

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, November 14, 2016-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

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 complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on January 8, 2016. Notice was also posted on our municipal website and municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for two long residents, Kay Consales from Washington Avenue and Helen Solon from Westmont Avenue 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 anyone who 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:

Regular Meeting of October 17, 2016
Special Meeting of November 7, 2016

A Motion to approve the minutes was made by Councilman Lamb. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. Councilman Stogdill abstained from the November 7, 2016 minutes and voted Yes. to October 17, 2016 minutes. The Motion Passed.

REPORTS:

- a) Construction Report for October 2016-Councilwoman Filippone-read report

- b) Zoning Report for October 2016-Councilwoman Filippone-read report
- c) Municipal Court Report for October 2016-Councilwoman Filippone-read report
- d) Police Overtime Report for October 2016-Councilwoman Filippone-no report
- e) Public Works Report for October 2016-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-She stated she contacted the County about the weeds along the West Point Island Bridge area and the curbing is all broken there as well. We had 58 people come to the dune grass planting and we ran out of dune grass. There was a blood drive for one of our residents, Hugo Casatelli, who is very ill. The Oyster Dinner is going to be on Saturday, December 3rd and our Tree Lighting is December 2nd. Our Birthday Party is December 21st and the ski trip is in January. Get your tickets for all these fast.
- g) Tax Account Report for October 2016-Tax Collector
- h) Revenue Transaction Report for September 2016-Chief Financial Officer

A Motion to approve the reports 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.

RESOLUTIONS-ON CONSENT:

- 2016-290 authorizing the Municipal Clerk to advertise and receive bids for the positions of Borough Attorney, Borough Auditor, Borough Prosecutor and Consulting Engineer for the year 2017
- 2016-291 recognizing the month of November 2016 as National Family Caregivers month in the Borough of Lavallette
- 2016-292 approving a facilities use application to the Point Pleasant Soccer Club to hold soccer practices on various dates in November 2016 from 6pm to 7:30 pm
- 2016-293 authorizing Mayor Walter LaCicero to sign and execute Policy Endorsements for Horizon Prescription and Dental, Dearborn National Life Insurance and Sun Life Financial Short Term Disability for the year 2017
- 2016-294 refunding unused planning board escrows in the amount of \$873.00 to Thomas & Maureen Sullivan
- 2016-295 appointing two seasonal laborers for the Department of Public Works commencing November 1, 2016 and ending April 30, 2017
- 2016-296 approving the annual certifications submitted to the Borough by the Lavallette First Aid Squad of all volunteer members who have qualified for credit under the LOSAP Program for 2015-Councilman Finter requested this resolution be put off consent

- 2016-297 refunding unused planning board escrow in the amount of \$1,273.50 to Matthew Seriale

- 2016-298 refunding an electrical permit fee in the amount of \$60.00 to Carmine Casciano of 132 Elizabeth Avenue due to the electrical work not being done

- 2016-299 approving a facilities use application to the Lavallette Business Association to hold flea markets in the firehouse parking area on Saturday, July 15, 2017 and Saturday, August 12, 2017-Mr. Bennett stated that he would like to pull this resolution for now until we discuss with the LBA their events for next year and what costs these events will be costing us.

- 2016-300 approving a raffle license to St. Pio to hold an off premise 50/50 raffle to be drawn on September 24, 2017 at 1pm at St. Pio Church

- 2016-301 authorizing the Mayor and Municipal Clerk to execute the history grant agreement with the Ocean County Cultural & Heritage Commission in the amount of \$500.00 for the year 2017

- 2016-302 refunding unused off duty escrow funds to Northfield Construction in the amount of \$498.28

- 2016-302A authorizing the Municipal Clerk to be an authorized representative for the NJEIT grant for the repainting of the Water Tank

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

Joe Palinsky, 122 Washington Avenue stated that regarding the flea markets, Philadelphia and Washington Avenues and Bay Blvd. surrounding the parking lot should be closed.

