

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, March 6, 2017-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

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

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 was published in the Ocean Star on January 6, 2017. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Susan Boyers and Peter Sturm, two long time residents who passed away recently.

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 he will be attending a pre construction meeting on Wednesday of this week for the beach replenishment project so hopefully he will be getting more information to share with everyone.

He stated that anyone that would like to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

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

No one wished to comment at this time.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of February 21, 2017
Minutes of Bid Opening of Repainting of Water Tank of March 1, 2017

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

REPORTS:

- a) Lavallette Construction Report for February 2017-Councilwoman Filippone
- b) Seaside Park Construction Report for February 2017-Councilwoman Filippone
- c) Zoning Report for February 2017-Councilwoman Filippone
- c) Municipal Court Report for February 2017-Councilwoman Filippone
- d) Police Overtime Report for February 2017-Councilwoman Filippone
- e) Public Works Report for February 2017-Councilman Lamb-read report
- f) Animal Control Report for February 2017-Councilwoman Filippone
- g) Public Affairs Report-Council President Zalom-The Beach Sweeps will be on April 22nd on Philadelphia Ave at 9am, The NYC bus trips will be next month in April so get your tickets. Always check out the Library in town they always have trips and events going on. She will be attending the CDBG workshop tomorrow as well as going to fight for our money. The State is looking to do the Adopt a Highway Program again so keep your ears open for that.
- h) Tax Account Report for February 2017-Tax Collector
- i) Revenue Transaction Report for January 2017-Chief Financial Officer

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

**ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:
RESOLUTIONS – ON CONSENT:**

- 2017-108 appointing Doug Erb as the Assistant Construction Official for the Borough of Lavallette effective immediately
- 2017-109 establishing the beach badge preseason office hours for the 2017 summer season and establishing the official summer beach opening day
- 2017-110 authorizing the Mayor and Municipal Clerk to sign and execute the State Aid agreement between the Borough of Lavallette and the New Jersey Department of Environmental Protection for the beach replenishment project
- 2017-111 accepting the resignation of Michael Quigley and authorizing payment of unused vacation time
- 2017-112 approving a facilities use application to the National MS Society for their bikers to ride through town and use Centennial Park as a rest stop on May 20, 2017 at various times from 9am to 2:30 pm
- 2017-113 amending the 2017 temporary budget-Mr. Bennett stated that this is so we can pay some of our pension bills and other big bills that are due.
- 2017-113A approving a facilities use application from Waves of Impact to hold two free surf camps for wounded vets and special needs children on Friday, July 28th and Saturday, July 29th 2017 from 10am to 3pm on the Trenton Avenue beach-Councilman Borowski requested that this be put on the agenda tonight and approved.

This is always such a wonderful event and it just warms your heart to see these kids having such a great time.

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 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, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

: Second: Discussion: Public Comment: Vote:

RESOLUTIONS - OFF CONSENT:

2017-114 awarding a contract to Brave Industrial Paint, LLC for the Rehabilitation & Repainting of Water Storage Tank Project in the amount of \$776,400.00

Mayor LaCicero stated that this is a great price for this project. We were expecting a least a million for this. The difference in the prices from the bids was just incredible.

Councilman Borowski stated that highest bid was 1.8 mill which is so much higher its unbelievable. He spoke to the Engineer's office about this company and they haven't been in the business as long as the others but they reached out to the other towns that they did projects for and so far they haven't had any issues. They are starting a project for Pt. Pleasant sometime this month.

A Motion to approve this resolution was made by Council President Zalom. The Motion was Seconded by Councilman Lamb.

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

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

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

APPROVAL OF VOUCHERS:

2017-115 Bills List in the amount of \$1,064,459.45

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

CAPITAL ORDINANCE NO. 2017-05 (1165) PROVIDING FOR THE TRENTON AVENUE ADA CROSSOVER PROJECT, AND APPROPRIATING \$63,000 THERFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that the Army Corps. is including in their project three ADA handicap dune walkovers on three of our wide streets. We decided that we would use the CDBG funds to do another one on Trenton Avenue. The problem being is that our CDBG funds will not be available to us until July and the Army Corps will construct this walkover for us when they start their project in our town but they want to be paid now.

