

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, December 19, 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 stated that there have been no local deaths recently. There was a terrorist attack in Berlin so let's pray for them.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to the last meeting of the year 2016. He stated that our next meeting will be in 2017 for the Reorganization 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)

Denise Coury, Seaside Park stated that she was interested in getting some details and information on the shared services agreement for Construction Services with Seaside Park.

Mayor LaCicero stated that our Borough Attorney has completed a draft agreement for us to review first before we send it over to Seaside Park for their review.

Ms. Coury questioned if they had a time frame of when this was going to start?

Mayor LaCicero stated that there was no set time as of yet. Both municipalities will need to go over the agreement and do their review and any tweaking necessary and there are other step to the process involved but the sooner is better for us.

Ms. Coury questioned once it is on its feet and a resident of Seaside Park is issued a violation from the construction/zoning department, is the ticket and court still in Seaside Park or will it be in Lavallette?

Mayor LaCicero stated that part of it will remain in Seaside Park.

Ms. Coury questioned if the vehicles and personnel will still remain in Seaside Park?

Mayor LaCicero stated that he believes that part of the agreement regarding the vehicles and personnel will be shared between both municipalities. There is still lots of issues to be figured out but we will get it done as soon as we can.

Councilwoman Filippone stated that she wants to be very clear that both Municipalities will remain individual and collectively become an identity. Each municipality will keep there own offices and we will share the vehicles, personnel and inspectors.

APPROVAL OF CLERK'S MINUTES:

RFP Minutes for Water Tank Inspection Services of November 28, 2016

Caucus/Regular Meeting of December 5, 2016.

Executive Session of December 5, 2016

RFP Minutes for Borough Attorney on December 9, 2016

RFP Minutes for Borough Auditor on December 9, 2016

RFP Minutes for Borough Prosecutor on December 9, 2016

RFP Minutes for Consulting Engineer on December 9, 2016

A Motion to approve the minutes was made by Councilman Finter. 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:

2016-316 authorizing the transfer of funds between appropriation accounts-Mr. Bennett stated that with all the contracts being settled this year we needed to transfer in order to make the pension payments for those contracts. There was also some repairs needed to a garbage truck so we needed to transfer some money to Borough Equipment and the beach department bought a piece of equipment and paid half for it and the Lifeguard Booster Club paid for the other half so we had to move some monies for that as well. There was also a new employee who is opting out of our health benefits which would have cost us \$30,000 so with the incentive program of opting out we needed to transfer some monies for that and he received \$4,000 for that and we purchased some shades for the windows in our municipal building.

2016-317 authorizing the Council President and Municipal Clerk to sign and execute the settlement agreement between the Borough of Lavallette and Jon Andrews

- 2016-318 awarding a contract to Harris Construction Company for roof replacements at Lavallette Department of Public Works Department in the amount of \$32,000-Mayor LaCicero stated that this was a very good price for this project.
- 2016-319 appointing Council President Anita Zalom as the Community Development Block Grant Representative (CDBG) representative for the Borough of Lavallette effective immediately through December 31, 2017-Council President Zalom stated that she is always very appreciative for this job.
- 2016-320 authorizing the Mayor and Municipal Clerk to sign and execute the 2017 Cultural Arts Grant Agreement between the Borough of Lavallette and the Ocean County Cultural & Heritage Commission-Council President Zalom stated that we received \$1,000 for next year towards our summer concerts which is more than we received last year. We also received \$500 for a History Grant for the Memorabilia Committee to do their historical walls. Also, we have a new member of that Committee who is a great historian.
- 2016-321 authorizing the Treasurer to issue a check in the amount of \$41,247.75 for the redemption of a tax sale certificate
- 2016-322 authorizing the Treasurer to issue a check in the amount of \$1,332.53 for the redemption of a tax sale certificate
- 2016-323 authorizing the cancellation of prior year grant balances
- 2016-324 authorizing the cancellation of 2016 current fund appropriation balances-Mr. Bennett stated that our cancellations are a little smaller than last year but it still totaled over \$400,000. We still will need to see how much will go into the new budget for next year.
- 2016-325 authorizing the cancellation of utility fund accounts payable totaling \$10,990.76
- 2016-326 authorizing the cancellation of current fund accounts payable totaling \$31,537.07
- 2016-327 appointing Brian Bovasso as a member to the Mayor's Memorabilia Advisory Committee
- 2016-328 authorizing the cancellation of capital improvement unexpended balances in the amount of \$92,609.29

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.

