

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, July 2, 2018-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Robert Brice, 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 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 and owner of Crab's Claw Inn Louise Hammer who passed away last week. Ryan's Home for Funerals in Lavallette rushed to get a temporary co for their building just so her service could be done in the town she loved so much. The lines to pay respects were around the corner the whole time.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that it is definitely summer because the town is filled with people. The fireworks were last night and they were the best display this year. Apparently, the Fire Marshall received a complaint from a resident on Magee Avenue about the fireworks being close to his house every year and he is attempting to have them banned. Well we approved the special conditions resolution for the liquor license at Capriccio's and of course his attorney appealed it so now the State ABC will now have to have a hearing on it and all involved will have to attend.

Mr. George stated that on Friday, June 29th we filed the resolution with the State for the conditions on license and we received the appeal from his attorney that same day. The ABC then issued a directive that until the hearing the outside bar can have service until 11:30pm instead of 10pm and as for the consumption ending at 10pm they allowed for now to 12 midnight. They left the noise issue alone. Then today at 5pm we received another appeal from Mr. Mylod that everything goes back to the way it was before all of this started. We will keep everyone updated at the next meeting.

The Mayor asked if anyone in the audience 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)

John DeGrande, 5 Jersey City Avenue stated that there is a property on my street where the home was demolished and not constructed yet. There are contractors that have been there every day but more towards the night time and they come barreling up the street at night mostly dump trucks and dump stuff on the property. On two separate occasions, two of these trucks hit my parked car in front of my home. It seems a bit odd that most of this stuff being done on this property is when it gets dark so maybe it needs to be checked out.

The Mayor stated that he will speak with the Chief and see if he can see what is going on.

Joe Alicino, 13 Dover Avenue stated that the limited beach access is really causing a problem for everyone. It was a disaster trying to get on the beach over the weekend. The issue really needs to be looked at again.

Mayor LaCicero stated that this has been discussed on numerous occasions and the decision is made. Once the beach replenishment is completed all the access points will be open.

Mary Semler, 2407 Grand Central Avenue stated that she agrees with Mr. Alicino about the mess this weekend. It seems that there are clusters of people trying to get on and get off the beach at the same time on the Trenton Ave opening which causes mass confusion and chaos. Maybe if a small section of the opening is cordoned off by the dune so some can pass through. Just a suggestion.

Phil DiVuolo, 221 Bay Beach Way, stated that he would like something done regarding the guy on the 35 South with the liquor store sign. One minute he is on Toms River side and then he is on Lavallette side. It is so much of a distraction and it just doesn't look good.

Mayor LaCicero stated the Chief chased him away numerous times and he just shows up on the Toms River side. The Toms River cops came and tried to get him to stop but he just shows up.

Mr. George stated that these people unfortunately, have constitutional protection.

Mr. Brice stated that Wall Township tried legal action and got nowhere.

Mayor LaCicero stated if we can find a way to stop we will definitely enforce it.

Councilman Borowski stated that with union pick-it lines there is protection but there shouldn't be protection for a guy holding a sign sitting in a beach chair with an umbrella on a street corner. He is a blemish to the community.

Roxanne DiVuolo, 221 Bay Beach Way, stated that there might be a way to stop him by looking more into the sign with the arrow being too close as far as distance. He is standing right at the street where he has the arrow to turn and people see him and then have to turn really quick and this causes issues. I was told that might be an issue.

Councilwoman Filippone questioned if there has been any cooperation with the business owner?

Mayor LaCicero stated that he has been approached about the situation by residents as well as the Toms River PD.

Vicki Guy, stated that this guy with the sign sits right outside my backyard. Toms River PD comes out and he moves to Lavallette and then Lavallette PD comes out and he goes back to Toms River. There is nothing that seems to stop this guy. She stated that she has spoken with the owner of the liquor store that he is advertising for on 4 different occasions and nothing has happened. When he takes breaks or whatever he nails the sign to the pole. She has dealt with it for so long now that she is just so tired of it. We can't even enjoy sitting out in the backyard because he is right there looking at us all.

Council President Zalom stated that she will call the DOT tomorrow and see if they can do anything.

Mr. George stated that he will see if there is a loophole anywhere that can help.

Sandy Malenky, 6 Sterling Avenue, he nails the sign to the pole which she thought was not allowed.

Mayor LaCicero stated that is definitely not allowed so we can check into that and see what can be done.

Kurtz, 2100 Ocean Front, stated that he has been down for about 4 or 5 days and he has noticed people parking in the handicap spot with their placard on their mirror, they get out of the car and get all their bags and stuff for the beach and he doesn't see one of them as being disable in any way. Then he sees elderly persons walking up to the beach from all the way down the street carrying their belongings and he can see that they are having difficulty. Is there any law that states the person who owns the placard must be present at the time?

