

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, October 1, 2018-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

A Motion to excuse Councilman Stogdill was made Councilman Lamb. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

Also present: Robert Brice, Borough Administrator
 Donnelly Amico, Municipal Clerk
 Eric Bernstein, Borough Attorney

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 12, 2018. Notice was also posted on our municipal website and bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident Joseph Sanchirico who passed away.

PLEDGE OF ALLEGIANCE: Councilman Borowski led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that it was a momentous weekend. The playground was donated by Where Angels Play Foundation in memory and honor of Brendan Tevlin. The Tevlin's have been residents of Lavallette for a very long time on President Avenue. Brendan was their grandson who was tragically shot and killed a few years ago. The playground is on the bay beach at Jacobsen Park. There was a ribbon cutting and there was at least 200 people. It was a great tribute. Our old playground that was there has been given to Where Angels Play Foundation and will be donated to another country that needs it which we are proud of also.

Council President Zalom stated that it was a great day we all had. It was all just so moving. The PBA also donated a check for \$1,000 to the Foundation. Bill Lavin, who is the Director of the Foundation and was the one who put this all together told us that this was the biggest outcome he has seen since he has been doing this. He was very touched and thankful.

Mayor LaCicero stated that we have some new pictures on our wall to left. Councilwoman Filippone would like to say a few words about them.

Councilwoman Filippone stated that the wall is filled with actual old pictures from Lavallette and the residents that to me are historical. We still have some old historical maps to put up, the fire company corporation papers and some other items.

The Mayor stated that if anyone in the audience wished 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.

Tom Tevlin, 13 President Avenue, thanked Mayor and Council for the playground and the honor of my grandson in such a tremendous way. Brendan was only 19 years old when he was shot and killed by three men while he was at a red light. These men apparently were jihadist terrorists. This past week was just so astounding for our family and we thank you all for this tribute. Thank you to DPW for helping out as well as the PBA Honor Guard for being there and their generous donation. The Coast Guard had a plane circling with the banner saying "Good Vibes and Easy Living" which was Brendan's motto on life. He loved Lavallette and spending summers here. He was a great kid with so much potential and the whole family misses him unbelievably. This playground means so much to the family.

Kevin Kolans, 120 New York Avenue, thanked Council for allowing him to utilize the ball field for his games. He stated that the field is in need of maintenance mostly the infield. The light tower that was struck by lightning still needs to be fixed. We purchased a new turf plate that we will leave there for the school to also utilize. He stated that if Public Works was too busy for the maintenance we could take care of it but we have a game on Friday so we would need to know ahead of time so we can take care of it before then.

Councilman Lamb stated that he will talk to Teddy and see if they can get something done before Friday.

COMMENTS FROM PUBLIC (Items not listed on agenda / not staying for remainder of meeting)

APPROVAL OF MINUTES:

Minutes of Regular Meeting of September 17, 2018

Minutes of Bid Opening of September 25, 2018 for Bryn Mawr & Sterling Road Improvements

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

REPORTS:

Councilwoman Filippone stated that since it is only October 1st, we don't have many reports yet so we will have them for the November meeting.

- a) Lavallette Construction Report for September 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for September 2018-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for September 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for September 2018-Councilwoman Filippone-no report
- e) Municipal Court Report for September 2018-Councilwoman Filippone-no report
- f) Police Overtime Report for August & September 2018-Councilwoman Filippone-no report