Jon Corney, 1 Newark Avenue questioned how much for resolution 316?

Mr. Bennett stated that Resolution 316 was \$36,000.

Mr. Corney questioned if we were looking into the tax sale regarding reducing the 2017 for the reserve for uncollected taxes.

Mr. Bennett stated that our tax sale was on November 16th and we received 18% interest on top of principal and high premiums so we made money with our tax sale.

Mr. Corney questioned what the total was on Resolution 2016-323?

Mr. Bennett stated that the total on that resolution for cancellations was \$85,300.00. These grant balances are from as late as 2008 so the CFO is really cleaning up from past years as well.

Mr. Corney questioned the total amount on Resolution 2016-324?

Mr. Bennett stated that amount is \$324,674.00 and last year it was roughly \$400,000.

Mr. Corney questioned if all the finances are in order for the end of year. Are all the appropriations appropriated for next year and all purchasing encumbered?

Mr. Bennett stated that all is in order and the CFO does blanket P O's with a certain amount for the encumbering.

The Mayor closed the floor to the public 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:

APPROVAL OF VOUCHERS:

2016-329 Bills List in the amount of \$1,115,362.17

A Motion to approve the bills list was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on the bills list.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on the bills list.

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. 2016-16 (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 some residents in town have solar panels and are able to sell back the solar power to the Borough. We needed to create a rate for the self generation because it is different than bulk rate.

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.

A Motion was made by Councilman Stogdill to adopt Ordinance 2016-16 (1160). The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

UNFINISHED BUSINESS:

Proposals for Engineering Services for the Contract Document Preparation and Construction Services for the Water Tank Repainting

Mayor LaCicero stated that according to the letter we received from the State on this grant/loan application the Engineering contracts are a document that is needed as part of the application process. So basically, if we want to apply for this loan/grant we will have to approve this proposal and send off the contracts.

Mr. Bennett stated that there are two proposals here for this. One is for the preparation of the contract documents which is roughly \$24,000 and then another proposal for overseeing the project which is also \$24,000.

Councilman Borowski questioned if that meant that O'Donnell's office would be the lead Engineer overseeing the entire project once it is started?

Mr. Bennett stated that is exactly right. He stated that we need to be very clear about this application. It is not so much a grant as a loan. We will still be responsible for paying this back, unlike a grant, but there is eligibility for 50% loan forgiveness if approved.

Mr. Bernstein stated that both proposals can be approved tonight with wording in the resolutions that they are subject to the approval of the loan application. However, if you approve these proposals tonight you will be stuck with this one Engineering Firm. You can not change in the middle of the project.

A Motion to approve the proposal for preparation of the contract documents which will be Resolution 2016-328A was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

A Motion to approve the proposal for managing/overseeing the project which will be Resolution 2016-328B was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

Discussion of the Gazebo on Guyer Avenue and the Ocean Front that was donated by the Sabarese Family

Mr. Bennett stated that the Sabarese have moved out of town and the gazebo they donated is still in need of repair. Public Works would like permission to take it down since the family has moved out of town and haven't made any attempts to repair.

Councilwoman Filippone stated that she knows the daughter and she believes that it was already repaired by the family and doesn't think they want it taken down. Have we received anything in writing from them that they no longer want it? She thinks that the family should be contacted and given an option before we just get rid of it. She will reach out to them and see what their feelings are and let John know.

NEW BUSINESS:

Proposal for Services for the 2017 CDBG Funding Application

Council President Zalom stated that CDBG funds are available again for 2017 and she will be applying for these funds. We are looking to get some money to put towards the pedestrian walkover on Trenton Avenue that the Army Corps. is going to be constructing with their project. Our monies will go towards changing the regular pedestrian walkover to a handicap accessible walkover. We have been told that this will cost the Borough roughly \$58,000 so hopefully we can get that amount from this grant. Our Engineer's Office has always done the CDBG grant application for us so we need this proposal approved tonight so they can get started on it.

