

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, December 5, 2016-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
Councilman Stogdill will be a little late getting here.

Also present: Donnelly Amico, Municipal Clerk
Eric Bernstein, Borough Attorney

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 8, 2016. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for Bill Pesci, long time resident as well as Joe Pesci's older brother who passed away recently and let's not forget Pearl Harbor Day on December 7th.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. He stated that the bids were received for the beach replenishment project and there were only three bids submitted. The lowest bidder was extremely low compared to the other two so they are going to have to do some research to make sure the low bidder is legit and capable. They are hoping to not have to go out for a re bid. If the low bidder is legit and they go with him, they will award the contract within 60 days from the bid date of November 16th. There was also an article in the Ocean Star about the lifeguard headquarters regarding the mold issue. The issue was found late in the summer and we are trying to get it rectified. We cannot discuss it any further since it is potential litigation and we are going to discuss in Executive Session. 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 at this time.

APPROVAL OF MINUTES:

Minutes of Caucus/Regular Meeting of November 14, 2016
Executive Session Minutes of November 14, 2016

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

REPORTS:

- a) Construction Report for November 2016-Councilwoman Filippone-read report
- b) Zoning Report for November 2016-Councilwoman Filippone-read report
- c) Municipal Court Report for November 2016-Councilwoman Filippone-read report
- d) Police Overtime Report for November 2016-Councilwoman Filippone-read report
- e) Public Works Report for November 2016-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-We had a beautiful tree lighting on Friday night. The town's 129th Birthday Party is on December 21st so if you didn't get your tickets yet get going. The LBA had their Ugly Sweater Run on Saturday. We will be applying for CDBG funds again for 2017 and we will be asking for monies to make the Trenton Avenue walkover handicap accessible. The office downstairs is selling beach badges for next year to people who want to buy them for Christmas presents. So much going on in town all the time.
- g) Tax Account Report for November 2016-Tax Collector
- h) Revenue Transaction Report for October 2016-Chief Financial Officer
- i) Report of Tax Sale of November 16, 2016-Tax Collector
- j) Certificate of Determination and Award-Chief Financial Officer

Councilman Stogdill arrived at 7:15pm.

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

- 2016-304 authorizing the refund of a 2016 tax overpayment in the amount of \$1,442.84 to Peter and Lucy Farrel at 1605 Bay Blvd.
- 2016-305 authorizing a refund of an electric credit in the amount of \$709.61 to the Estate of Vivian Ruschman at 101 Elizabeth Avenue
- 2016-306 adopting and establishing a "Personnel Policies and Procedures Manual" for the Borough of Lavallette
- 2016-307 approving a road opening permit to New Jersey American Water Company to replace various water mains on Westmont Avenue-Mayor LaCicero stated that these two resolutions are in conjunction with our new Ordinance on the road opening permits

- 2016-308 approving a road opening permit to New Jersey Natural Gas Company for a trench opening at 26 Virginia Avenue
- 2016-309 appointing Christine Sierfeld to the position of Tax Collector for a four year term beginning July 1, 2016 and ending July 1, 2020
- 2016-310 approving a 50/50 on premise raffle to Lavallette Heritage Committee to hold during the Lavallette Birthday Party on December 21, 2016 from 6pm to 10pm
- 2016-311 authorizing Mayor LaCicero to sign and execute the employment agreement between the Construction Official and the Borough of Lavallette-Mayor LaCicero stated that this Resolution as well as 312 and 313 will be pulled right now and discussed in Executive Session. If there is action taken we will vote on them after the Executive Session
- 2016-312 authorizing the Borough Attorney to prepare a shared services agreement between the Borough of Lavallette and the Borough of Seaside Park for Construction, Zoning and Code Enforcement
- 2016-313 authorizing a stipend for the year 2016 to Diana Lahullier in the amount of \$5,000 for all the ongoing work she did in preparing and submitting all the documentation to FEMA for the last four years
- 2016-314 appointing two temporary laborers for the Department of Public Works effective January 1, 2017

A Motion to approve the consent agenda was made by Councilman Stogdill. 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 Resolutions 2016-311, 312 and 313.

