that it will be approved before the end of the year but they are not positive that it will.

Mr. Corney questioned if there were any numbers yet on the savings we will get from this change.

Councilman Borowski stated that we have no numbers on this as of yet. There is a budget that is associated with this. Right now we are hoping for a savings of roughly \$60 to \$70 thousand but that is our hope it is not definite as of yet.

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.

APPROVAL OF VOUCHERS:

2016-253 Bills List in the amount of \$1,047,628.73

A Motion to approve the bills list was made by Councilman Stogdill. The Motion was seconded by Councilwoman Filippone.

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.

ORDINANCES ON FOR INTRODUCTION:

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 is for the neglected properties in town that have been causing some issues for us and some residents. This will allow the Borough to be able to go onto the property and clean up the exterior grounds free of over brush and the lawns and any shrubbery over grown. Once we complete that we will be able to put a lien on the property for the work that we have done with 18% interest.

Councilman Borowski stated that Public Works deserves credit for cleaning up the Newark Ave Treatment Plant yard, It looks so much better.

A Motion to approve Ordinance 2016-03 (1147) 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 is scheduled for September 19, 2016

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

Mr. Bennett stated that this is for permits for street openings for gas and utilities that contractors do on our streets. This ordinance will require additional documents and permits to do such work. Also, it will prevent the newly paved streets from being patched incorrectly and not done the proper way. The streets that have been newly paved within the last five years will require a performance bond which is kind of like a deposit and insurance from the contractor and they will have to repair the street the way it was before they opened it. No patching and unevenness. It will have to be completed correctly and the exact way it was.

Councilman Borowski stated that Elizabeth Avenue will be the next street for repaving. How will these homeowners and their contractors know that the street is going to be repaved so they should take care of the openings before it is started.

Mr. Bennett stated that the homeowners will be notified in advance before the road project starts.

A Motion to approve Ordinance 2016-04 (1148) was made by Councilman Finter. 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 is scheduled for September 19, 2016

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 just to modify the existing fence ordinance to change the open wire fencing only on the houses on lagoons and bays and to allow other styles of fencing with at least two inch openings between rails and slats.

A Motion to approve Ordinance 2016-05 (1149) was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for September 19, 2016

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

Mr. Bennett stated that we received a DOT grant for \$150,000 for this road project and the soft costs are roughly \$40,000. We also included a portion of Dover Avenue on the ocean side due to a portion of that road that always has puddling in one area that can not reach the closest storm drain due to the grading of the street. The maximum of this portion of the project is \$65,000.

Mayor LaCicero stated that this seems very similar to the Westmont Avenue problem we had a couple months ago.

Mr. Bennett stated that it is the same as that issue and we would have to do the same to this road regarding the milling of the road.

A Motion to approve Bond Ordinance 2016-06 (1150) 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 Passed.

Public Hearing and Final Adoption is scheduled for September 19, 2016

COMMUNICATIONS:

New Jersey League of Municipalities:

- a) Weekly Policy Update/Received August 5, 2016
- b) Expansion of NJM Eligibility to Municipal Employees/Received August 8, 2016
- c) Innovation in Governance Awards/2016 Invitation/Received August 11, 2016
- d) Weekly Policy Update/Received August 12, 2016

- e) 2016 League Conference Resolutions/Received August 17, 2016
- f) Daily Update/Received August 18, 2016
- g) Weekly Policy Update/Received August 19, 2016
- h) Weekly Policy Update/August 26, 2016
- i) Additional Reimbursement of Sandy FEMA Public Assistance for 9 Counties Applications due by Tuesday, October 18, 2016/Received August 29, 2016-Mayor stated that this is the grant that we applied for.
- j) Update on Executive Orders/Received August 30, 2016

General With No Action:

- a) New Jersey Natural Gas/Andrew Dembia, Counsel/Petition of NJNG 2016/2017 Annual Compliance Filing for the Universal Service Fund Program Factor/Received August 11, 2016-Mr. Bennett will take care of writing a letter to them.
- b) Ocean County Utilities Authority/Joanne Kazanowsky, Executive Assistant/Amendments to its Sewer Use Rules and Regulations/Received August 11, 2016
- c) Gail Stefanelli/122 Camden Avenue/letter thanking Mayor and Council for prompt attention in fixing their street light issue with a shade to cover to prevent shining in their windows at night/Received August 15, 2016
- d) Congress of the United States/Tom MacArthur, Congressman/letter to Army Corps. in support of moving quickly on the Beach Replenishment Project in the Borough of Lavallette/Received August 18, 2016
- e) Jane and Patrick Sisbarro/2104 Baltimore Avenue/commending Special Officer Harry Paul for going above and beyond his duty and helping them change a flat tire/Received August 22, 2016-Mayor stated that we will put a copy of this letter in his personnel file.
- f) Ocean County Columbus Day Parade Committee/Michael Blandina, Chairman/requesting Mayor and Council contribute to the festivities and join in the parade/Received August 22, 2016-Mayor stated that Anita and Joanne ride in this parade every year.
- g) Rehabco, Inc./Judicial Judgements on Affordable Housing Obligations/Received August 24, 2016
- h) State of New Jersey/Department of Labor and Workforce Development/Abatement of hazards and/or violations for the Lavallette Department of Public Works/Received August 20, 2016-Mr. Bennett stated that the Supervisor, Teddy did a great job of getting these violations abated by the deadlines so we are all good with the PEOSHA now.
- i) Jim and Eileen McDonald/120 Camden Avenue/complimenting the electricians Mike Cuttita and Bob Baker for changing out the lighting on the street light so it doesn't shine so bright in the windows of the residents/Received August 29, 2016
- j) Jersey Central Power & Light/Mark Mader, Director/Provision of Basic Generation Service for the Period Beginning June 1, 2017/Received August 29, 2016
- k) State of New Jersey/Department of Community Affairs/Local Planning Services/Sean Thompson, Director/2014 through 2016 Zoning Code Enforcement Grant/completion of submittal of invoices to close out grants/Received September 2, 2016-Mr. Bennett stated that the CFO has been spending a tremendous amount of time on getting them the necessary documents that they are still requesting.

General With Action:

- a) State of New Jersey/Department of Transportation/Richard T. Hammer, Commissioner/Request for Applications/Transportation Alternatives Program/Received August 8, 2016-Mayor LaCicero stated that Mr. Bennett and Councilman Finter will walk the highway and choose what blocks should be done. Council President Zalom stated that there is a hold on all grants with the DOT due to the Governor's hold on them. Once the ban is lifted they will continue. She also suggests doing the four blocks south of what was already done.
- b) Café Diem/Darren Monroe/Owner/requesting Council reconsider the cost of the vendor relief driver fee of \$700 for additional drivers/Received August 18, 2016-Mayor LaCicero stated that he has already spoke with this man. We cannot do anything for this year but we will look into the ordinance for next year and see if we should do any changes.
- c) Sylvia Rosenauer Elementary/Angela Frangella/PTA President/requesting a donation of beach badges for 2017 from the Borough for their PTA Auction/Received August 22, 2016-Mayor LaCicero stated that we have never approved this request for anyone.
- d) Concord Engineering/requesting the attendance of Mayor and Council Members on Energy Aggregation on September 14th/Received August 24, 2016-Mayor LaCicero stated that we are not affected by this due to the Borough having our own electric.
- e) Robin and Frank Domanski/13 Virginia Avenue/requesting the town repair their curb cut that is sinking in due to it starting to rise as well as the asphalt at the foot of the driveway/Received August 31, 2016-Mr. Bennett stated that there is definitely an issue with this property. The Engineer, PW Superintendent and the Code Enforcement Officer have been over there as well. It looks like the pavers raised and the street is sunken in. Councilwoman Filippone stated that she took a look at it and it looks like to her that the curb is up and the road is sinking. Councilman Borowski stated that he sees it as the pavers are sinking on the west side. Mr. Bennett stated that hopefully it will get rectified soon.

UNFINISHED BUSINESS:

Proposal of Services for Elizabeth Avenue Road Improvements

Mr. Bennett stated that this cannot be discussed tonight until after the Bond Ordinance is adopted so we will put this on for the meeting in October.

Proposal of Renovations of Basketball Courts

Councilman Lamb stated that the Daly's are in the audience. They have submitted a proposal to fund this project to renovate our basketball courts. They would like the project to start in the fall.

Mayor LaCicero stated that the mechanics of us accepting this proposal and donation is not cut and dry unfortunately. There is also a provision that some of the labor is done by our public works guys

so we are going to have to figure out how all of this is going to fit together nicely and how we are going to be able to get everything done with the donation and not have to go out to bid.

Mr. George stated that he will research the options and ways of going about this and have an answer by the next meeting.

Councilman Lamb stated that the Superintendent had some questions with the electric concerning the tennis courts as well with this project so we will have to look into this further.

