

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, June 5, 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 Bob Speaker, a resident of Lavallette from many years ago who passed away recently. Mr. Speaker owned a gas station in town at one time and was also our Borough Mechanic before retiring. He also asked for a moment of silence for Bob Campbell who owned a boat basin in town many years ago who also passed away.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero welcomed everyone to tonight's meeting. He stated that there has been a lot going on in Ortley Beach and they actually have some what of a beach now. The Army Corps. has started pumping some sand onto their beach to hold them over until the project comes through. We also got some good news from the County this week, we will be receiving \$921,529 which was our 10% share of the debris removal from Sandy which was part of the interlocal with the County. We were not expecting this money so we are very happy it is coming. This will take care of some of our long term debt and bring us under 6 million. Lavallette was the 3<sup>rd</sup> highest payout for this 10% share which means we had a lot of debris in this town. Our lifeguard building repairs from the mold issue is progressing nicely and it will be up and running by the day the beach opens.

Mayor LaCicero 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.

No one wished to comment.

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

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of May 22, 2017

A Motion to approve the minutes was made by Councilman Stogdill. 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 May 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for May 2017-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for May 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for May 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for May 2017-Councilwoman Filippone-read report
- f) Police Overtime Report for May 2017-Councilwoman Filippone-read report
- g) Animal Control Report for May 2017-Councilwoman Filippone-read report
- h) Public Works Report for May 2017-Councilman Lamb-read report
- i) Beach Badge Report for May 2017-Councilman Stogdill-read report
- j) Public Affairs Report-Council President Zalom-a big thank you to Public Works for setting up the school gym so quickly due to the rain for Memorial Day Services. Thanks to the First Aid for the food and drinks. Our speaker, Frank Crivelli, was fantastic and just a big thank you to all who attended and participated. The Beautification Plant Swap is this weekend as well as the Town wide Garage Sale. Just to let everyone know, our goose patrol program is envied by other towns who have such difficulty getting rid of the geese so we are very fortunate.
- k) Tax Account Report for May 2017-Tax Collector
- l) Revenue Transaction Report for April 2017-Chief Financial Officer

a Motion to approve the reports was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. 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:**

- 2017-185 Refunding an overpayment of 2<sup>nd</sup> quarter taxes to Robert & Eileen Cortright of 802 Ocean Front in the amount of \$3,300.62
- 2017-186 appointing a summer seasonal laborer for the Department of Public Works at an hourly rate of \$8.50 effective June 6, 2017
- 2017-187 appointing a badge checker for the 2017 summer season at an hourly rate of \$8.44
- 2017-188 appointing lifeguards for the 2017 summer season-Councilman Stogdill stated that the Sergeant on this list is not an additional one, one of the previously appointed sergeants has already resigned his position.

- 2017-189      Consenting to the application for social affairs permit applied for by Donations of Love, Inc. for their wine tasting event to be held on June 20<sup>th</sup> from 7pm to 11pm at Ohana Grill
- 2017-190      Consenting to the application for social affairs permit applied for by the Lavallette Fire Department for the food truck festival sponsored by Lavallette Business Association to be held on June 24<sup>th</sup> from 3pm to 9pm in the Washington Avenue parking lot area on Bay Blvd.
- 2017-191      requesting approval of items of revenue and appropriation per N.J.S.A. 40A:4-87 in the amount of \$12,626.33 for 2017 Clean Communities Grant
- 2017-192      appointing tennis court attendants for the 2017 summer season-Mr. Bennett requested this be pulled and put off consent.

A Motion to approve the consent agenda was made by Councilwoman Filippone. 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.

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 2017-192.

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

**RESOLUTIONS - OFF CONSENT:**

- 2017-192      appointing tennis court attendants for the 2017 summer season

Mr. Bennett stated that he didn't feel there was a need to hire tennis attendants this year. Last year we lost \$7,186.96 in revenue because we paid out more in wages. We can have a sign up sheet at the Police Department and not charge.

Mayor LaCicero stated that he thought about it and thinks that we should have someone there on a daily basis at least during the day.

Councilman Lamb stated that he thinks you need someone there during day as well to maintain the courts. Maybe we can just shorten the hours per day but have someone there on a daily basis.

Councilwoman Filippone stated that regarding these recreation programs and losing money on them, we are going to have to really take a stand on which programs are necessary and worth the Borough subsidizing. We should make sure we stick to the budget appropriation. The recreation line item is always at a deficit and our fees seem to increase. There is no justification of the deficit.