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

RESOLUTION - OFF CONSENT:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

- 2016-315 Bills List in the amount of \$1,570,070.14

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

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 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. 2016-15 (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

Councilwoman Filippone stated that the previous Construction Official was also certified as the Flood Plain Manager. This Ordinance allows the new Construction Official to designate a designee as the Flood Plain Manager which will be Gary Royer for now. The new Construction Official will be getting the certification for that as well.

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:

New Jersey League of Municipalities:

- a) Daily Update/Received November 2, 2016
- b) Weekly Update/Received November 4, 2016
- c) Daily Update/Received November 9, 2016
- d) Daily Update/Received November 10, 2016
- e) Weekly Update/Received November 11, 2016

- f) Support for New Jersey Participation in USDA Pilot/Received November 14, 2016
- g) Reminder-19th Annual Elected Officials Hall of Fame/Received November 17, 2016- Councilwoman Filippone stated that we should nominate Anita for this Hall of Fame.
- h) Weekly Update/Received November 23, 2016

General With No Action:

- a) Ocean County Municipal Joint Insurance Fund/PERMA Risk Management Services/2016 Dividend in the amount of \$23,288.46/Received November 17, 2016
- b) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Preliminary Estimate of 2017 Annual Charge/Received November 17, 2016-Councilman Borowski questioned if this was the normal estimate as every other year? Councilman Finter stated that he believes it is in the same ballpark as last year.
- c) Ocean County Board of Health/Daniel Regenye, Coordinator/Municipal Alliance Program/Received November 17, 2016
- d) Ocean County Board of Taxation/Chelsea Skuby, Tax Administrator/Order for Revaluation/Received December 1, 2016-Mayor LaCicero stated that he figured this was coming sooner than later. We will try and push this off as long as we can but its been a very long time since our last re-val so we won't be able to push off for too much longer.

General With Action:

- a) State of New Jersey/Department of Transportation/Richard Hammer, Commissioner/Applications Now Being Accepted for NJDOT FY 2017 State Aid Programs/Received November 22, 2016-Mayor LaCicero stated that the Engineer will take care of applying for our next two road applications.
- b) Rutgers/Gwendolyn Harris, Exec. Director/inviting Mayor and Council to an Upcoming Forum about South Jersey on December 6, 2016 at Rutgers Camden Campus beginning at 3pm/Received November 28, 2016-Mayor LaCicero stated that this is about South Jersey which we are not.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Councilman Borowski stated that JCP & L is looking for a rate increase to the five municipalities that get the bulk power from them in the PPANJ. The increase they are looking for is 53% which is ¾ million dollars higher annually. The BPU filed an objective letter and there will be a preliminary hearing in Trenton. The direct impact it would be on Lavallette is roughly \$60,000. He will update when he gets more information on how the hearing went.

COMMENTS FROM THE PUBLIC:

John Corney, 1 Newark Avenue questioned what LOSAP was?

Mayor LaCicero stated that it is a incentive that is provided to our volunteer emergency responders, kind of like a pension.

Mr. Corney questioned if there were going to be any cancellations at the next meeting since it is our last meeting of the year?

Mayor stated that John and the CFO are not here to answer that question, but he knows that if there are any they will be on for cancellations.

Joseph Palinsky, 122 Washington Avenue questioned what year monies were used to purchase the beach badges early?

Mayor LaCicero stated that John and the CFO was not there to answer that question but he believes that it was all figured out before we purchased them.

Al Jones, 113 Reese Avenue questioned where the basketball court renovations were and when it was going to start?

Mayor LaCicero stated that the draft agreement was drawn up and this item is going to be discussed in executive session.

