

**BOROUGH OF LAVALLETTE(minutes)  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
LAVALLETTE MUNICIPAL BUILDING  
Monday, May 16, 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, Acting Municipal Clerk  
Christine Sierfeld, Chief Financial Officer  
Robert Oliwa, Borough Auditor

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

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Paul Genovese and Barbara Florimont, two lifelong residents who passed away recently. Paul Genovese was a lifelong member of the Lavallette Fire Department and resided on New Brunswick Avenue and Barbara Florimont who was an Official with Providence House, a very close friend of Council President Zalom and resided on Sturgis Road on West Point Island. Both will be missed dearly.

**PLEDGE OF ALLEGIANCE:** Councilman Dave Finter led us in the Salute to the Flag.

**PROCLAMATION:** NATIONAL POLICE WEEK-CHIEF OF POLICE COLIN GRANT

Chief Colin Grant could not attend but Sergeant Tom Schierer and Patrolman Adam LaCicero were present for the reading of the Proclamation and pictures with the Mayor

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that with us tonight is Bob Oliwa our Borough Auditor and Chrissa Sierfeld our Chief Financial Officer who are present tonight for any questions on the Budget. Also here with us tonight is our new Borough Administrator, John O. Bennett. He was with the Borough of Oceanport for two years and is also a Municipal Attorney for 35 years. He was a Professor at Rutgers and a former Senator as well as Assemblyman. He also served as Governor of New Jersey with the resignation of Christie Todd Whitman for four days. We received 26 applications and narrowed them down to 6 applicants that we interviewed. Mr. Bennett was clearly heads above the others. Mayor thanked Council Members Borowski and Filippone and Chris Parlow for being part of the interview and hiring process. Mr. Bennett has been here since May 3<sup>rd</sup> and has done a lot of work so far. He seems to be happy here and we are very happy with him.

Mr. Bennett thanked Mayor and Council for his appointment. He stated that it has been a pleasure so far working for Lavallette. We have a wonderful staff and they are very knowledgeable and hard working and have made him feel very welcome.

Council President Zalom stated that Mr. Bennett provides Mayor and Council a weekly Administrator Report advising of the week's progress. It is a refreshing idea and she looks forward to them.

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

**2016 BOROUGH APPOINTMENTS BY THE MAYOR:** (not requiring Council approval)

**Planning Board / Board of Adjustment**

1 Year                      Class II Member                      John O. Bennett

**APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of May 2, 2016  
Executive Session Meeting of May 2, 2016

A Motion to approve the minutes was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter voted Yes. Councilman Lamb abstained on PO #16-00509 and PO #16-00510 and yes to all others. The Motion Passed.

**RESOLUTIONS-ON CONSENT:**

- 2016-165      appointing James Borowski as the new representative to the Public Power Association of New Jersey replacing Christopher Parlow-Mayor LaCicero stated that Jim was a member previously when he was on Council
- 2016-166      appointing John O. Bennett as Fund Commissioner to the Ocean County Joint Insurance Fund replacing Christopher F. Parlow
- 2016-167      provides that the budget be read by title only-Mayor LaCicero stated that this will be put off consent.
- 2016-168      approving a raffle license to Lavallette Heritage Committee for a 50/50 off premise raffle to be pulled on September 10, 2016 at Lavallette Founder's Day
- 2016-169      establishing the allocation of salaries of certain employees within the Borough of Lavallette

- 2016-170      establishing change funds for various departments and employees of the Borough of Lavallette
  
- 2016-171      recognizing the month of May 2016 as Paint the Town Pink Month in the Borough of Lavallette
  
- 2016-172      approving tennis court attendants for the 2016 summer season
  
- 2016-173      authorizing the execution of change order #11 to the contract with Wallace Brothers, Inc. for the construction of the new municipal building increasing the adjusted contract price by \$6,155.08-Councilman Finter requested this be put off consent.
  