Mr. Bennett stated that the Borough will not be borrowing any monies from anyone but Borough itself. We will be reimbursing ourselves once we receive the funds from the CDBG so there will be no additional debt incurred from this ordinance.

A Motion to introduce this ordinance was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for March 20, 2017.

COMMUNICATIONS:

Legal:

- (a) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Ost Check for Electrical Transformer Work/Received February 15, 2017
- (b) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Borough of Lavallette v. Jon Andrews/Received February 16, 2017
- (c) Eric M. Bernstein & Associates/Eric Bernstein, Esq./Lavallette Borough Document Request/Received February 21, 2017

Engineering:

- (a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2017 NJDOT Municipal Aid Program/President Avenue Road Improvements/Borough Resolution/Received February 7, 2017
- (b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2017 NJDOT Municipal Aid Program/Bryn Mawr Avenue Road Improvements/Borough Resolution/Received February 7, 2017

- (c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/Received February 14, 2017
- (d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2017 CDBG Funding Application/Received February 14, 2017
- (e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/NJDOT Permit/Received February 24, 2017
- (f) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/Highway Occupancy Permit Application/Received March 1, 2017

New Jersey League of Municipalities:

- a) Weekly Update/Received February 3, 2017
- b) 23rd Annual Scholarship Competition/Received February 6, 2017
- c) Weekly Update/Received February 10, 2017
- d) Weekly Update/February 17, 2017
- e) League Fights new Municipal Public Defender Mandate/Received February 22, 2017
- f) 23rd Annual Mayors' Hall of Fame/Received February 24, 2017
- g) Recent Appellate Ruling on Rice Notices/Received February 24, 2017
- h) Weekly Update/Received February 24, 2017
- i) State Budget Briefing for Mayors/Received February 27, 2017
- j) Proposed Fiscal Year 2018 Budget for New Jersey/Received February 28, 2017

General With No Action:

- (a) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Deficiency Notification for 2016 Calendar Year/Received February 6, 2017-Mr. Bennett stated that the problem occurred because of the manholes that were leaking that the DOT supposedly fixed. He reached out to the DOT and requested that they come and a repair these manholes and received no response that they were going to do it so we had to take care of the issue.
- (b) DEP News Release/DEP Wins International Award for Mobile App that lets Public Report Non-Emergency Environmental Incidents/Received February 6, 2017
- (c) DEP News Release/New Jersey State Forest Fire Seasonal Prescribed Burning Programs Under Way/Received February 13, 2017
- (d) State of New Jersey/Dept. of Environmental Protection/Michele Kropilak, Region Supervisor/Administrative Consent Order/Received February 15, 2017-Council President Zalom stated that this is all being taking care of by Councilman Finter. Councilman Finter stated that signs are being ordered as we speak.
- (e) Community Options, Inc./Svetlana Repic-Qira, Regional VP/Affordable Housing/Received February 21, 2017
- (f) DEP News Release/Benchmark US Geological Survey Study Shows Water Quality Improving in NJ/Received February 27, 2017
- (g) Diana Lamantia/102 Westmont Avenue/requesting that the Zumba classes remain especially during the spring and summer season/Received February 28, 2017-Council President Zalom stated that she assured Mrs. LaMantia that the Zumba will still be active.

- (h) DEP News Release/Christie Administration Petitions New US Commerce Secretary to put hold on cuts to summer flounder recreational fishing/Received March 2, 2017

General With Action:

- (a) CFC Loud N Clear Foundation/Lynn Regan, Exec. Director/requesting the expansion of the CFC Loud N Clear Foundation RISE Program in Lavallette on behalf of multiple concerned citizens/Received February 6, 2017-Mayor LaCicero stated that he believes this has to do with the ongoing heroin epidemic that exists right now but he hasn't been approached by any residents in town about this at all.
- (b) Darren Monroe/Café Diem/requesting the waiving of the license fees of \$700 for every employee of a mobile vending business/Received February 6, 2017-Mayor LaCicero stated that this was discussed last year when Mr. Monroe came to a meeting. He is requesting that the 700 fee for each additional worker on his vendor truck be waived. The initial driver/owner is charged \$1,100 and then each additional drivers/workers are charged \$700. Mr. Monroe's fee of \$1,100 is already waived because he is a veteran so the only charges he pays are for his additional drivers. Some of our trucks are charged the \$1,100 plus the \$700 for each additional driver so he is already one step ahead. Councilman Borowski stated that if he already has the \$1,100 fee waived why would we waive the additional fees.
- (c) Community Services, Inc. of Ocean County/James Sigurdson, Exec. Director/requesting the town allocate \$500 to support our meal programs for Lavallette Seniors in 2017-Council President Zalom stated that she is working on getting this program back at the firehouse. The meals on wheels program was always at our firehouse forever before the storm. We should pay them the \$500 since most of our seniors take advantage of this program still. Councilman Borowski stated that he doesn't believe that this is a legal request. Mr. George stated that he will look into this and let us know for the next meeting.
- (d) AWWA New Jersey/Michael Furrey, Chair/requesting the Mayor's attendance at their special event regarding "Lead in Drinking Water" on March 21st at Borgata Casino/Received February 21, 2017-Mayor LaCicero stated that he will check his schedule.
- (e) Clean Ocean Action/Amy Arietta, Program Coordinator/requesting to hold the Annual Beach Sweeps on our beach on April 22, 2017 and October 21st from 9am to 12 noon/Received February 23, 2017-Council President Zalom stated that this request is an annual request for both sweeps and she is always in charge of it.

A Motion to approve the beach sweeps for April and October was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

- (f) Remax Real Estate/Melissa Fogler/406 Grand Central Avenue/requesting permission to have a DJ on the south side of their building between the hours of 2 and 6pm on May 27, 2017 for their Kickoff to Summer Celebration/Received March 2, 2017-Mayor LaCicero questioned if this has been requested before? Donnelly Amico stated that Rite Aid always has a summer kickoff in front of their building but only requests to have balloons and merchandise out front.

A Motion to approve a DJ for Remax's Kickoff to Summer Event was made by Council President Zalom. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Discussion of calendar of requested events through facilities use applications

Mayor LaCicero stated that we already have an issue regarding the Triathlon and the PTO asking for the same date for their 5K for June 3rd. One of them is going to have to change their date and since DQ event applied first for their Triathlon he should get first approval for that date.

Donnelly Amico stated that Beth from the Lavallette PTO would be more than happy to change her date if necessary.

Mayor LaCicero stated that a lot of other shore towns have auctions for regarding surf camps and yoga classes. We should think about doing the same. At some point, there should be a limit to all the same events happening at the same time.

Council President Zalom stated that the Borough only has yoga at night twice a week down at the bay so we have nothing up at the ocean in the morning.

Mr. Bennett stated that instead of subsidizing the town's events we could charge for profit organizations a larger fee or require more of their proceeds for these events.

Council President Zalom stated that we have always been a tourist community and everyone looks forward to all of our events in the summer on a daily basis.

Mayor LaCicero stated that he doesn't do the voting so if Council is fine with all of these events Going on at the same time then we should approve them and move on.

All facility use applications will be on for the next meeting.

Discussion of fee for one day food truck event permit

Rebecca Malloy, LBA President was asked to come up and discuss their fees for the food trucks.

Ms. Malloy stated that they have to pay the Fire Marshall \$50 per truck for inspection and the LBA was going to charge each truck \$200 for their fee; however, if the Borough is considering imposing a permit fee for each truck we can waive our fee if necessary. As of right now we have a commitment on 8 trucks out of the 15 that have expressed interest.

Council President Zalom suggested that the Borough only charge a \$100 permit fee for each food truck and let the LBA charge the larger of the fee.

Councilman Borowski stated that 50% is 50% and it is the Borough's facilities that these trucks will be utilizing.

A Motion to approve the permit fee of \$100 for each food truck was made by Council President Zalom. The Motion was Seconded by Councilman Lamb. Vote: Councilman Borowski passed. Council Members Zalom, Finter, and Lamb voted Yes. Councilman Stogdill voted No. Councilman Borowski voted Yes. The Motion Passed.

Mayor LaCicero stated that the Ordinance will be on for introduction at the next meeting of March 20, 2017.

