

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, October 17, 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 Anna Batta from Haddonfield Avenue, who is the mother of Jennifer Mehta from Vance Avenue who passed away recently.

PLEDGE OF ALLEGIANCE: Councilman Stogdill led us in the salute to the flag.

PROCLAMATION: Retirement of Michael Motsay.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. The weather is has been fantastic and is supposed to be like this all week. The food truck festival yesterday seemed to be a big hit with 2,000 tickets being sold. The Fire Dept., PBA and LBA all made good money during the event. He 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)

Robin Allen, 1 Reese Avenue, stated that she is in favor of the new basketball court plan and wanted to express her support in approving the project. It's a great improvement for our bay front as well as our town.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of October 3, 2016

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

RESOLUTIONS-ON CONSENT:

- 2016-275 approving a bonfire on October 28th at 6pm to the Recreation Department in conjunction with their Halloween Harvest Hoedown
- 2016-276 approving the curfew in the Borough of Lavallette between 9pm to 6am for minors under the age of 18 unless accompanied by an adult over the age of 25 years old, from Friday, October 28th through Monday, October 31st during the Halloween weekend-Council President Zalom stated that there is a dance until 9:30 pm in conjunction with the Halloween Hoedown so that is always exempt from the curfew until the kids all get home.
- 2016-277 authorizing the redemption of a tax sale certificate in the amount of \$71,109.12
- 2016-278 authorizing the redemption of a tax sale certificate in the amount of \$65,041.17
- 2016-279 authorizing the Mayor to sign and execute an interlocal service agreement between the Borough of Lavallette and the Ocean County Prosecutor's Office to participate in the Prosecutor's Program for the years 2016/2017 regarding Drunk Driving Enforcement and Drug Recognition Expert Callout
- 2016-280 refunding the unused planning board escrow funds for Carol Saam in the amount of \$565.00
- 2016-281 committing the Borough of Lavallette to maintain the improvements for the Grand Central Avenue Beautification Project Phase III from Reese Avenue to Camden Avenue-Mayor wondered what the first phase was. Councilwoman Filippone stated that the first phase was the area in front of the old Municipal Building.
- 2016-282 authorizing the grant application under the NJ DOT Transportation Program for the Grand Central Avenue Sidewalk Beautification Project from Reese Avenue to Camden Avenue
- 2016-283 authorizing the Lavallette Police Department's participation in the federal grant program "COPS IN SHOPS-SUMMER SHORE INITIATIVE 2016" and approving the allocated funds of \$1,800 to specifically be used in connection with this grant program

2016-284 appointing Vincent Percella to the position of provisional full time laborer for the Department of Public Works with an annual salary in accordance with the Teamsters Local 469 Salary and Wage Schedule C.

A Motion to approve the consent agenda 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 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:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2016-285 Bills List in the amount of \$3,290,676.23

A Motion to approve the bills list 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 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 NO. 2016-12 (1156) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2015-07 (1143) ADOPTED ON SEPTEMBER 21, 2015, PROVIDING FOR ROAD IMPROVEMENTS TO GUYER AVENUE, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE MISCELLANEOUS ROAD REPAIRS, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

The Mayor stated that he had pulled this ordinance off on Friday because he needed a better understanding of why we had the extra monies in there to pull from. The CFO was told by the Auditor to fully fund the Ordinance so because of that we have some additional monies that can be applied to the next streets of President and Bryn Mawr Avenues for next year.

Mr. Bennett stated that the costs were already incurred so it is not going to cost us anything additional.

A Motion to approve this Bond Ordinance was made by Councilman Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted yes. The Motion Passed.

BOND ORDINANCE NO. 2016-13 (1157) BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, AND APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$123,500 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

Councilman Lamb stated that there are 6 garbage trucks right now and a couple of them were bought in the early 1990's. One of these is having a lot of issues and keeps needing to have repairs done to it and it becomes a nightmare when it's down during the busy seasons. There is about \$126,000 in the Recycling Trust Acct. and the estimates Public Works received is roughly \$175,000. They would like to take \$100,000 out of the Trust Acct. and bond the \$75,000. This ordinance also includes \$32,000 to repair five of the flat roofs on the public works buildings as well.

Mr. Bennett stated that we are appropriating \$230,000 but will only be bonding \$123,500.

Councilman Borowski stated that this amount of money in the recycling trust acct must have been accruing for quite some time. It would have been nice to know that there was this much in there.