Mayor LaCicero stated that we should have the CFO provide us a report for recreation with a total of the budget and the deficit and go from there.

Mr. Bennett stated that he will sit down with the tennis attendants and figure out a schedule for mornings and afternoons.

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, Stogdill, Finter and Lamb voted Yes. Council President Zalom abstained.

**APPROVAL OF VOUCHERS:**

2017-193            Bills List in the amount of \$462,889.34

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.

**ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:**

ORDINANCE 2017-10(1170) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "FEES"

The Mayor stated that there were some items that needed to be added to our fee ordinance as well as some that needed to be removed.

A Motion to adopt this Ordinance was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone wished to comment on this Ordinance.

No one wished to comment. The Mayor closed the Public Hearing and asked Council for a vote on this Ordinance.

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

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates, LLC/Eric Bernstein, Esq./Excessively Long Docks Lighting Regulations/Received May 19, 2017-Councilwoman Filippone questioned if there was a boat accident due to the dock being so long and not being seen could the boat owner sue the homeowner? Mr. Bernstein stated that yes they could and most likely would. Councilwoman Filippone stated that maybe we should make recommendations to these homeowners that lights on the docks for safety would be a smart thing to do.
- b) Eric M. Bernstein & Associates, LLC/Eric Bernstein, Esq./Josephine Sessa-Agliata, et als. v. George Harms Construction, et als./Received May 22, 2017

Engineering:

- a) O'Donnell, Stanton & Associates/Cherry, Weber & Associates/William Mercurio, Engineer/Geotechnical Engineering Report-Pole Barn/Received May 11, 2017

New Jersey League of Municipalities:

- a) Daily Update/Received May 3, 2017
- b) Weekly Update/Received May 5, 2017
- c) Governor Conditionally Vetoes Transfer of PFRS Management Bill/Received May 8, 2017
- d) Daily Update/Received May 10, 2017
- e) Weekly Update/Received May 12, 2017
- f) New Jersey Digital Government Summit/Received May 15, 2017
- g) Daily Update/Received May 17, 2017
- h) Weekly Update/Received May 19, 2017
- i) Daily Update/Received May 24, 2017
- j) Weekly Update/Received May 26, 2017-Councilman Borowski requested that we do this resolution for the next meeting regarding the 2% cap on interest arbitration awards. All of Council was in favor.

General With No Action:

- a) Lavallette Board of Education/Peter Morris, Supt./Schedule for Graduation/Received May 8, 2017
- b) Ocean County Health Department/John Protonentis, Health Coordinator/Fiscal Year 2018 Solid Waste Control Program/Received May 11, 2017
- c) Felice Arminio/107 Newark Avenue/inquiring about plans to rebuild our dune system/ email attached from responding by Municipal Clerk/Received May 15, 2017
- d) State of New Jersey/Department of Transportation/Jaime Oplinger, Engineer/letter advising 25% cost commitment for investigation of the timing of traffic lights/Resolution 2017-184 sent on May 26<sup>th</sup> to DOT agreeing to the commitment with the option of not proceeding at no cost to the Borough/Received May 15, 2017
- e) Office of the Sheriff/Ocean County/Michael Mastronardy, OC Sheriff/Meeting regarding the approved Multi-Jurisdictional All Hazards Mitigation Plan on May 31, 2017/Chief

Colin Grant, Gary Royer, Flood Plain Manager and Tom Brihn, Construction Official will be attending/Received May 15, 2017