Councilman Borowski stated that the contractor that they have put in their proposal to do the work does state of the art surfaces so they are definitely a good contractor.

Mayor LaCicero stated that we definitely appreciate the donation and we want to accept it but we first need to figure out the financials and the steps on how to do it legally and the right way.

NEW BUSINESS:

Councilman Borowski-Establishing a Rate for Self Generation Reimbursement

Councilman Borowski stated that the Borough has less than 10 solar customers. Mr. Parlow used an excel spreadsheet to do the excess generation but there are so many different components it is just mind boggling. He has reached out to other communities and decided to go with their methodology which is a much simpler formula. There are nine customers and this will simplify the system. We will need to adopt the methodology in the form of an ordinance. The rates to solar providers are until 2020.

Council President Zalom stated that the flooding on President and Bay Blvd. will be fixed very soon. There is an outfall pipe that is clogged. It had to go out to bid and the design needed to be put together to prevent problem in the future.

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 122 Washington Avenue stated that on the proposal for the new basketball courts the sign is in violation of the sign ordinance.

Mayor LaCicero stated that right now until we accept the proposal we aren't going to worry about that.

Mr. Palinsky stated that on Bay Blvd. there is a trench on the right shoulder of the north bound lane from Philadelphia to Vance Avenues that is sinking and the County should be notified.

Council President Zalom stated that she will notify the County.

Mr. Palinsky stated that regarding the road openings we have to keep in mind that the sewer and water connections on the street are in the easements and could cause a problem.

Mr. Bennett stated that situation is also in the ordinance.

Mr. Palinsky stated that regarding the property maintenance ordinance it only allows on the property to clean up but not inside the dwelling.

Mr. Bennett stated that is correct but if inspectors feel it is unsafe they are allowed to enter the premises.

Councilwoman Filippone stated that some shrubbery that is overgrown and touching and blocks you from seeing is considered fencing. We need to look into this.

Mr. George stated that he believes that is in our zoning ordinance.

Bill Murray, 1 Elizabeth Avenue stated that he always thinks that Mayor and Council does a great job with the town. There seems to be a big issue with the dunes on Elizabeth and Newark Avenues. They are extremely lower than all the others and he is afraid that is going to cause a problem if we have another storm.

Mayor LaCicero stated that area has always been an issue and in fact that is the same location that we tried moving sand at when we were fined by the DEP because a resident in that area saw what we were doing and called them. We are hopeful that our dune replenishment project is going to start very soon.

Bob Astorino, 2 Elizabeth Avenue questioned if you can take sand from somewhere else instead of the beach itself?

Mayor LaCicero stated that the DEP has to approve all the sand that would go up there and it would have to be sifted to make sure there is nothing in it.

Jon Corney, 1 Newark Avenue questioned Councilwoman Filippone on what the overtime hours were for dispatching year to date.

Councilwoman Filippone stated that they were 1,052 hours.

Mr. Corney questioned if using the County would ever be an alternative or option for Lavallette?

Mayor LaCicero stated that we did look into that at one time and the residents were totally against it but we are always open to suggestions.

Councilwoman Filippone stated that the feedback from the community was that they felt safer with the local police officers because they knew the residents and they knew the officers. The seniors call every morning to check in and if they don't call in our police officers due well checks right away.

Mr. Corney requested that on the agenda they have public comment on the reports.

Mayor LaCicero stated that we will look into that.

COMMENTS FROM THE MAYOR AND COUNCIL:

Councilman Borowski stated that at Founder's Day the Prosecutor's Office will be doing the Child ID program for kids 12 years and younger.

Councilwoman Filippone stated that she already received one estimate for the blinds for these windows and is waiting on one more estimate which is coming soon.

Council President Zalom stated that the CRS Program that Mr. Parlow started is now being done by our Zoning Official so it is still going strong. The Soups of the Shore will be on September 24th and is sponsored by the LBA.

Mr. Bennett stated that Council President Zalom has collected \$1,000 from the patrons at our concerts. We have prioritized the next three streets for road improvements and they are in order of most needed, Bryn Mawr, President and Brooklyn between the highways. Also, Verizon has requested we adopt a new ordinance regarding their poles.

Mayor LaCicero stated that he thinks that pertains to the copper wiring being taken out.

Mr. Bennett stated that he still thinks we need to retain the right of our poles and what is going to be done.

Councilman Finter stated that he will look into because he worked for Verizon and knows a lot of people there still so he will reach out and see what needs to be done.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 9:13 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 6th day of **September 2016**

Donnelly Amico
Municipal Clerk