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

ADOPTION OF ORDINANCE TO BE CARRIED UNTIL THE NEXT MEETING OF NOVEMBER 14, 2016:

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 this isn't going in front of the State for approval until Friday so this needs to be carried for adoption again until the next meeting.

A Motion to carry adoption of Ordinance 2016-02 (1146) until the next meeting 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.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

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

Mayor LaCicero stated that he doesn't think these figures are correct. We should not be appropriating and issuing the same amount of money. We received a grant for \$150,000 so we should only be bonding \$120,000.

Mr. Bennett stated that the Mayor is correct and he is not sure why it was done this way.

Mr. Bernstein stated that this Bond Ordinance will have to be voted down because it was already advertised with the incorrect amount. Once voted down we can introduce a new Bond Ordinance tonight with a new number and read by title with the correct figures.

A Motion to approve this Bond Ordinance was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted No. The Motion failed.

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

Mayor LaCicero stated that this is for our Water Tank Repainting Project. We have already applied for a grant and if approved 50% of the grant has the potential to be forgiven.

A Motion to adopt Bond Ordinance 2016-07 (1151) was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill.

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

Jon Corney, 1 Newark Avenue questioned how much was applied for with this grant.

Mr. Bennett stated that there was no exact amount to apply for, you just apply with all the information they requested and they give you the amount when approved and 50% can be forgiven.

Mr. Corney stated that he was confused as to why we were fully funding a bond that only forgives 50% of the costs just for Engineering cost.

Mr. Bennett stated that we had to do the Bond Ordinance in order to accept the Engineer's proposal but we will not be bonding any of this project and might not even need to. We just needed to do the Bond Ordinance and we now will just wait until we see if we receive the grant and for what amount. No one else wished to comment.

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.

ORDINANCE 2016-08 (1152) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY, INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF LAVALLETTE FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF

Mayor LaCicero stated that Verizon needs our authorization to access our poles when needed and our 50 year ordinance needed to be done again. Mr. Bennett didn't agree with some of the wording so he and Councilman Finter did some negotiating and had it changed.

A Motion to adopt Bond Ordinance 2016-08 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

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

Joe Palinsky, 122 Washington Avenue questioned if Verizon changes any kind of frequency will this Ordinance cover that?

Mr. Bernstein stated that they would need State approval for that before they can get approval from us.

Mr. Palinsky questioned if Verizon refuses to agree to this Ordinance and does the wiring the way they want?

Mayor LaCicero stated that they cannot do anything without our approval.

Mr. Bennett stated that they are only allowed to do what is included in this ordinance.

Jon Corney, 1 Newark Avenue questioned what the conditions thereof really mean?

Mr. Bernstein stated that this is a general clause that covers all other conditions set forth in the agreement.

Mayor LaCicero stated that the Ordinance seems to have done a good job for the last 50 years so we should be good for another 50 years with no issues.

Mr. Corney questioned if they pay for the use of the poles?

Mr. Bernstein stated that is a State law.

No one else wished to comment on this Ordinance.

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

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

ORDINANCE NO. 2016-10 (1154) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 55 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "SOLID WASTE" AMENDING SECTION 55-11 ENTITLED "BULK TRASH REGULATIONS"

Mayor LaCicero stated that this is to charge a fee for e-waste now instead of bringing it down to our recycling center. It costs us \$470 a truck load to bring it to the County Recycling Center and we haven't been charging if you bring it down to our recycling center. If you don't want to pay the fee for us to pick up at your house you can take it down to the County Recycling Center but we will no longer accept it at our recycling center.

Mr. Bennett stated that a lot of the surrounding towns have done the same so we had no choice to do it also.

A Motion to adopt Ordinance 2016-10 (1154) was made by Councilman Lamb. The Motion was Seconded by Councilman Finter.

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

Joe Palinsky, 122 Washington Avenue questioned what would prevent them from putting these items in the garbage truck?

Mayor LaCicero stated that our garbage men should not be putting them in our garbage truck or picking them up without verification that they paid for the items. Also, solid waste guidelines prevents them from going with regular garbage.

No one else wished to comment on this Ordinance.

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 2016-11 (1155) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 7, OF THE BOROUGH CODE ENTITLED, "BATHING AND BEACH CONTROL" AMENDING SECTION 7-9 BEACH BADGE FEES

Mr. Bennett stated that even though we are raising all these badge fees Lavallette is still remains with the lowest badge prices. After the Army Corps project, we will have all of our 27 beach openings active again and will need to hire more lifeguards and badge checkers which will cost us more money. The beach fees are all in house and all of the beach costs come out of the fees we make.