- f) State of New Jersey/Department of Environmental Protection/Virginia Kopkash, Assistant Commissioner/Municipal Public Access Plans & Beach and Dune Maintenance Permits/Received May 15, 2017-Mayor stated that we have already had discussions with the DEP about this permit and we are waiting to hear back as to what needs to be done. We are hoping that we can just use the federal template for the permit. The boardwalk to the west of the dune will no longer be regulated by the State so it will be ours which is roughly 20 feet off the tow. He has requested that we receive this in writing who will have jurisdiction for this area after the project is complete.
- g) State of New Jersey/Department of Transportation/Richard T. Hammer, Acting Commissioner/approved funding through 2017 NJDOT Municipal Aid Program for President Avenue/Received May 25, 2017-Mayor LaCicero stated that this will probably start in the spring 2018. The next street we will request is Bryn Mawr Avenue for funds. Council President Zalom stated that she is so happy that President Avenue will be done soon. Councilwoman Filippone questioned if the drainage issue was fixed by the County on Bay Blvd. and President. Mayor LaCicero stated that it looks like northeast on Bay Blvd. has been done but not all and not by President Avenue. Council President Zalom stated that they did what they could before the season and will be back in the fall to complete the rest.
- h) NJDEP News Release/Christie Administration Kicks Off Shore Tourism Season at State of the Shore Event in Long Branch/Received May 26, 2017
- i) NJDEP News Release/ Christie Administration Dedicates New Marine Research Vessel to Former DEP Commissioner Robert Shinn, Jr./Received May 26, 2017
- j) NJDEP News Release/New Jersey Summer Flounder Season to Start on Thursday, May 25<sup>th</sup> with 18 inch minimum size intact/Received May 26, 2017
- k) NJDEP News Release/Christie Administration Announces 2<sup>nd</sup> Annual Statewide Youth Fishing Challenge and Free Fishing Day set for Saturday, June 10<sup>th</sup>/Second Free Fishing Day Scheduled for October 21<sup>st</sup>/Received May 26, 2017
- l) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Notice of Public Hearing on Proposed 2018 Rates/Received June 1, 2017

General With Action:

- a) Lavallette Seniors Club/James Peeney, President/requesting an annual contribution from the Borough of \$500.00 for their anniversary lunch in May and \$500.00 for their Christmas Party in December/Received May 10, 2017-Council President Zalom stated that she remembers years ago the Borough use to give them \$300. Mayor LaCicero stated that he had a conversation with Mr. Peeney about this on Friday at my meet the Mayor. Mr. Peeney informed me that the Lavallette Seniors has expanded with the entire island being a part of the Club. Maybe we need to discuss this with Municipal Alliance and see if they can contribute anything.
- b) Nancy Daly/11 Reese Avenue/requesting to hold a dedication ceremony for the George Daly Memorial Courts on June 17, 2017 at 5pm at the location and requesting the attendance of the Mayor and Councilman Lamb and requesting them to say a few words on behalf of the town/Received June 1, 2017-Mayor stated he has a conflict with this

date so Councilman Lamb will have to go alone. Councilwoman Filippone stated that she is insulted by this request just inviting the Mayor and Councilman Lamb. We as Council voted for this as a whole and should not have been excluded in the invite.

- c) Seaside Italian American Club/Committee/requesting our support and to participate in their commemorative ad journal with donation/Received June 2, 2017-Council President Zalom stated that she will look into this.

## **UNFINISHED BUSINESS:**

### Discussion on Proposed Drone Ordinance

Mayor LaCicero stated that with the newest correspondence from Mr. Bernstein's office there seems to be issues with restricting these drones and if its actually legal. We are going to have to look into this more.

Councilman Borowski questioned if an estimate was ever done for the resurfacing of the tennis courts?

Councilman Lamb stated that they didn't get an estimate but Public Works took a look at the courts and there are some cracks that they will repair and fill in for now and they we can deal with it next year.

Council President Zalom stated that over the weekend the pickleball people brought portable nets to use on the courts to play. Should we give them permission to always use these nets so we don't have to provide any pickleball nets for them.

Mayor LaCicero stated that sounds like a great idea instead of us having to do it.

All of Council was in favor.

## **NEW BUSINESS:**

Borough Administrator-Discussion of interest in purchase of cell sites by TowerPoint, Inc.

Mr. Bennett stated that he received information from this company to purchase our cell leases. They will give us a large sum up front and prorate the payments for five years. He stated that he does not recommend this but he wanted to bring it up to Mayor and Council for their opinion.

Mayor LaCicero stated that this is just a one time influx of revenue and is really not practible. We are not in need of the cash right now.

Councilman Borowski stated that they would pay us 10 payments totaling 2 million and then that's it. No thanks.

Councilwoman Filippone stated that the Ordinance Committee met last week and we went over a lot of ideas for ordinances. We discussed doing mercantile licenses yearly and certificate of

occupancies for rentals. We discussed some improvements and upgrades to our sign ordinance and we need something on the books for cabanas, gazebos and pergolas under accessory buildings. We also discussed a specific issue regarding roof drainage from gutters and think that specific language needs to be added stating the discharge manner cannot be a public nuisance. We discussed black garbage bags versus garbage cans and a fence permit being put in the Zoning Code.