- 2016-174      requesting that the Department of Transportation adopt the required regulation establishing two-hour and fifteen-minute parking spaces and a handicap parking space on Route NJ 35 Northbound-Mayor LaCicero stated that these are for the spaces in front of Borough Hall.
  
- 2016-175      authorizing the Administrator and Municipal Clerk to advertise for the position of Tax Assessor and Construction Official
  
- 2016-176      appointing Arnaldo V. Maestrey as the Alternate Prosecutor for the Borough of Lavallette-Mayor LaCicero stated that Ms. Peterson our Borough Prosecutor is having some health issues and cannot return right now and our current Alternate Prosecutor has moved to Florida. Mr. Maestrey is a local Toms River Attorney with 15 years of experience located on Hooper Avenue. He is also a retired Lieutenant in the State Police.
  
- 2016-176A     appointing summer seasonal workers for the Department of Public Works effective immediately

A Motion to approve the consent agenda 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 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 minus Resolution 2016-167 and Resolution 2016-173.

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

**RESOLUTIONS OFF CONSENT:**

- 2016-167      provides that the budget be read by title only

Mr. Bernstein stated that Council needs to adopt this resolution first and then the Budget can be read by title instead of in full

A Motion to approve Resolution 2016-167 was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2016-173 authorizing the execution of change order #11 to the contract with Wallace Brothers, Inc. for the construction of the new municipal building increasing the adjusted contract price by \$6,155.08-Councilman Finter requested this be put off consent.

Councilman Finter stated that they are charging us for 4 key slide bolts when only two bolts were used which is a difference of \$634.50 that would need to be credited back to us.

Councilwoman Filippone stated that most of our change orders for this building was mainly for police department changes and she is not very happy about that considering we hired a consultant firm, Rodgers Group, to help in making sure we had the mandatory items correctly done for a police department. This group certified the police building and we paid them \$50,000. The jail cell doors needed to be changed out and the sally port was wrong and yet they certified all these as being correct. She thinks that maybe we need to send off a letter expressing their inability to do their job costing this town an incredible amount of extra money.

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Mayor LaCicero stated that apparently the audio and video that we also were told was sufficient by this firm was not equipped correctly. He agrees that this company should be held accountable for something.

Councilwoman Filippone stated that the dispatcher's office was arranged incorrectly and needed to be rearranged.

Mr. Bennett stated that he will review the contract and decide the course of action to be taken.

A Motion to approve Resolution 2016-173 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

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

No one wished to comment on this resolution. The Mayor closed the floor to the public and asked Council for a vote on Resolution 2016-173.

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

#### **APPROVAL OF VOUCHERS:**

2016-177 Bills List in the amount of \$455,826.73

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

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 and Finter voted Yes. Councilman Lamb abstained on PO #16-00509 and PO #16-00510 and yes to all others. The Motion Passed.

### **PUBLIC HEARING OF THE 2016 BUDGET**

A Motion to open the public hearing on the 2016 budget 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.

Mr. Bernstein read aloud the budget for the public hearing. Budget Resolution (2016-178)

Mr. Oliwa stated that there was a substantial increase for the amount to be raised due to the \$608,000 Essential Services Grant from 2015 that was not allowed to be inserted in the 2016 budget. The Borough has applied for another grant for 2016 in the amount of \$804,745 but we will not hear if that was approved to us until June. Also, we have exhausted our CDL of \$266,000 and will need to make payments on that loan for the next two years. If we get approved for this new essential services grant we will be in good shape but if we do not get it decisions will have to be made. Without that grant, the tax rate will increase by 16%. The appropriations in 2016 are less than 2015 by \$246,000 which is relatively substantial so it's not the spending that is in issue it's just the revenue that is a problem.

Mayor LaCicero stated that he calls it a cash flow problem. He is not comfortable with a 16% increase in taxes so if we do not get approved for the grant we will go back and see what we can do. It's a lot to digest in a short period of time. We still have the appeal for the Municipal Building and the request to covert the CDL loan to a grant so hopefully we have some options and we will get good news.