Mayor LaCicero stated that some of the Police and Public Works revenues come out of the beach fees as well for trash pickup on the boardwalk and the police who patrol up there.

A Motion to adopt Ordinance 2016-11 (1155) 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.

Jack Sauer, 405 Bay Blvd. stated he understands why the badge fees need to be increased but he thinks that the daily badge going to \$10 is too high especially when we have no bathrooms or food service up on the boardwalk. We have a lot of visitors who come for the weekend or the day and for them to have to pay \$10 a day without any bathrooms or changing rooms or food service up there it isn't worth it for the day trippers.

Clem Boyers, 20 Kerr Avenue stated that he thinks the increase for daily badges to \$10 is better for the badge checkers so they won't have to make as much change. It makes it easier for them.

Jon Corney, 1 Newark Avenue questioned how much money we made in badge fees this year?

Councilman Stogdill stated that he didn't have an exact figure in front of him but it was roughly a little under a million.

Mr. Corney stated that the appropriations report doesn't show it even close to that.

Mayor LaCicero stated that Mr. Corney should come in and sit down with John and go over it because monies are appropriated to different areas.

Al Jones, 113 Vance Avenue stated that he doesn't think that our badge fees are high enough, especially the senior and season as well as preseason. Why do we even need to do a pre season sale. We lose a lot of revenue by doing that. They will still purchase them if it is regular price.

No one else 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 2016-14 (1158) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO ELIZABETH AVENUE AND DOVER AVENUE, AND APPROPRIATING \$270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$120,000 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. Bernstein stated that we can introduce this new Bond Ordinance with the new number and correct title showing the change in the issuance costs of \$120,000 tonight and have the public hearing on November 14th so we are still within the time frame for the bonds.

A Motion to introduce this Bond Ordinance 2016-14 (1158) 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:

New Basketball Courts Proposal

Mayor LaCicero stated that there were meetings with the Daly's and Beautification and the plan right now is to decrease the size of the sign by 2 ½ above ground and 3 x 4 size. The Daly's have been generous enough to donate a substantial amount of money for these new basketball and volleyball courts. They are also paying for the contractor to do the project.

Councilman Borowski questioned where the sign is going?

Mayor LaCicero stated that it was going in the northeast corner of the pathway.

Councilman Borowski questioned what portion and costs of the Borough work will need to be done?

Councilman Lamb stated that our DPW guys will be doing some of the labor with some of the excavation and the only cost would be paying them for that day which will be a regular work day anyway.

Councilwoman Filippone stated that the residents play checkers on the hockey rink and we already purchased that equipment so we will have to figure something out for that. The initial project was supposed to be for the renovation of the existing basketball courts. Somehow, it was changed to put new basketball courts and volleyball courts where the hockey rink is and get rid of the rink and the existing basketball courts will remain there the way they are. This entire project is just too big for the space that it is going. Two basketball courts, two volleyball courts and the old basketball courts remaining where they are is just too congested for that area. Mayor and Council adopted a policy on not allowing any more memorials and if we do it should be very little and not big at all. This sign, even scaled down, is going against this policy. We have always been asked as a community to not overdevelop our bay front and to try and keep the open space as much as we can. This project is going against all our previous policies. She would like to give the public a chance to comment tonight.

Council President Zalom stated that years ago a resident in town's grandson was violently killed by a terrorist and they bought a plaque and we allowed it to be put in the Reese Avenue or Kerr Avenue pavilion in memory of him. She had a lot of people call her and say how upset they were that this project was not approved before the modifications.

Councilman Borowski questioned who the responsibility will fall on if the contractors work has some defects or if there is damage to any of the project. What about a warranty or guarantee on the work done? Will the Borough be responsible for the work that is done after the fact?

Councilman Lamb stated that he thinks that would have to be a legal opinion.

Mr. Bernstein stated that the Daly's will be hiring and paying for the contractor to do the work but once the work is completed and the project is done it becomes our responsibility because it becomes Borough property.

Councilman Lamb stated that the Daly's and Mr. Bernstein will need to have a meeting to discuss the agreement and the legalities of this project and then we should move forward with the plan.

Councilman Finter stated that he is in support of the project and feels that it is a win win for the town.

Councilman Stogdill questioned if there was any more discussion on benches and walkways?

Councilman Lamb stated that he felt there were already too many benches on the bay front and we didn't need anymore.