NEW BUSINESS:

Patricia Gilman, T'ai Chi Chih Instructor requesting that two of her students continue the classes for her and split her rate of \$30 between the two

Mr. Bennett stated that Mrs. Gilman has expressed regret but can no longer be the instructor for the Tai Chi Chih classes and they are very popular in town. She has requested that her two assistants take over the classes and split her fee of \$30 between them.

A Motion to approve the two new assistant instructors taking over the Tai Chi Chih classes at a rate of \$15.00 for each assistant was made by Councilman Borowski. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

John Bennett-Permission to auction the two skiffs down at Public Works

Mr. Bennett stated that he has a few people express interest in purchasing the two skiffs down at public works. He tried to reach out to the historical museum in Toms River to see if they were interested but they were not. He would like to know how Council would like to proceed with the sale of these two skiffs.

Mayor LaCicero stated that he thinks we should auction them through GovDeals like we do for all of our items.

Mr. Bennett stated that he will advise Matt Burk that he needs to put these on GovDeals.

COMMENTS FROM THE PUBLIC:

Regina Peterson, Breathe Life Yoga stated that she is one of the Yoga Instructors that has put in a facilities use app to hold yoga classes on the ocean and bay beaches. She has found that there is more of a demand for these classes in the mornings on the ocean beach than on the bay beach in the evening. If Council so chooses she can cancel the request for the classes on the bay beach in the evenings and just keep the request for the classes on the ocean beach in the mornings from Thursday through Saturday from June through September 16th.

Mayor LaCicero stated that the application will be on for the next meeting the way it was submitted and Council can discuss it if they so choose or just approve accordingly.

John DeGrande, 5 Jersey City Avenue questioned what the rules are for the ice cream trucks and their loud speakers and walking on the beach with them?

Mayor LaCicero stated that we seem to always have at least one complaint a year regarding the bells and the speakers on these trucks. There is a very fine line with these rules. They are allowed to let people know they are out there. They certainly can't do it all day long but if they just go up to the boardwalk with their speaker and announce that they are selling the ice cream one time it really isn't an issue. There is also a 5 minute idoling rule that they must adhere too. Most people call the police department if they are idoling for more than that and our guys go up and let them know.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that the badge office is opening officially for the pre season badge sale on Friday, May 5th from 3pm to 7pm and they will be selling them in the Administration Office in Borough Hall this year.

Council President Zalom stated that she spoke with the bus company regarding the cancellation of our bus to go on the ski trip and they were willing to give us a \$500 discount on our next bus rental which will be for the first NYC bus trip in April.

Mr. Bennett stated that he will have the budget on for introduction at the next meeting.

Mayor LaCicero stated that we had a meeting with Homeland Security on their final Audit Report regarding our FEMA funds for the storm. It seems there were some issues where we didn't agree with their decision and we have already appealed those decisions through the FEMA Office. Overall, it certainly wasn't as bad as it could have been. We were not the only town that was audited apparently either so this too shall get rectified and pass. We have always been very up front and transparent when it comes to the Borough's finances and we certainly have nothing to hide. The Borough's finances are not 100% but we are working on paying off the last of our emergency notes for this year which is a positive step for us.

EXECUTIVE SESSION:

Personnel Matter-Mitchell Williams

Mr. George stated that there is a need to go into executive session to discuss a personnel matter regarding a potential disability retirement. The employee has been rice noticed and there will be no action taken. Councilman Stogdill will be excused before the executive session due to a conflict of interest.

A Motion to adjourn the Caucus/Regular Meeting to go into executive session was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Caucus/Regular Meeting was Adjourned to go into executive session at 8:22 pm.

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

The Caucus/Regular Meeting was reconvened at 8:35 pm.

Mr. George stated that while in executive session there was discussion on an involuntary disability application for an employee. There was no action or decisions taken at this time.

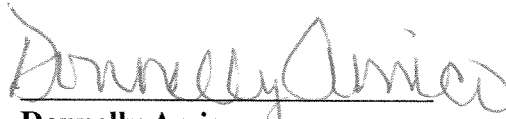
A Motion to adjourn the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion Passed.

ADJOURNMENT:

The Caucus/Regular Meeting was adjourned at 8:35pm.

CERTIFICATION

I, Donnelly Amico, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey, does hereby attest these to be a true copy of the minutes of the meeting held on the 6th day of **March 2017**


Donnelly Amico
Municipal Clerk