Mayor LaCicero stated that the proposal for this is \$2,500. They have always done it for us but Mr. Bennett has started a new system where the Engineer should submit proposals first for approval on everything they will be doing for us in order for us to know the price first. It seems to be working out well.

A Motion to approve the proposal to prepare and submit the 2017 CDBG grant application which will be Resolution 2016-328C was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Discussion of leaving snowflake ornaments lit from Black Friday to the last day of February or early March every year.

Mayor LaCicero stated that this has been brought up before. It seems many would like the snowflake ornaments lit from Black Friday till the end of February or beginning of March and call them winter decorations.

Councilwoman Filippone stated that this has been discussed before and she is all for it.

A Motion to approve the snowflake decorations to be lit from Black Friday to the end of February was made by Councilman Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Verizon Correspondence regarding a Right Of Way Resolution and Agreement

Councilman Finter stated that there is a representative here tonight who would like to answer any questions we may have about this issue.

Richard Kommissar, Tilson Corp. stated that they are a third party company who is handling this issue for Verizon. Basically, we will need consent from the Borough to install these nodes on the utility poles because of the right of way. These nodes are to make our cell phones and any of our technology better for our customers who use them in town and around the area. They are to smooth the kinks out basically. We will be putting these nodes on every two to five poles or wherever service is deemed necessary.

Council President Zalom questioned how many other towns have these nodes on their poles?

Mr. Kommissar stated that a lot of towns north of here have them.

Council President Zalom questioned how many shore towns have them?

Councilman Finter stated that four other towns south of us have them already. Harvey Cedars being one shore town has them.

Councilman Borowski stated that we are different than a lot of these towns because we own our own utility poles because we have our own utility.

Councilman Finter stated that we don't own all of our poles but most of them. Jersey Central Power & Light does own some of them.

Mr. Komissar stated that they will apply for any permits that are necessary for this as well.

Council President Zalom questioned if we will get any kind of monetary profit from this?

Mr. Kommissar stated that there will be no rents on these nodes.

Councilwoman Filippone stated that she doesn't see where the community will benefit from this. The only one that will benefit is Verizon. Why don't they just get a bigger cell tower

Mr. Kommissar stated that Verizon service is already here, they just want to update their services for the people in this community to make better for them.

Mayor LaCicero stated that the only question here is whether we want them to infringe on our right of way.

Councilman Finter stated that we also need to make sure that they do not infringe upon people's properties.

Mayor LaCicero stated that we are not going to approve this tonight, we will review the agreements again and do some modifications to them and then we will let him know.

Mr. Kommissar stated that was fine and to let him know when they are ready. He wished everyone a happy holiday.

2017 CDBG GRANT APPLICATION 1st PUBLIC HEARING:

2017 CDBG Grant Application-Description of Project and Process of Application

Mayor LaCicero stated that some of the requirements that go along with this application is two public hearings so this will be the first hearing.

A Motion to open the public hearing on the 2017 CDBG Grant Application 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.

The Mayor opened the public hearing and asked Council President Zalom to inform the public on what the Borough is applying for with this grant.

Council President Zalom stated that we are looking to apply for monies to go towards making the pedestrian walkover that the Army Corps. will be doing on Trenton Avenue and changing it to a handicap accessible walkover. The Army Corps. project is giving us three handicap accessible walkovers on the other three wide streets and we felt that Trenton Avenue should have one also because that is where the surf camp for the special needs kids is held every year and we have a disabled person that lives close to that area so we felt it would be appropriate to do this. I have already attended the first meeting at the County and explained our situation and roughly how

much we will be applying for. We have been told that it will roughly cost us \$58,000 for this change. The Engineer will be taking care of the application and we need to have a 2nd public hearing before the application is due on February 10th of next year.

Mayor LaCicero asked if anyone wished to comment on this project application?

Sandy Malenky, 6 Sterling Avenue questioned if these walkovers are going to be like the ones on Long Beach Island? They have lifts for the handicap.