Mayor LaCicero stated that we are not voting on this resolution tonight but all the streets around the parking lot are always closed off during events in that parking lot.

RESOLUTIONS OFF CONSENT:

- 2016-303 approving the annual certifications submitted to the Borough by the Lavallette First Aid Squad of all volunteer members who have qualified for credit under the LOSAP Program for 2015

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

APPROVAL OF VOUCHERS:

2016-303 Bills List in the amount of 995,345.26

A Motion to approve the bills list 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.

ORDINANCE ON FOR INTRODUCTION:

ORDINANCE NO. 2016-15 (1159) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 31 OF THE BOROUGH CODE ENTITLED, "FLOOD HAZARD AREAS," AMENDING SECTION 31-13, "CONSTRUCTION CODE OFFICIAL DESIGNATED AS FLOOD PLAIN MANAGER

Mr. Bennett stated that Doug Erb who is covering as our Construction Official right now is not a Flood Plain Manager and the new Construction Official we hired for December 1st is not one either so this will give them the authority to designate someone to be one. Gary Royer is a Flood Plain Manager so they will designate him for right now.

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

Public Hearing and Final Adoption scheduled for December 5, 2016.

ORDINANCE ON FOR FINAL ADOPTION:

ORDINANCE NO. 2016-02 (1146) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT ESTABLISHING THE NEW JERSEY PUBLIC POWER AUTHORITY, A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY

Councilman Borowski stated that the State has finally approved this agreement so we can now go forward with this adoption. The public hearing has already been done so we just need to adopt tonight.

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

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

ORDINANCE NO. 2016-09 (1153) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND

SUPPLEMENTING CHAPTER 90, ENTITLED "ZONING" OF THE CODE OF THE BOROUGH OF LAVALLETTE AMENDING ZONING PERMIT FEES

Mayor LaCicero stated that this ordinance had to be done to be in line with Seaside Park Zoning fees for our shared services agreement.

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

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

No one wished to comment on this ordinance.

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.

BOND ORDINANCE NO. 2016-12 (1156) BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2015-07 (1143) ADOPTED ON SEPTEMBER 21, 2015, PROVIDING FOR ROAD IMPROVEMENTS TO GUYER AVENUE, IN ORDER TO EXPAND THE SCOPE OF IMPROVEMENTS TO INCLUDE MISCELLANEOUS ROAD REPAIRS, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that the original ordinance for the Guyer Avenue road improvements somehow appropriated too much money for that project because it did not include the grant we received.

Mr. Bennett stated that since we have already incurred the cost for the entire amount we are just going to use the existing funds for the next road projects.

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

The Mayor opened the public hearing on this bond ordinance 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 Bond Ordinance.

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

BOND ORDINANCE NO. 2016-13 (1157) BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS

CAPITAL EQUIPMENT, AND APPROPRIATING \$230,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$123,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that this bond ordinance is for the purchase of a new garbage truck that is needed at Public Works. The Recycling Trust Fund has \$100,000 in it that will be put towards the purchase and the balance will be pulled from this Bond. We will also be repairing roofs on the Public Works buildings that need repairs desperately.

A Motion to adopt this Bond Ordinance was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill.

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

No one wished to comment.

The Mayor closed the public hearing and asked Council for a vote on this Bond Ordinance.

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

Mr. Bernstein stated that he would like to introduce by title only an Ordinance for the new self generation rates tonight. The Public Hearing and Final Adoption will be at the December 19th Council Meeting.

ORDINANCE NO. 2016-16 (1160) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE BOROUGH CODE AS TO CHAPTER 24, ARTICLE II, ENTITLED "ELECTRIC RATES AND REGULATIONS" AND AMENDING, REVISING AND SUPPLEMENTING THE BOROUGH CODE AS TO CHAPTER 24, ARTICLE III, ENTITLED "SELF-GENERATION STANDARDS"

Mayor LaCicero stated that we have a good amount of residents who have solar panels and we anticipate more getting on board so we need to create these rates.