Mr. Oliwa stated that Lavallette despite the CDL and the Essential Services Grant is in pretty good shape financially including ratables. We received an AA rating from Standard and Poor's which is a great rating.

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

Jon Corney, 1 Newark Avenue stated that we are up \$922,000 in 2016 raised by taxes. Salary & Wages are up \$416,000 as well as court revenues by \$58,000. What are we going to do about the reserve for uncollected taxes? It was \$521,656 in 2015 and 2016.

Mr. Oliwa stated that Mr. Corney needs to look at the column outside the cap. Other revenue losses are down by \$246,000. The material grant will subsequently lower the taxes.

Mayor LaCicero stated that once we find out if we got the essential services grant then we will be able to move forward with whatever option we go with.

Clem Boyers, 20 Kerr Avenue stated that this is just in a preliminary stage right now.

Mayor LaCicero stated that was correct. We will tighten the belts if we have to. Hopefully, we won't be faced with the numbers we are looking at now. We are going to have to have another public hearing after we hear on the essential services grant for any amendments that will be needed. That public hearing will only be limited to those amendments.

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

A Motion was made to do budget amendments for the June 6<sup>th</sup> meeting by Councilwoman Filippone. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **UNFINISHED BUSINESS:**

Mayor LaCicero stated that the County has agreed that they need to investigate the flooding issue on Washington and Bay Blvd. by the parking area. They will be investigating the area on a dry day and also a heavy rain day to see where the issue is coming from.

Council President Zalom stated that the County has determined that the outfall pipes on President Avenue issue was bigger than they could handle so it has gone out to bid. They will be starting the work at the end of September and not during the summer season. She also sent a letter to Colleen Keller of the NJDEP in reference to the EZ Docks and the individual permit. She also called the DOT about the traffic light on Rt. 35 South and President Avenue because it is way to long.

Councilwoman Filippone stated that since the storm we have had a great many of deaths in this community and relatives wanting some type of memorials. We even formed a committee to go over the criteria and purpose. These relatives were looking to put memorials in all different areas and places in town. My thoughts were to maybe have the committee meet and figure out one certain area in town where relatives can do something for their loved one. We would have to discuss whether it should be the same item of memorial or different items and also if we are going to accept donations or if they will be doing it themselves.

Mayor LaCicero stated that it becomes a very big headache but he applauds them for volunteering their time to figure something out.

Councilman Borowski stated that in reference to the draft ordinance regarding the drones. He thinks that there will be a lack of enforcement with this issue. He doesn't think there is the need for an ordinance because there is not an overwhelming necessity for it. Maybe there will be one or two with these drones but not enough to enforce this ordinance. Maybe we can scale down this ordinance and give some appropriate provisions like only allowing them to fly after beach hours on the beach and not flying over 50 x 100 lots. We are a recreational community and people rent here in the summer to enjoy these types of recreation on our beaches.

Mr. Bernstein stated that the draft ordinance is just that. It is for you to review and make comments and changes. We can do any amendments needed on a draft ordinance.

Councilman Lamb stated that maybe he can check with other towns and see what types of ordinance they have.

Mr. Bernstein stated that he has already done that.

Councilwoman Filippone stated that she thinks that Seaside Heights is in the process of doing this ordinance now. Mr. Borowski's idea of limiting the hours rather than dismissing them altogether is a good idea. We need to set standards so they are not used in an abusive manner.

#### **NEW BUSINESS:**

Councilman Borowski stated that he has meet with Jim Jablonski of Public Power and will be attending the next meeting of June 28<sup>th</sup>. Mr. Jablonski will also be retiring soon. He advised me that the bulk power is good until 2019.

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

Mary Logios, 4 Sterling Avenue stated that something needs to be done about the amount of dogs that go on the beach and the people who walk all over the dunes.

Councilwoman Filippone stated that she has already spoke with the Chief as far as keeping two special officers up on the beach this summer for these issues.

Mrs. Logios stated that the worst times are before and after the beach hours.

Councilman Lamb stated that it has become a big issue even on the weekends. Unfortunately, we have no control over the Police writing summonses. We as Council cannot force them to issue a summons.