Mr. Brice stated that all that is needed to park in a handicap space is either a placard or a license plate.

Mary Semler, 2407 Grand Central Avenue stated that her mother has a handicap placard and she was told that when using it to park she must be present in the vehicle.

Councilwoman Filippone stated that on New York and the ocean there is a new house and there are no painted lines for a parking spot in front of the house. Also, on New York and Bay Blvd. the yellow line at the corner next the driveway is very faint and should be repainted.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of June 18, 2018

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

REPORTS:

- a) Lavallette Construction Report for June 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for June 2018-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for June 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for June 2018-Councilwoman Filippone-no report
- e) Municipal Court Report for June 2018-Councilwoman Filippone-no report
- f) Police Overtime Report for June 2018-Councilwoman Filippone-read report
- g) Animal Control Report for May & June 2018-Councilwoman Filippone-read report
- h) Public Works Report for June 2018-Councilman Lamb-read report
- i) Beach Badge Report for June 2018-Councilman Stogdill-read report
- j) Public Affairs Report for June 2018-Council President Zalom-Pt. Beach High School seniors graduated and it was the biggest class so far with 130 kids graduating and the Mayor's son was one of them. The food truck festival was a great event. The Patriotic Bike Parade will be on the 4th at 10am on the boardwalk and the Lava Walk for Breast Cancer will be on August 5th at the Music Man.
- k) Tax Account Report for June 2018-Tax Collector
- l) Revenue Transaction Report for May 2018-Chief Financial Officer

A Motion to approve the reports was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. 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:

- 2018-213 appointing two summer seasonal employees for the Public Works at an hourly rate of \$8.60
- 2018-214 accepting the retirement of Frank Salzer as the Municipal Court Judge for the Lavallette Municipal Court effective June 1, 2018
- 2018-215 authorizing the refund of a performance bond in the amount of \$1,000 submitted by Melissa Latierno of 206 Ocean Front required for a road opening permit that has now been completed
- 2018-216 approving a residential parking permit application to Louis Kruk from 110 New York Avenue
- 2016-216A appointing Doug Erb as Alternate Flood Plain Manager allocating up to an additional 4 hours per week as needed to the 20-hour maximum work hours as Electrical Subcode Official

A Motion to approve the consent agenda was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill.

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

No one wished to comment. The Mayor closed the floor to comment 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:

2018-217 approving a special event/facilities use application to American Angler Association to hold a fishing tournament fundraiser on the ocean beach on November 3, 2018 buggy permit fees

Mayor stated that we don't know if the replenishment will be around this time.

Mr. Brice stated that the last meeting had Lavallette between October through December time frame of when the replenishment could start.

The Municipal Clerk stated that the applicant stated that he wants to use Lavallette as a back-up plan because Seaside Heights and Seaside Park might be having their replenishment at that time as well.

Mayor LaCicero stated that Lavallette has the same issue and he is not comfortable with waiving buggy fees for 50 vehicles. That is a lot of vehicles to waive permits for.

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 and asked for a motion on this resolution.

No motion was put forth. The request is denied.

APPROVAL OF VOUCHERS:

2018-218 Bills List in the amount of \$1,096,495.61

A Motion to approve the bills list 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.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Guyer Avenue Road Improvements/Pay Estimate #3/Received June 11, 2018
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvement/Pay Estimate #1/Received June 14, 2018
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Guyer Avenue Road Improvements/Received June 29, 2018

New Jersey League of Municipalities:

- a) State & Federal Issues/Received June 1, 2018
- b) Final Senate Action on First Responder's Workers' Comp Rewrite/Received June 6, 2018
- c) State & Federal Issues/Received June 8, 2018
- d) Revisions to OPRA & OPMA Scheduled for Senate Committee/Received June 13, 2018
- e) State Issues/Received June 15, 2018
- f) Free Training Implementing Complete Streets at the Local Level/Received June 21, 2018
- g) Economic and Fiscal Policy Working Group Suggestion for Consolidation/Received June 22, 2018

General with No Action:

- a) Ocean County Health Department/Saranda Ceka, Coordinator/Municipal Alliance Grant Cycles/Received June 5, 2018
- b) United States Senate/Cory Booker, Senator/CDBG Program Elimination/Received June 18, 2018
- c) DEP News Release/DEP Provides \$19.4 Million in Clean Communities Grants to Municipalities and Counties/Received June 18, 2018-Mayor stated that we looked into that DEP water quality grant and the dredging we wanted does not qualify so we will have to figure something else out.
- d) Lavallette Seniors Group/Jim Peeney/President/thanking Mayor and Council for providing the bus for their June 14th trip to the Surf Light Theatre/Received June 27, 2018-Council President Zalom stated that the seniors were very appreciative with us paying for the bus for their trip.