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

Public Hearing and Final Adoption is scheduled for December 19, 2016.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Vance Avenue Road Improvements/Pay Estimate No. 2/Received November 2, 2016
- b) O'Donnell, Stanton & Associates/Charles Applegate/Final Reimbursement/CDBG 2015/Received November 7, 2016
- c) O'Donnell, Stanton & Associates/Charles Applegate/Installation of New Standby Generator/Received November 7, 2016

New Jersey League of Municipalities:

- a) Transportation Trust Fund Reauthorization Amended; Final Vote on Friday/Received October 5, 2016
- b) Weekly Update/Received October 7, 2016
- c) League Statement on Passage of TTF Reauthorization/Received October 7, 2016
- d) Governor Signs TTF Reauthorization/Received October 14, 2016
- e) Weekly Update/Received October 14, 2016
- f) Legislative Alert/Received October 19, 2016
- g) Best Practices Checklist Due Friday/Received October 20, 2016
- h) Weekly Update/Received October 21, 2016
- i) Atlantic City 5-Year Recovery Plan Advances/Received October 27, 2016
- j) Weekly Update/Received October 28, 2016

General With No Action:

- a) John Peal/106 Ortle Avenue/letter of opposition about the exercise class fee increase/Received October 12, 2016/Attached is John Bennett's letter answering Mr. Peal
- b) Ocean County Planning Board/David McKeon, Director/2016 Beach Grass Distribution/Received October 17, 2016
- c) State of New Jersey/Department of Community Affairs/Charles Richman, Commissioner/letter advising the grant award for the 10% Non Federal Cost Share Program from FEMA in the amount of \$281,288.00/Received October 18, 2016-Mayor LaCicero stated that we received this grant for even more than we asked for so this was a great thing.
- d) State of New Jersey/Department of Transportation/Michael Russo, Director/suspension of projects by Governor's Executive Order has been lifted/Received October 19, 2016
- e) Lavallette Business Association/Rebecca Malloy, President/thank you letter for assistance and support with their 2016 events/Received October 24, 2016-Council President Zalom stated that the LBA will be donating \$4,000 to us next year for the purchase of a new bulleting board in front of Borough Hall.
- f) Office of the Ocean County Engineer/John Ernst, Engineer/Storm water Management Contract/Received October 25, 2016

- g) Ocean County Municipal Joint Insurance Fund/James Pine, Chairman/2017 Budget and Dividends/Received October 28, 2016
- h) Ocean County Municipal Joint Insurance Fund/Perma Risk Management Services/2017 Proposed Budgets/Received October 31, 2016
- i) Advocates for Children of NJ/Cecilia Zalkind, CEO/Healthy Food, Strong Kids Report/Received November 7, 2016
- j) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/Third Quarter/2016 Metered Flow Data/Received November 7, 2016

General With Action:

- a) State of New Jersey/Department of Transportation/John Case, Chief of Staff/requesting a cost sharing commitment of 25% from the Borough for the investigation into the timing of the lights on Rt. 35 South and Ortle, President, Washington, Jersey City Avenues/Received October 13, 2016-Council President is going to check more into this but she was under the impression that there was an investigation done with no monies and if we didn't agree then we didn't have to go ahead with it. She will look more into it.
- b) Christine Sabo/Brick, NJ/requesting to hold her wedding ceremony on June 24, 2017 at 7pm on the Philadelphia Avenue Beach/Received October 15, 2016-Mayor LaCicero stated that we don't have an issue but if the Army Corps Project is being done at that time we have no control. We will advise her of the project.
- c) Residents on Guyer Avenue Ocean Block requesting the paving of their portion of the street since all the rest of Guyer Avenue was already repaved/Received October 17, 2016-Mayor LaCicero stated that the portion of Guyer Avenue that was just paved was the only portion that required it at that time. We will put it on the list for next time to check but we have two other streets that need it more right now.