A Motion to allow public comment on this issue was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

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

Maryanne LaGuardia, 171 Pershing Blvd. questioned why anyone, especially officials, would not support this project. They are donating a lot of money for this project and it will only make the town look better and give the residents and visitors more to do with their time.

Sheila Porcelli, 125 Brooklyn Avenue stated that she has been working with the Daly's on this project and it is very important to them to give something to the children and families of Lavallette in honor of their son. Their intention is not to be intrusive with the bay front, they felt that moving the courts closer to the Recreational area would be a better decision. They have modified a lot of the project already including scaling down the sign in order to get this project approved. Please accept their donation tonight and move forward with this project.

Clem Boyers, 20 Kerr Avenue stated that he is not against the concept but we have rules and a code to follow regarding the size of signs. He feels that 3 x 4 is still too big for a sign down on the bay front.

Lisa Storms, 33 Pershing Blvd. stated that she is perplexed as to why the Borough is even contemplating this donation. These people just want to give a donation for this project to do something good for the town and make it better. We can never have too many recreational facilities in a tourist town. Their son learned to play basketball on the Lavallette courts and they just want to do something to honor him. It is a beautiful and kind gesture and the town and the residents of Lavallette.

Mark Speaker, 111 Brown Avenue stated that we can all sympathize with the family. This is not about their son, this is about following rules in the town and not doing for one because they are giving a big donation. The sign is not following the code guidelines. It is just too big for the bay front area. If Council decides to approve this tonight, he will support their decision but he will not agree with it. A donation should be just that, a donation to the town to do what they would like with it, not we want to donate to the town but we want it to be done our way or no deal.

Jack Sauer, 405 Bay Blvd. stated that a donation of that magnitude that is for the betterment of the town and the visitors and we are worrying about the size of one sign. Why are we leaving the old court there instead of just getting rid of it?

Mayor LaCicero stated that we are going to discuss that issue, also.

Mr. Sauer stated that they really need to approve this project and move forward with this plan. Open space is just that, open ugly space that does nothing for a tourist town.

Joe Palinsky, 122 Washington Avenue, stated that if this project is approved we should move all the lighting off of the old courts. He also believes that the sign should be change locations and the lighting on it should be illuminated differently and then it won't look so enormous.

Al Jones, 113 Vance Avenue stated that the Daly's and their son are special people. He doesn't understand what the problem is with the project. It is better for the town and the taxpayers will not be affected with it. With any situation, someone winds up not getting their way but that is life and they need to move on.

A Motion to close the floor to the public comment was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Mayor closed the floor to the public and asked Council for a vote on the Basketball Court Project.

A Motion was made by Councilman Lamb to approve the new Basketball Court Project. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. Councilman Stogdill voted No. The Motion Passed.

Mr. Bennett stated that the gardener can not locate the landscape plan that was done for the area in front of the Newark Avenue Treatment Plant.

Councilman Borowski questioned if he would be able to recreate the plan.

Mr. Bennett stated that he will have to ask him and let us know. Is there any way that we can still put that gazebo there for now.

Councilman Borowski stated that he feels that we should not have to absorb all these costs of moving it.

Councilwoman Filippone stated that if he is giving the town this gazebo and we are relocating it for him than it is a gift and we can just move it to a temporary location until we figure out where it will go permanently.

Councilman Lamb stated that we can move it in the yard until we figure out a plan.

A Motion to accept the gazebo from a resident as a gift and have DPW move it over to the Newark Avenue Treatment Plant yard until we decide on a permanent location 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.

Mr. Bennett stated that he would like Council's approval to hire HBC Inspection Services to remediate the mold issue at the lifeguard headquarters. The price is under the 15% quote threshold.

A Motion to approve HBC Inspection Services to remediate the mold issue in lifeguard headquarters building 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.

NEW BUSINESS:

Discussion of 2016/2017 Best Practices Worksheet

Mr. Bennett stated that we had enough yes answers to qualify for the state aid. We did have a few no answers which we will work on for next year.

O'Donnell, Stanton & Associates-Revised Proposal of Services for 2016 Municipal Aid Program for Elizabeth Avenue Road Improvements

Mayor LaCicero questioned if this proposal was just to prepare the specs for the project?

Mr. Bennett stated that he suggests they approve the proposal just for Phase 1 through 5 for the specs preparation, advertisement and bid phase. The freeze on state road projects has been lifted so we can proceed with this project.

