

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Tuesday, April 18, 2017-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Councilman Borowski was absent.

Also present: John Bennett, Borough Administrator
Phil George, 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 March 24, 2017. Notice was also posted on our municipal website and municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Charles Schlosser, Ginny Goldmann and Nancy Brennan, all long time residents who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that the water tank repainting project has begun and the new basketball court reconstruction will be starting soon. 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)

No one wished to comment.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of April 3, 2017

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

RESOLUTIONS-ON CONSENT:

2017-141 amending the facilities use application approved on March 6th to the Lavallette Business Association for their food truck festival event to be held on June 24th to allow the Lavallette Fire Department to provide the alcoholic beverages and apply for a social affairs permit from the State of New Jersey

2017-142 approving a facilities use application to Dawn Keen from the Center for Health and Healing to hold yoga classes at the gazebo on Tuesdays and Thursdays, 6pm to 7pm from June 1st through August 31st 2017-Mayor LaCicero stated that this woman does the yoga now for the Borough of Lavallette and we pay her \$55 an hour. Now she wants to do it on her own and he thinks that we will make more money with the 10% of profits. We also pay the Union Church \$150 a month for her to hold the classes there as well so we have to be saving money this way. Mrs. Amico stated that movies on the bay will be held there on Tuesdays so we will need to change her time. Mayor LaCicero stated that she can do the yoga their from 4 to 5pm on those days except for June 15th because that is 8th grade graduation.

Mayor stated that we should do a formal vote for the Borough to cancel yoga through recreation.

A Motion was made by Council President Zalom for yoga through Recreation to be cancelled. The Motion was Seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2017-143 refunding unused planning board escrows in the amount of \$779.00 to Cynthia Rogalski of 1406 Baltimore Avenue, Unit 1

2017-144 refunding unused planning board escrows in the amount of \$1,072.00 to Robert & Monique Doidge of 6 White Avenue

2017-145 awarding a contract for the purchase of a 2018 sanitation truck in the amount of \$178,092.00 to GranTurk Equipment Co., Inc.-Mayor LaCicero stated that this is the only bid we received and it seems to be a really good price.

2017-146 approving two raffle licenses to the Lavallette PTO to be held on May 5, 2017 at the Union Church in Lavallette to benefit the Lavallette School 8th grade trip

2017-147 appointing Mary Beth Grant as the badge office supervisor and Pam Caucino as the badge checker supervisor for the 2017 summer season

2017-148 appointing lifeguard supervisors for the 2017 summer season

2017-149 authorizing the redemption of a tax sale certificate in the amount of \$7,168.92 to Daxuan Wang

- 2017-150 approving a facilities use application to Sherri Paris for her Marine Science Camp to use our bay front during her camp sessions in various areas starting the end of June, July and August, Monday through Friday, 9am to 2pm
- 2017-151 amending the facilities use application submitted by Lavallette School PTO to change the date of the Pirate 5K previously scheduled for Saturday, May 20, 2017 from 8am to 11am to Sunday, May 21, 2017 from 1pm to 5pm-Mayor LaCicero stated that this event has been cancelled so we will remove this resolution without a vote.

A Motion to approve the consent agenda was made by Councilman Lamb. 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 consent agenda.

Jon Corney, 1 Newark Avenue questioned where the money is coming out of to pay for the sanitation truck?

Mr. Bennett stated that \$100,000 will be taken from the Recycling Trust Account and the rest will be from a bond ordinance.

Mr. Corney questioned why we weren't taking it from the surplus?

Mayor LaCicero stated that we have always liked to keep at least \$750,000 in surplus for emergent situations.

Councilwoman Filippone stated that we don't really roll it over, we put it back in the budget and rebuild it. Also, without that surplus when sandy hit, we would have been lost and would not have been able to accomplish as much as we did so quickly.

Joe Palinsky, 122 Washington Avenue questioned if the Marine Science Camp was using the gazebo for their camp as well?