- g) Animal Control Report for September 2018-Councilwoman Filippone-no report
- h) Public Works Report for September 2018-Councilman Lamb-Councilman Lamb stated that the winter schedule for garbage has already started. Gary Schlosser, the Supt. of Public Works has retired as of today so we thank him for his long time service to the Borough and wish him well.
- i) Public Affairs Report for August 2018-Council President Zalom-thanks to Mr. Brice for getting everything in order so the playground could be done. Don't forget to get your event schedules downstairs for the next few months of events, the Roast Pork Dinner at the Union Church is coming up, Clean Ocean Action will be on October 20th. The Halloween Hoedown will be on October 26th and don't forget to buy your ticket for the NY bus trips in December.
- k) Tax Account Report for September 2018-Tax Collector
- l) Revenue Transaction Report for August 2018-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2018-268 authorizing the redemption of tax sale certificate
- 2018-269 supporting the United States seafood gleaning pilot program in Ocean and Monmouth Counties-Mayor stated that this is the resolution that Mr. Wenzel wanted our support on that he spoke about at the last meeting.
- 2018-270 submission of grant application and execution of any grant agreement with the NJ Dept. of Transportation for the Philadelphia Avenue Road Improvement Project-Mayor stated that this was the street we were denied for last year and approved for Bryn Mawr so now this is the first street we will apply for next year. Mr. Bernstein requested that this resolution be put off consent.
- 2018-271 submission of grant application and execution of any grant agreement with the NJ Dept. of Transportation for the New York Avenue Road Improvement Project
- 2018-272 authorizing the disposal of surplus property through GovDeals-Councilman Finter requested this be put off consent for discussion.
- 2018-273 proclaiming October 2018 as Dating Violence Prevention and Awareness Month
- 2018-274 authorizing the refund in the amount of \$46.62 to Chris Faranetta for his kayak carrier that was accidentally destroyed by a piece of our beach equipment-Mayor stated that this resolution was pulled at the last meeting until it could be discussed with Mr. Brice so now it can be approved.

- 2018-275 authorizing the approval of a social affairs application to the Lavallette Volunteer Fire Company to sell alcoholic beverages during the Food Truck Festival to be held on October 14, 2018 from 12 noon to 5pm
- 2018-276 awarding a contract to Earle Asphalt Company for the project known as Bryn Mawr and Sterling Avenues Road Improvements in the amount of \$134,413.13-Mr. Bernstein requested this resolution be pulled until the next meeting as he has not reviewed the bids for the project as of yet.

A Motion to approve the consent agenda minus Resolutions 2018-270, 2018-272 and 2018-276 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 the consent agenda.

Mark Speaker, 111 Brown Avenue questioned Resolution 2018-270 and when this project would take place and will it affect Founder's Day for next year.

Mayor LaCicero stated that once approved for next year this would be done in the spring so it will not affect it at all.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda minus the three resolutions that were pulled.

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

RESOLUTIONS - OFF CONSENT:

- 2018-270 submission of grant application and execution of any grant agreement with the NJ Dept. of Transportation for the Philadelphia Avenue Road Improvement Project

Mr. Bernstein stated that Councilman Lamb will need to abstain from this resolution since he lives on this street.

A Motion to approve this resolution was made by Councilman Finter. The Motion was Seconded by Councilman Borowski.

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

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

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

2018-272 authorizing the disposal of surplus property through GovDeals

Councilman Finter stated that the Fire truck that was donated to the Borough after Sandy is on this list. He doesn't think we should profit from this truck. He thinks that we should donate it to another town that would need it.

Mr. Brice stated that this truck has a fuel and exhaust leak and is not in very good shape because it is very old so we would not be able to donate it at all. We thought to at least auction it for parts that could be utilized.

Councilman Borowski stated that this truck was donated by Three Springs Fire Dept. in Pennsylvania. Maybe if we auction it and it is purchased we could donate those funds back to Three Springs as a thank you from us.

Mr. George stated that he will look into whether or not that could be done.

A Motion to approve Resolution 2018-272 was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone.

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

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

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

APPROVAL OF VOUCHERS:

2018-277 Bills List in the amount of \$554,661.71

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

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:

Ordinance No. 2018-07 (1190) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending, Revising and Supplementing the Borough Code by Amending, Revising and Supplementing Chapter 24 of the Borough Code, Entitled "Electrical Standards, Article II, Electric Rates and Regulations, 24-10 Rates"

Mayor LaCicero stated that the Borough is part of the Public Power Association and PJM is the electric supplier. There was some litigation that has been going on for years with PJM and some other states and it has now been finalized. PJM has to pay out to these other states and for them to

compensate for the additional charges they have increased their rates and fees. Therefore, the Borough has to pay the higher rates and fees which we did not budget for. To compensate for our additional charges, we had to increase the minimum surcharge for the electric. These increases will be for a total of 5 years. The residential surcharge will now be \$19.75 and the commercial surcharge will be \$29.75. We didn't want to do this but unfortunately, we had no choice and we thought increasing the surcharge was better than increasing the rate.

A Motion to adopt this ordinance was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

The Mayor opened the public hearing and asked if any wished to comment on this ordinance.

No one wished to comment.

The Mayor closed the public hearing and asked Council for a vote on the adoption of this ordinance.