A Motion to approve the Proposal for Elizabeth Avenue Road Improvements from Phase 1 through Phase 5 not exceed \$29,180 and subject to receiving the funds was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mr. Bennett stated that NJ American Water is going to be working on the water issue and will be flushing out the lines to clean them out and doing repairs. He has explained to them the new process of the road opening permit and that Westmont Avenue is one of our newly paved road so there will be no patches and they will have to put the road back the same way they found it. The application will go to the Engineer for review and they will determine the costs that should be charged to NJAW and they will have to provide a performance bond and get approval from Mayor and Council.

Mr. Bennett stated that he has spoken with ISO in reference to the Borough's fire rating and they will be looking into it and getting back to me.

Councilwoman Filippone stated that she would like to get some figures on what it would cost to demo the old basketball courts.

Mayor LaCicero stated that he thinks our own DPW could take care of that demolition. Councilman Lamb will speak with the Superintendent and see what the costs would run us.

Councilman Lamb stated that he thinks that the lighting should just be removed and the macadam could just stay there for kids to learn how to ride a bike.

Councilwoman Filippone stated that to keep it there just seems senseless to her.

Mayor LaCicero stated that he thinks we could use it for something we just need to discuss it further. We already decided that we can't use it for a pickle ball court because that requires a fence and it will block views.

Council President Zalom stated that Mary Walls does her aerobics on that court and she has a lot of people that take her class and she has been doing it there for many years.

Councilman Borowski stated that he would like to add to our electric ordinance and create a rate for our solar providers. He has an ordinance from another town that he would like us to adopt.

Mayor LaCicero stated that he agrees and that ordinance should be sent over to the attorney for him to take a look at and get that done.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that he believes that area in front of the Newark Ave Treatment Plant is protected by Green Acres so they need to check on that before they do anything.

Mr. Bernstein stated that storing that gazebo there is just a temporary situation right now like the trailers that are already there. He will make sure that he looks into before anything permanent is done.

Councilman Lamb stated that we can move inside the yard for now.

Mr. Boyers stated that the two garbage trucks being used in our Recycling Center should maybe be used on the road if they are in better shape than the ones already on the road.

Joe Palinsky, 122 Washington Avenue questioned if the cost would be less for the truck if we just ordered some big parts for it like the chassis.

Mayor LaCicero stated that they already checked into that and the big parts are too old and need repair too so its cheaper to just buy a whole new truck.

Mr. Palinsky stated that the sign for the new courts could also go in between the volleyball and basketball courts so it blends in better.

Mayor LaCicero stated that Council already voted on the plan they have so no changes can be done now.

Jon Corney, 1 Newark Avenue stated that there are state statutes on how the town can use tax sale certificates with the reserve for uncollected taxes. The CFO really needs to look into this. Let's not forget that November 1st is the initial dates for transfers. You have to go through appropriations and transfer fund balance.

Mr. Bennett stated that is not how we do it, we transfer from accounts that have too much to accounts that need more.

Mr. Corney stated that the Governing Body states that the fund balance is roughly around \$900,000 so we need to do the transfers now.

Mayor LaCicero stated that the surplus is needed to fund the budget.

Mr. Corney stated that we have no emergency to use any portion of that fund balance but we are incurring debt. Why are we borrowing all this money with these ordinances?

Mayor LaCicero stated that he doesn't have any figures in front of him right now and until we run numbers he can't answer him right now.

Mr. Bennett stated that Mr. Corney is confusing these two areas. The transfers are done by Novembers 1st and the cancellations are done before the end of the year.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the lights are flashing now so be cautious of that. The Mathis Bridge will be closing as of November 1st so take precautions. Saturday, October 22nd is our Beach Sweeps. The dune grass planting is November 5th. Should we still do it with our Army Corps. project started soon.

Mayor LaCicero stated it won't hurt but he would focus on heavier plantings on Elizabeth Avenue and SE.

Councilman Lamb left the meeting at 9:16 pm.

Councilman Borowski stated that he would love to see the area by the Newark Ave Treatment Plant looking very nice and landscaped because that is where you enter Lavallette from Ortlely Beach on the Bay Blvd.

EXECUTIVE SESSION:

There was no Executive Session.

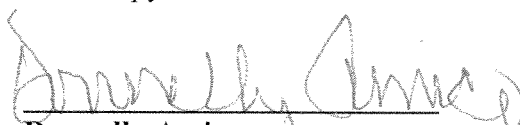
ADJOURNMENT:

A Motion to adjourn the 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 Regular Meeting was Adjourned at 9:19 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 17th day of **October 2016**


Donnelly Amico
Municipal Clerk