Mayor LaCicero stated that they utilize the pavilion by the t-dock.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

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

RESOLUTIONS OFF CONSENT:

APPROVAL OF VOUCHERS:

2017- 152 Bills List in the amount of \$291,847.58

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

ORDINANCE NO. 2017-08 (1168) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 31-12 OF THE BOROUGH CODE, ENTITLED, "FLOOD HAZARD AREAS", TO ESTABLISH A PERMIT FEE FOR THE DEVELOPMENT PERMIT APPLICATION FOR ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS

Mayor LaCicero stated that this ordinance is just to bring the fees in accordance with Seaside Park Construction/Zoning Office.

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

Public Hearing and Final Adoption is scheduled for May 8, 2017.

ORDINANCE NO. 2017-09 (1169) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 17 OF THE BOROUGH CODE, ENTITLED "CERTIFICATES OF OCCUPANCY", TO AMEND SECTION TWO ENTITLED, "FEES"

Mayor LaCicero stated that this ordinance also needed to be changed to be in accordance with Seaside Park.

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

Public Hearing and Final Adoption is scheduled for May 8, 2017

RE-INTRODUCTION OF THE 2017 BUDGET: (Clerk to Read Budget Resolution 2017-153)

The Clerk read the Budget Resolution.

Mayor LaCicero stated that there seems to be some disagreement regarding the vote on the introduction on the budget so we needed to reintroduce tonight.

A Motion to introduce the 2017 Budget was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted yes. The Motion Passed.

Public Hearing and Adoption of the 2017 Budget is scheduled for May 22, 2017

UNFINISHED BUSINESS:

Council President Zalom stated that a couple meetings ago we approved the Triathlon contingent upon the participants in the swim event wearing water shoes. She spoke to the event coordinator for this Triathlon and the swim participants cannot wear swim shoes for this event. They requested to change the swimming area to one of the bay beaches so they do not have to wear the shoes.

A Motion was made by Councilwoman Filippone to allow the swim participants to wear no water shoes as long as they remain in the designated bathing beach areas, which are Washington and Reese Avenue. The Motion was Seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Councilman Lamb questioned the use of drones and if we should think about doing an ordinance restricting them to certain areas in the Borough.

Councilwoman Filippone stated that Toms River Township restricted the use of them to outside the resort areas.

Mayor LaCicero stated that we might want to make sure they are restricted to areas away from homes and areas where people are. Like maybe only on the beaches after 5pm. Restrict to more open spaces with less people.

Mr. George stated that you can restrict them to certain areas but you cannot ban them altogether. We will see what we can do with an ordinance.

Mr. Bennett stated that regarding the water tank and New Jersey American Water interconnect, apparently they are demanding payment from us to use their water during times the water tank is not in use which is roughly \$80,000.

Mayor LaCicero stated since they put that pipeline in after the storm, they don't Lavallette anymore so they are now playing hard ball for money.

Mr. Bennett stated that the alternative is to allow the wells to run in the evening on auto and we can purchase the equipment to do so for less than what we would have to pay NJAW. He stated that he also responded to NJAW and expressed the distaste of how they handled this with us.

A Motion was made to authorize the purchase of the equipment and allow the labor not to exceed \$40,000 to keep the water tank project functioning so the project can continue by Councilman

Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mr. Bennett stated that his experiment with the LED lights and MV lights has paid off. We have saved money already. We are definitely saving with the LED lights.

Councilwoman Filippone stated that we replace the lights with LED as they burn out so we don't have LED lights in all of the lamps as of yet but eventually we will.

Mr. Bennett stated that as of right now we have 63 lamp posts left to put LED lights in.

Council President Zalom stated that the Supt. of the Lavallette School is very anxious to share the cost of the pickle ball courts. They will take care of purchasing the nets and equipment.

Mr. Bennett stated that he also received a response from the DOT in reference to the man hole and infiltration issue and they have determined that there is some liability on the contractor's side so we have forwarded them all the information and they are going to review and most likely issue us a check.

NEW BUSINESS:

Brave Industrial Paint, LLC requesting to work on Saturdays for the Water Tank Repainting project due to requests to have the tank back in service by May 19, 2017

Mr. Bennett stated that the project needs to be completed for the spring by May 19th so they would like to also be able to work on Saturdays. This would require someone from the DPW to be on site on Saturdays. Someone is already going to be there for the well anyway so it shouldn't be an issue. We would just have to pay the overtime which will probably be covered by the loan anyway.