Councilwoman Filippone stated that she has said before that if anyone witnesses these offenses they need to call the Police and report it immediately.

Mr. Bennett stated that he will discuss these issues with the Chief and see what exactly can be done about it.

Councilwoman Filippone stated that the Code Enforcement Officer can also write tickets for this too.

Mrs. Logios stated that she would like an update on the issues she brought forth at previous meetings regarding Bryn Mawr and Sterling parking by stop sign, holes in the blacktop on corner of Sterling, and the trash receptacles that are supposed to be on Bryn Mawr Avenue.

Mayor LaCicero stated that the Chief was supposed to take a look at the stop sign and parking issue.

Councilman Lamb stated that Public Works is checking into seeing what can be done with the rough patches of asphalt on corner of Sterling and the receptacles were supposed to be put back already so he will check on that as well.

Councilman Borowski questioned if we can start a new list regarding the DOT grants for the improvement to our streets.

Mayor LaCicero stated that there is an ongoing list and the next street he believes is Elizabeth Avenue. Gary Schlosser, Chris and the Engineer always goes and evaluates which streets need to be done twice a year.

Joe Palinsky, 122 Washington Avenue stated that some ideas for places for memorials is the flag pole in Centennial Garden and maybe on the sides of Borough Hall doing groups of pavers on each side and they could purchase them in the deceased's name.

Mark Speaker, 111 Brown Avenue stated that the businesses were getting ready for the summer. There is a new business in town, Keller Williams, a real estate and the Mayor will be doing the ribbon cutting on May 28<sup>th</sup> so were are happy about that. The Lavallette Business Association has a check for the Borough to put plantings at the memorial gardens for Memorial Day Services.

Jon Corney, 1 Newark Avenue questioned when the revetment was going to happen with the east side of the dunes and when the snow fencing would be going up? Nothing has been done and we need to get a definitive plan in place.

Mayor LaCicero stated that we still haven't heard when the Beach Replenishment is happening for us and we don't want to start something that will cost us money and then have them come in and get rid of it all.

Mr. Corney stated that dune fencing is minor costs and needs to be done now not later or we aren't going to have anything for them to replenish.



Mayor LaCicero stated that we have to be extremely careful with what we do regarding the sand and the beach because of our Individual Cafra Permit. We have already had to pay a very big fine and don't want to deal with that again.

Councilman Lamb stated that Public Works is waiting towards the end of the month.

Mr. Corney also stated that the cones at the street ends are not bolted down as of yet.

Susan Kotch, 119 Camden Avenue stated that she agrees with Councilman Borowski about the drone ordinance not to be too strict but just have some guidelines and restrict hours of operation. As far as Founder's Day, we have set up the entertainment and we will have special areas and music for teens and tweens. This year all the vendors will be in the parking lot now that the trailers are gone. We are still looking for vendors so everyone is welcome to apply. There will be no fireworks this year and we will start at 11am until dusk.

Herb Hascher, 1307 Bay Blvd. stated that the Lavallette PTO race was this weekend and a drone was being used on the beach.

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

Council President Zalom stated that the town wide garage sale is June 11<sup>th</sup> and 12<sup>th</sup>. The Memorial Day Services will be on May 30<sup>th</sup> and we have a speaker.

Councilman Borowski stated that our firefighters did an amazing job with the fire on Vance Avenue last week. The two people who passed away last week were very near and dear to my heart and they will be missed tremendously.

Councilman Lamb stated that the summer garbage schedule is in effect as of today.

Mr. Bennett requested Council give him permission to send out a memo to all employees regarding the health benefits waiver. It's a win-win for all of us.

Mayor LaCicero stated that he is enjoying the weekly reports that the Administrator provides them on Fridays.

#### **EXECUTIVE SESSION:**

There was no executive session.


#### **ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:43 pm.

**CERTIFICATION**

I, Donnelly Amico, Acting 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 16<sup>th</sup> day of **May 2016**

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