UNFINISHED BUSINESS:

Discussion of Roof Repairs for the Department of Public Works Buildings

Mr. Bennett stated that he just wanted to keep Mayor and Council updated on the roof repairs to the Public Works Buildings. We have already had several discussions on it and we are going to use a local contractor to perform the work. It is a total of five roofs and the cost is roughly \$37,000. There will be repairs to the some flat roofs and some will be pitched as well.

Update on infiltration and manhole inspections

Councilman Finter stated that the inspections were done and there doesn't seem to be any issues with the infiltration. Our records seem to differ from the OCUA bill by 7 ½ million gallons.

Mayor LaCicero stated that the DOT road project was using our water out of the meters as well so that might be part of the issue.

O'Donnell, Stanton & Associates-Proposal of Services for Grant Applications for President and Bryn Mawr Avenues NJ 2017 Municipal Aid Program

Mayor LaCicero stated that he wants to see the proposal of the Engineering Services for the project as well.

Mayor LaCicero stated that the beach replenishment bids are due back tomorrow and he was told that within 60 days of receiving them they should be awarding the contract. The Seaside Heights Administrator was advised by the Feds that if they decide to start during the summer months in any of the towns we cannot oppose it because it needs to get done.

Councilwoman Filippone stated that we received the history grant for \$500 to put towards our memorabilia in Borough Hall. She also received a second bid on the shades in the Borough Hall which ran approximately \$5,000 so once we get all the proposals in she will place the order for the shades.

NEW BUSINESS:

Councilman Finter stated that he attended a seminar on opioid overdoses at the County. The Ocean Prosecutor's office is very involved in this issue. The seminar was on heroin now being laced with fentanyl which is not responsive to nalcen.

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 122 Washington Avenue stated that prior to the storm all our traffic lights were in sequence. Since then they have become sensed and automatic.

Jon Corney, 1 Newark Avenue questioned how long has the Borough known about the need of repairs for these roofs?

Councilman Lamb stated that they have needed repairs for a couple of years now.

Mr. Corney questioned why it wasn't done under an emergency appropriation? Why did they wait so long and have to Bond this issue?

Mr. Bennett stated that with an emergency appropriation we would have to pay interest and would come off budget.

COMMENTS FROM THE MAYOR AND COUNCIL:

Council President Zalom wished everyone a Happy Thanksgiving!

EXECUTIVE SESSION:

LOSAP Issue Regarding Letter dated April 17, 2015 and Report dated July 7, 2015 from State of New Jersey, Office of Comptroller

HBC Inspection Services Report on Lifeguard Building Issue

Mr. Bernstein stated that we need to go into executive session to discuss some issues regarding attorney/client privilege regarding the lifeguard building as well as a LOSAP issue and a potential shared services agreement. There may be action taken.

A Motion to adjourn the Caucus/Regular Meeting to go into executive session 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 8:16 pm.

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

The Caucus/Regular Meeting was reconvened at 9:09 pm.

Mr. Bernstein stated that while in executive session there was discussion on an ongoing issue regarding LOSAP. Councilman Borowski as well as Councilman Finter was excused due to a conflict with both of them having LOSAP Accounts and being volunteer members. No action was taken on this issue except a letter going to Lincoln Financial. There was discussion on the lifeguard building issue and Mark Speaker was also present to give his relative report on his findings. There was direction given to the Borough Administrator and the Borough Attorney to bring on a certified expert for the next step and have the CFO certify the availability of funds.

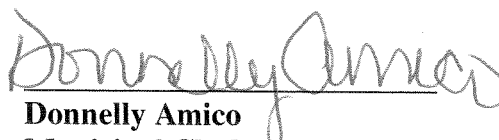
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 9:13 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 14th day of November 2016


Donnelly Amico
Municipal Clerk