Mr. Jones stated that every year his family participates in planting dune grass close to the Reese Avenue pavilion and most of them are destroyed due to so many people climbing the dune there to see if it's good to fish. Is there any way that the town can put some crime scene tape around that area to prevent people from walking up the dune?

Mayor LaCicero stated that maybe we can fence that area off.

Councilman Lamb stated that he will talk to the Supt. about fencing that area off.

Vicki Guy, Sterling Avenue stated that the Lavallette 129th Birthday Party is on December 21st and there are roughly 25 tickets still available.

COMMENTS FROM THE MAYOR AND COUNCIL:

Council President Zalom stated that we already received a history grant for \$500 a couple weeks ago and now we received the cultural grant of \$1,000 for our summer concert series. Last year we only received \$800 so this is great for us. Thank you to Donnelly for getting the grant done for us.

Councilman Finter stated that there are flyers on the back counter for St. Barnabas Recovery Program as well as JCP & L and holiday lighting.

Councilman Borowski stated that he just checked and the estimate from the OCUA is identical to last year at this time.

Councilman Borowski thanked Councilman Stogdill for the badge sales and getting it together. He was a big proponent of doing this sale for Christmas and is glad it is working out for us. The Fire Department's Oyster Supper was the first since before the storm and it turned out to be a big hit. There were at least 500 people that attended. Also, he thanked Karen Lamb and the Ladies Auxiliary who they couldn't have done it without them.

Councilman Stogdill stated that he can't take any credit for the badge sales at all. The staff downstairs should take the credit since they took care of the ordering and preparing and advertising and selling of the badges. We have a great staff downstairs.

Councilman Finter stated that there are only 6 seats left for the bus trip.

EXECUTIVE SESSION:

Personnel Matters

Litigation Matter-Andrews

Lifeguard Building

Contractual Matters-Basketball Courts

Mr. Bernstein stated that there is a need to go into executive session to discuss a number of items regarding personnel issues regarding a DPW employee, contractual issues regarding Jacobsen Park and the Construction Official, a litigation matter and a potential litigation matter. There may be action taken with some of these matters.

A Motion to adjourn the Caucus/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 Caucus/Regular Meeting was adjourned to go into executive session at 7:55 pm.

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

The Caucus/Regular Meeting was reconvened at 8:49 pm.

Mr. Bernstein stated that while in executive session there were several matters discussed. One matter was regarding litigation of a former member of the Police Department which Council gave direction to Borough Attorney to settle. There was discussion on a DPW employee which is on the agenda as Resolution 2016-313. There was action taken on this matter to modify the resolution. There was discussion on a contractual matter regarding Jacobsen Park which is just waiting on the draft agreement being reviewed internally and giving direction to Borough Attorney once reviewed. There was discussion on a personnel issue regarding the construction official and shared services

agreement with Seaside Park which action was taken to vote on the Resolution 2016-311 and Resolution 2016-312 as well as the Borough Attorney given direction on preparing a draft shared services agreement for review. Finally, there was discussion on issues regarding the lifeguard headquarters with direction being given on that matter.

2016-311 authorizing Mayor LaCicero to sign and execute the employment agreement between the Construction Official and the Borough of Lavallette

A Motion to approve this resolution 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.

216-312 authorizing the Borough Attorney to prepare a shared services agreement between the Borough of Lavallette and the Borough of Seaside Park for Construction, Zoning, and Code Enforcement Services

A Motion to approve this resolution 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.

2016-313 Authorizing a one time stipend in the amount of \$5,000 to Diana Lahullier for all the ongoing work she did in preparing and submitting all the documentation to FEMA for the last four years

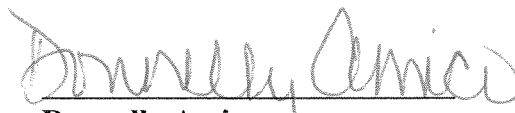
A Motion to approve this resolution was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

ADJOURNMENT:

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

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 5th day of **December 2016**


Donnelly Amico
Municipal Clerk