Mayor LaCicero stated that these handicap walkovers will be different than those. There are no lifts with these.

No one else wished to comment on this 2017 CDBG grant application.

The Mayor closed the public hearing on the 2017 CDBG Grant Application.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that he was an usher at Faith Lutheran Church on Saturday for a funeral and the patrons had to try to maneuver over 6 inches of slush trying to get on the curb from the street. Since the Route 35 Project done by Harms, the new pavement is 2 inches higher than the top of sewer on New York Avenue. Somehow, this water needs to drain properly very soon. We have a lot of elderly people who go to church and children and someone is going to get hurt. This is a liability for the Borough.

Councilman Stogdill stated that Faith Lutheran has a nursery school their and Sunday School as well and children are there all the time. He would hate to see a child getting hurt trying to jump over the slush or snow or ice that will be there when it gets really cold and the stagnant water freezes.

Council President Zalom stated that she is going to reach out to the DOT first thing tomorrow and get someone out there to check out that area and see what can be done sooner than later.

Councilman Lamb stated that there are a couple of places on other streets that are having the same issue so they should check those out as well while they are here.

Joe Palinsky, 122 Washington Avenue wished everyone a Merry Christmas and Happy New Year!

Al Jones, 113 Vance Avenue questioned the status of the new basketball courts agreement and when it is going to start?

Mayor LaCicero stated that as of right now the draft agreement is in the hands of the Daly's for their review. Once they give the ok, both parties will sign off and then the project can begin.

Mr. Jones thanked Councilman Lamb for taking care of the fence issue by the pavilion on Reese Avenue. It will now prevent people from walking on those dunes. He also requested an update on the lifeguard building issue.

Mr. Bernstein stated that there is potential litigation there and we cannot comment on that as of right now but we are taking the necessary steps to take care of it.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that the Public Power Association was able to secure very low prices for the bulk energy on Thursday. For the years 2020 and 2021 we got it for 31 megawatts per hour. He wished everyone a Merry Christmas and Happy New

Council President Zalom stated that Wednesday is Lavallette's 129th Birthday Party at the First Aid Building. Don't forget to get your tickets for the ski trip on January 21st. Also, the Lavallette School is also interested in the Pickle ball courts so if we are looking to do that next year they would put monies towards it as well. She wished everyone a wonderful holiday season?

Councilman Stogdill stated that we are already having great badge sales for next before it even gets here. We have already sold to date 194 season badges totaling \$7,760 and 78 senior badges totaling \$1,170 for the Christmas Season. Remember, you can get the badges for Christmas presents until 4pm on December 23rd. After that, the sale is over until the preseason sale starts sometime in May. He wished everyone a Merry Christmas!

Councilman Finter wished everyone a Merry Christmas!

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need to go into executive session to discuss attorney client privilege, possible litigation regarding lifeguard headquarters and the shared services agreement with Seaside Park. There may be action taken.

A Motion to adjourn the 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 Regular Meeting was adjourned to go into executive session at 8:26 pm.

A Motion to reconvene the regular meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 9:07 pm.

Mr. Bernstein stated that while in executive session there were several issues discussed. One was ongoing negotiations with the shared services agreement between Lavallette and Seaside

Park. There was no formal action taken there. There was also discussion about the ongoing issue regarding the lifeguard building and action taken was to hire an Environmental Specialist to give a report on the assessment of the mold issue in the building.

A Motion to approve Resolution 2016-330 to hire Environmental Safety & Management Corp. to assess the mold issue in the lifeguard building and present an initial report with the contract not to exceed \$3,000 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.

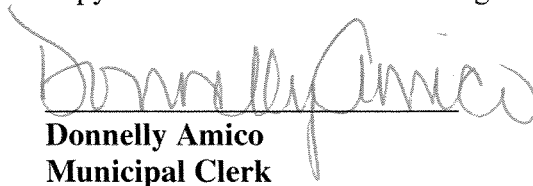
ADJOURNMENT:

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

The Regular Meeting was adjourned at 9:09 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 19th day of **December 2016**


Donnelly Amico
Municipal Clerk