Mr. Bernstein stated that a fence permit application should fall under Construction but should also be under Zoning for placement.

Councilwoman Filippone stated that there was also discussion on temporary use of snow fencing around properties and it not being permanent fencing. There should be a time limit to how long this snow fencing can be there before a permanent fence is in place. We have some samples of some of these ordinances that she will forward to Mayor and Council for their review.

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

Felice Arminio, 107 Newark Avenue stated that his letter about the dunes was on the agenda and he just wanted to clarify some issues. He understands that the Army Corps project will be restructuring the dunes and beach next year but what happens to the dune situation on Elizabeth Avenue until then. Elizabeth Avenue has always had problems with being hit harder than the rest when a storm hits. What will happen if we get another storm before the project starts. Can something be done temporarily until the project starts.

Mayor LaCicero stated that he is aware that Elizabeth Avenue beach and dune area has always been a problem. Unfortunately, because of our DEP permit we are not allowed to move any sand north to south, we are only allowed to move it east to west. The Ortleigh Beach project that is being done right now is pumping sand onto their beach to give them some barriers and give them a beach. We are hoping that science is right when they say that sand will migrate to the North because then it will help us with that section of our beach.

Mary Logios, 4 Sterling Avenue questioned if Council thought more about the moratorium on Construction on weekends in summer?

Mayor LaCicero stated that as of right now we are not going to ban it. We will add it to our annual discussions about annual requests that come around the same time.

Mrs. Logios questioned if there are still restrictions on the percentage of pavers you can have?

Councilwoman Filippone stated that it is still the same and isn't going to change right now.

Mrs. Logios questioned if the trash receptacles in the northern part of town by Bryn Mawr are going to be put back up there.

Councilman Lamb stated that he thought that was taken care of but he will advise Public Works about it again.



Clem Boyers, 20 Kerr Avenue questioned outside showers and not being hooked up to the sewer. Is it allowed or not?

Councilwoman Filippone stated that she was advised recently that it was no longer allowed.

Mr. Bennett stated that he was not aware of this change and will speak with the Construction Official.

Joe Palinsky, 122 Washington Avenue stated that he is in favor of the change in the hours and attendants regarding the tennis courts. Other towns in the area who have tennis courts should be contacted to see what they charge and how they handle it also.

Mark Speaker, 111 Brown Avenue stated that he just wants to clarify that the LBA is not in conjunction with the Municipal Alliance regarding events. We do not receive any funds from them for our events. Also, there are four sidewalk sections in the business district that are not concreted properly and if not taken care of someone is bound to hurt themselves. It has been like that since the highway project.

Marlene Chamberlain, 401 Grand Central Avenue, stated that there was a van parked in front of her condo complex on Route 35 North that was there for a very long time with a flat tire and an expired inspection sticker. We attempted to try and get help from the police as far as towing it or issuing a summons because vehicles are not supposed to be left for long periods of time with flat tires but we got no where with the Police Department. The person must have been notified at some point because he finally did move the vehicle and also had some words with my husband.

Mayor LaCicero stated that if the vehicle is gone and has not come back that's good. If it appears again contact me and I will deal with the Police Department.

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

Councilman Borowski stated that he was involved with a conference call with Public Power getting comparable electric rates. The Public Power Association has passed their budget and have a new website now which is ppanj.net where you can get a lot of information. The Mayor and I had a meeting also discussing peak shaving abilities which gave us some lucrative possibilities.

Mayor LaCicero stated that we did the peak shaving prior to the storm informing residents through our Emergency Call system when they should keep their electric at its lowest during the high peak demand time.

Councilman Finter advised everyone to make sure they vote tomorrow.

Councilman Stogdill stated that Monday, June 12<sup>th</sup> is the last day to get the badges at the pre season discounted rate so take the opportunity before its gone.

#### **EXECUTIVE SESSION:**

There was no executive session.

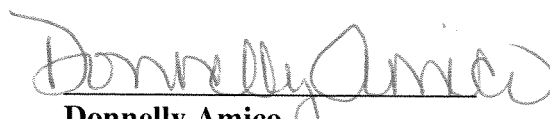
**ADJOURNMENT:**

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

The Regular Meeting was adjourned at 8:50 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 19<sup>th</sup> day of **June 2017**

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