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

COMMUNICATIONS:

Legal:

- a) Eric Bernstein & Associates/Eric M. Bernstein, Esq/2019-2020 MEL Employment Practices Risk Control Update Checklist/Received September 21, 2018

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr Road Improvements/Received September 6, 2018
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Route 35 Construction Project/September 10, 2018
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr Avenue Road Improvements/Received September 13, 2018

New Jersey League of Municipalities:

- a) 2018 League Conference Resolutions/Received September 11, 2018
- b) Urgent Alert: Cannabis/Marijuana Legalization and the Local Option Tax/Received September 12, 2018
- c) State & Federal Issues/Received September 14, 2018
- d) State & Federal Issues/Received September 21, 2018
- e) Important Correction to Friday, September 21 Round-Up/Received September 25, 2018

General with No Action:

- a) Connie Meyer/31 Dickman Drive/thank you letter for Michele Cole, tennis court attendant for making sure all the shuffleboard equipment was out and ready for the players/Received September 4, 2018
- b) Jersey Central Power & Light/Mark Mader, Director/In the Matter of the Provision of Basic Generation Service for the period beginning June 2019/Received September 4, 2018
- c) Ocean County Health Department/Daniel Regenye, Health Coordinator/Hepatitis Inoculation Fund Reimbursement of Costs for certain emergency medical personnel/Received September 6, 2018
- d) Matthew Schlosser/letter to Council President Zalom expressing disappointment with Mayor and Council discussion on his donation to the Lavallette School/Received September 6, 2018
- e) DEP News Release/DEP Celebrates National Drive Electric Week by Expanding Grant Program to Fund Electric-Vehicle Charging Stations/Received September 7, 2018-Council Borowski stated that he would like the Borough to apply for this grant.
- f) Citta, Holzapfel, & Zabarsky/Steven Zabarsky, Esq./Shared Services Agreement Dated January 23, 2017/Received September 13, 2018-Mayor LaCicero stated that this is the letter from Seaside Park requesting the termination of our shared services contract as of January 1, 2019 and we are happy to terminate. Councilwoman Filippone stated that the reason that they approached us for this shared service was due to the fact that they had a deficit for this department of \$65,000 to \$75,000 each year. Since the Borough took it over for the last two years there has been no deficit. We have had minimal communication with them and have finally been able to schedule a meeting for this Friday with them after trying for months. Mayor LaCicero stated that since this shared services there has been a significant changes with new members of Council and employees.
- g) Ocean County Health Department/Saranda Ceka, Municipal Alliance Coordinator/upcoming deadlines for the Municipal Alliance grant cycle/Received September 13, 2018
- h) Gary Schlosser/Sup. Of Public Works/retirement letter as of October 1, 2018/Received September 13, 2018
- i) Sherri Paris/105 Ortlely Avenue/Marine Science Camp/check in the amount of \$2,000 for the 10% proceeds from her camp/Received September 14, 2018
- j) Pat Marrone/11 Elizabeth Avenue/thanking Mayor and Council for putting in the new bocce courts in time for the bocce tournament/Received September 17, 2018
- k) Marlene Chamberlain/26 Bond Avenue/School Board Meeting and Matter of Matthew Schlosser and Dr. Morris/Received September 20, 2018
- l) Susan & George Carlin/118 Vance Avenue/thank you letter to Mayor and Council for their efforts to correct the issue with the West Point Island Bridge dredging/Received September 25, 2018
- m) Ocean County Planning Board/Mark Villinger, Supervising Planner/2018 Beach Grass Distribution/Received September 27, 2018-Council President Zalom stated that she spoke with them regarding our dune grass. Since the beach replenishment project is coming through within the next few months we were unsure as to even doing our dune grass planting for this year. Mayor LaCicero stated that he thinks we should hold off for this year and start again next year after the project is done. They can give our plants to other towns.

General with Action:

- a) Connie Meyer/31 Dickman Drive/requesting that the shuffleboard court get a top coating of cement so the pucks travel more smoothly for next year/Received September 20, 2018- Councilman Lamb stated that he would talk to Ted and have him go and check it out.
- b) Ocean County College/Jennifer Barnes, Coordinator/requesting the Mayor's participation in the 3rd Annual Ocean County Mayor's Panel held on October 25th at 11am/Received September 21, 2018-Mayor stated that he will check his schedule.
- c) Rolando Cibishino/113B New Jersey Avenue/requesting some assistance regarding the property maintenance issue with 113A New Jersey Avenue/Received September 24, 2018- Mr. Brice stated that he and the Construction Official have been working on this.