A Motion was made by Councilman Lamb to authorize a Public Works employee to be on site on Saturdays for the water tank project so the contractor can also work on the tank from 8am to 6pm. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 122 Washington Avenue, stated that we should give thanks to former Councilman Lee Horan for replacing the lamps with LED lights. This is now his legacy in the Borough. Also, regarding the drones, they should also be restricted to no fly zones by all of our Borough facilities and the school.

Councilwoman Filippone stated that she agrees with the suggestion of restricting them to the beach areas within a certain time frame.

Mark Speaker, 111 Brown Avenue stated that drones are regulated by the FAA in the air and since no one owns the air space only the FAA can regulate them in the air. There is an application you have to fill out with the FAA to fly them and if they are under a half pound they don't need to be regulated. Toms River Township is also looking to charge a fee for flying the drone. Drones have become very popular even with contractors to use for estimates instead of using ladders to go on roofs and high areas. Also, he was very hands on during super storm sandy with the town officials and he agrees that if we didn't have that surplus at that time or for any other storm we would have been in a real bind.

Jon Corney, 1 Newark Avenue questioned how long the tank was going to be down?

Mayor LaCicero stated that the inside is being done right now and has to be complete by May 19th and then they will be back in the fall to do the outside.

Mr. Corney questioned if we will have to go out to bid for this specific equipment?

Mr. Bennett stated that the cost is under our threshold so we don't have to.

Mr. Corney also stated that he would like the Chief of Police to appoint another officer to take care of the firearms permit since the officer in charge is still out on medical leave. It is supposed to be a quick turnaround and should be done within a month or so and yet people are waiting 6 to 7 months for their permits and this has been going on for a very long time. Someone I know has been waiting for his permit since August of 2016 and has not even received a phone call.

Councilwoman Filippone stated that she will speak to the Chief about this and make sure another trained officer is given the task.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter stated that there are still 24 seats left for the NYC bus trip on Saturday the 29th.

Councilman Stogdill stated that the pre season badges will go on sale May 5th in the Administration Office.

Council President Zalom stated that the Beach Sweeps will be this Saturday. She is starting to put together Memorial Day and was able to get a speaker that is from Lavallette. Frank Crivelli from WPI will be our speaker this year and we also are going to have the Barbershop Quartet and our trumpet players will be there playing echo taps. Also, our town wide garage sale will be June 10th and June 11th but no bulk pickup again this year. The plant swap will be on June 10th at the tennis courts.

Mayor LaCicero stated that the CDBG funds will be paying for most of the Trenton ADA walkover and any additional monies will be able to be done by the new public access fund regarding the CAFRA permits. It is a state law and we have already set up our account and he

was told that we will be receiving approximately \$20,000 already very soon. So we will be able to put that money towards the balance for the walkover.

Councilwoman Filippone stated that the memorabilia committee is looking to get local artists to donate pieces of their art to the Borough for use in all of our offices in the new Municipal Building. It can be photography or art whatever they would like to donate. She is going to put something on the website as well.

Mr. Bennett stated that Seaside Park has paid all the costs that were due to the Borough regarding the shared services agreement. So we are in a better financial status with that issue.

EXECUTIVE SESSION:

Mr. George stated that there is a need to go into executive session to discuss personnel and litigation matters. There will be no action taken.

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

The Regular Meeting was adjourned to go into executive session at 8:27 pm.

A Motion to reconvene the Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 9:25 pm.

Mr. George stated that while in executive session there was discussion on a litigation matter Lamb vs. Lavallette Fire Department. Mayor LaCicero and Councilman Lamb recused themselves due to a conflict. There was discussion on assignments of personnel for this opra request and the custodian of records using no specific employee names. There was no action taken.

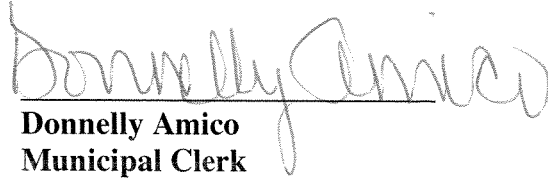
ADJOURNMENT:

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 9:26pm.

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 **18th** day of **April 2017**


Donnelly Amico
Municipal Clerk