General with Action:

- a) Annette Barnes/Parsippany, NJ/requesting some assistance with making it easier for the disabled to get onto the beaches in Lavallette/Received June 4, 2018-Council President Zalom stated that we do have the mobi mats but they cannot go all the way to the water because it effects the cleaning and raking of the beach. We will be having the replenishment soon with the handicap walkovers so that should help her somewhat. Councilwoman Filippone questioned what happen to the shed that held the beach wheel chairs? Mayor stated we will have to find out.
- b) Salvatore Valente/ValSal Enterprises/8 Bond Avenue/requesting a credit against his water charges in the amount of \$4,718.66 for frozen pipes/received sewer credit in the amount of \$6,371.22 minus the minimum charge of \$213.00/Received June 4, 2018-Mayor LaCicero

stated that we have only ever credited the sewer and never the water. We cannot change that policy.

UNFINISHED BUSINESS:

Councilman Borowski stated that he spoke to the CFO regarding the bocce ball courts and she said that we can definitely pay for it. She will allocate the funds at \$2,000 each out of Recreation, Recreation Trust and Building & Grounds. Once we put the order in they will deliver in 10 days but Public Works will have to install. He would just need an approval from all of Council for the CFO so she knows that all approve these allocations.

Councilwoman Filippone stated that she wants to make sure that none of this comes out of the Memorabilia funds.

Council President Zalom stated that the manager from Dunkin Donuts told her they will be donating \$2,000 towards the bocce court repair so we really will only be paying roughly \$4,000.

A Motion to approve the allocations of funds for the bocce court repairs 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.

Council President Zalom also stated that the Engineer is working on the streetscape grant that we will be applying for again this year.

NEW BUSINESS:

Council President Zalom stated that she spoke to the State DOT and they will be painting the bike path on Bay Blvd. and painting a crosswalk by the WPI Bridge crossing Bay Blvd. to Washington.

Mr. Brice stated that he spoke to the County Engineer and all they need are the old plans from previous and they will take care of it.

Councilman Borowski stated that since the centers of the streets by the medians holds some water so we should let them know.

Mayor LaCicero stated that 6 applications were received for Tax Assessor and the Personnel Committee will be reviewing them and starting interviews.

COMMENTS FROM THE PUBLIC:

Bob Astorino, 2 Elizabeth Avenue, stated that in some towns the lifeguard brings the chair to the person and in LBI the handicapped are picked up in golf carts from home and takes them to the beach.

Mark Speaker, 110 Brown Avenue stated that the Bike Parade is at 9am not 10am. Also, there are a lot of signs still on properties from contractors and real estate that need to be removed.

Mayor LaCicero stated that they will pass it on to the Code Enforcement Officer.

Jon Corney, 1 Newark Avenue questioned why the reports were being done on a monthly basis? Why aren't we doing them on a quarterly basis?

Mayor LaCicero stated that we want to be able to see what the court, police and construction/zoning are bringing in.

Mr. Corney stated that he would like to see a balance sheet statement of changes from finance that has assets and liabilities and how much surplus we have on a quarterly basis as well. We never get to see that report.

Mayor LaCicero stated that we can get them for him on a quarterly basis but he doesn't think it needs to be on the agenda.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that the electric consultant Curt Wilson spent two days here last week and he will be providing us his recommendations and suggestions to improve the collector rates. He did find some issues that he believes may be causing the issues.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss some contracted services. There may be some action taken.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 8:24 pm.

A Motion to reconvene the Caucus/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 Caucus/Regular Meeting was reconvened at 8:42pm.

Mr. George stated that there was discussion on the shared services agreement with Seaside Park and the scope of the agreement. There was no action taken at this time.

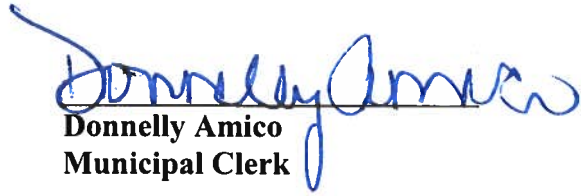
A Motion to adjourn the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

ADJOURNMENT:

The Caucus/Regular Meeting was adjourned at 8:43 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 2nd day of **July 2018**


Donnelly Amico
Municipal Clerk