UNFINISHED BUSINESS:

Mayor LaCicero stated that the Capriccio's issue is still in the works. There still have been some complaints on the noise.

Mr. Brice stated that the ABC is aware of all the issues. Residents should call with the complaints at the of the incident to ensure that it is documented by the police.

Mayor LaCicero stated there are still some violations that have not been resolved and Mr. George is taking care of advising Mr. Deiner as well as the ABC.

Council President Zalom stated that the letter was sent to the State regarding the Elizabeth Avenue traffic light becoming a blinker during the off season so that should start as of October 15th.

NEW BUSINESS:

Councilman Borowski stated that there is a conference regarding electric restoration resources and the Public Power Association and the towns have been forced to participate. There is no downsize to participate and it's a great opportunity to share with other towns some ideas.

COMMENTS FROM THE PUBLIC:

Anthony Iorio, 6 Princeton Avenue, thanked Mayor and Council for doing a great job! He asked for any updates regarding the beach replenishment project.

Mayor LaCicero stated that the latest update is that they will start bringing in their equipment sometime in November and the project should start thereafter. They gave us a time frame of November to March to begin and end within those months so we are making progress.

Mayor stated that now should be the time to discuss the benches for the 10 x 10 seating areas so we have them ready to go once the project is complete.

Councilwoman Filippone stated that she knows there are at least a dozen individuals that want to donate benches. She will talk to Pat from the Beautification and see how to proceed.

Joe Palinsky, 122 Washington Avenue, questioned if required fencing is needed for the beach replenishment project?

Mayor LaCicero stated that right now it is not part of the plan.

Mr. Palinsky stated that if they are looking for benches there are plenty to take from down at the gazebo.

Councilwoman Filippone stated that those are not the kind of benches we want to put up there.

Jon Corney, 1 Newark Avenue questioned all the financial reports and why they are not discussed.

Mayor LaCicero stated that the reports are included in the public packet for anyone who wishes to review them. There is no reason to read them publicly.

Mr. Corney stated that we could be collecting so much more delinquent taxes if we did a tax sale for the current delinquent taxes too. We are losing so much money.

Mayor LaCicero stated that we collect 18% interest on the delinquent taxes and we are good with that. It's a great percentage. We are not going to start collecting on current taxes any time soon.

Mr. Brice stated that he had the reports that he requested last time and he was supposed to pick them up but never did.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Lamb stated that we get every penny back with our tax sale with 18% on top of that so what is the problem here.

Councilman Finter stated that the speed limits signs have changed on the highway so be aware.

Councilman Borowski stated that he went to school with Mr. Tevlin's son, Tommy and he was glad that he was able to catch up with him at the groundbreaking of the playground. It was incredibly painful to know what they went through with the killing of their son. This groundbreaking of the playground in his honor was just so invigorating but also a sad feeling knowing why we were honoring him for such a senseless tragedy. Seeing over 200 people at this event just made you feel that there are more good people in the world than bad and we need to focus on that.

Council President Zalom stated that it was a great tribute and honor for the Tevlin family

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need to go into executive session to discuss some personnel matter regarding DPW and a contractual matter. There may be action taken after the session.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 8:26 pm.

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

The Caucus/Regular meeting was reconvened at 8:55 pm.

Mr. Bernstein stated that while in executive session there was discussion on the Supt. of Public Works position and naming Ted Golubowski as Acting Supt. until an appointment is made. There was also discussion on a stipend for a public works employee who holds required licenses which will be on for the next meeting.

Resolution 2018-278 appointment of Ted Golubowski as Acting Supt. of Public Works

A Motion to appoint Ted Golubowski as Acting Supt. until the end of the year 2018 was made by Councilman Lamb. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

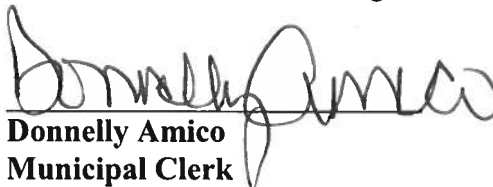
ADJOURNMENT:

A Motion to adjourn the Caucus/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 Caucus/Regular Meeting was adjourned at 8:58 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 1st day of **October 2018**


Donnelly Amico
Municipal Clerk