BOROUGH OF LAVALLETTE
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
May 2, 2016-7:00 pm

CALL TO ORDER: Mayor Walter LaCicero, presiding

ROLL CALL: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb
A Motion to excuse Councilman Stogdill was made by Councilwoman Filippone. The Motion was
Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

Also present: Donnelly Amico, Acting 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 Maddy Stogdill, a long
time resident who recently passed away. The Mayor read a brief history on her life. She was the
last child born in her home in Lavallette.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR’S WELCOMING STATEMENT: The Mayor thanked everyone for coming to
tonight’s meeting. This is our first meeting without a Borough Administrator but we have chosen
one and will be discussing that in Executive Session. The Mayor stated that anyone who wishes 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.

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

Brian Barr stated that he lives in Bay Head and is a lifeguard. He spoke to Councilman Stogdill and
he had suggested that he come to tonight’s meeting to discuss my situation. We are looking to
partner with the Lavallette lifeguards to do a 5K event and was wondering what needed to be done
if anything with the town.

Mayor LaCicero stated that there is a process for permission to have an event. There is a facilities
use application with a fee of $25 that needs to be filled out along with a certificate of insurance and
it needs to be approved at a Council Meeting. The applications are downstairs in our
Administration Office. That is where you need to start.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of April 18, 2016
A Motion to approve the minutes was made by Councilman Finter. The Motion was Seconded by Councilman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

REPORTS:

a) Construction Report for April 2016-Councilwoman Filippone-read report
b) Zoning Report for April 2016-Councilwoman Filippone-read report
c) Municipal Court Report for April 2016-Councilwoman Filippone-no report
d) Police Overtime Report for April 2016-Councilwoman Filippone-no report
e) Public Works Report for April 2016-Councilman Lamb-read report
f) Public Affairs Report-Council President Zalom-We had a wonderful beach sweeps and had 75 people attend. Thanks to my two Co-Captains Dave Finter and Clem Boyers because she could never do it alone and Public Works always helps out by bringing up the tables. There is going to be a Senior Shuffleboard on June 14th at 8am. We are working on Municipal Alliance paying for the bulletin board in front of Borough Hall so she will keep everyone updated. J Janice Merna has been doing a great job of putting all the flyers up on both bulletin boards on the boardwalk and bay front. We finally got a Memorial Day Speaker for our services. He was in the service for 37 years and has been retired for 5 years and is very excited to attend our services.
g) Tax Account Report for April 2016-Tax Collector
h) Revenue Transaction Report for March 2016-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT

2016-149 appointing Class I Officers for the Lavallette Police Department at an hourly rate of $9.00 effective May 15, 2016 through September 5, 2016

2016-150 approving a facilities use application to Melissa Amato from Pink Buddha Yoga to hold yoga on the Washington Avenue beach on Saturdays in July and August at 8am has been approved

2016-151 appointing Susan Kilcheski as a part-time Building Inspector for the Lavallette Construction Department at an hourly rate of $35.00 effective immediately - Councilwoman Filippone stated that this Inspector has been working for us since the storm. She was sent by the DCA and paid by the DCA to help us with inspections due to the storm. Those inspectors were done as of April 30, 2016 so we decided to hire her for Lavallette because she is already very knowledgeable of our codes and does mostly plan review.
2016-152 appointing Pam Caucino as the Beach Badge Checker Supervisor for the 2016 summer season at a weekly rate of $551.82 for a total of 13 weeks for the 2016 summer season

2016-153 awarding a contract to Garden State Fireworks to hold our Fireworks Display on July 3, 2016 with a rain date of July 10, 2016

2016-154 appointing Shane Hart and James Allen as full time laborers for the Department of Public Works-Councilman Finter requested that this resolution be put off consent

2016-155 authorizing a refund to MA Urgola Enterprises for unused off duty escrow in the amount of $141.38-Mayor LaCicero stated that this is when modular companies need our officers to help with traffic control they pay a fee.

2016-156 accepting the retirement of Christopher Parlow and authorizing payment of unused sick and vacation time

2016-157 amending the 2016 temporary budget-Councilman Borowski stated that this amendment is for the salaries that needed to be paid for the month since our budget is not adopted.

2016-158 approving a facilities use application to Waves of Impact to hold their free surf camps on the Trenton Avenue beach for wounded vets and disabled children on Tuesday, July 26th from 10am to 3pm and Wednesday, July 27th from 10am to 4pm-Mayor LaCicero stated that this is annual event and is enjoyed by everyone.

2016-159 approving application for Christopher K. Avallone as an active member of the Lavallette Volunteer Fire Company #1-Council President Zalom stated that it’s nice to see these guys becoming members of our Fire Company.

2016-160 approving application for Timothy J. Perruso as an active member of the Lavallette Volunteer Fire Company #1

2016-161 approving application for Jacob R. Yeager as an active member of the Lavallette Volunteer Fire Company #1

2016-162 appointing John Bennett as the new part-time Administrator for the Borough of Lavallette at an annual salary of $80,000-Mayor LaCicero stated that this resolution will be pulled and discussed in Executive Session.

2016-163 approving application to Charles Sellers from DQ Events to hold a ½ mile ocean swim starting at Princeton Avenue to Diane Lane in Ortley Beach and a 3 mile run starting at Diane Lane in Ortley Beach to our boardwalk from Trenton Avenue to Ortley Avenue and then back on August 23, 2016 from 5pm to 8pm-Councilman Borowski requested this resolution be pulled and put off consent.
2016-163A authorizing the approval of Change Order #1 with Wallace Brothers, Inc. for the construction of lifeguard headquarters in the amount of $15,669.12-Councilman Borowski requested that this resolution be pulled and put off consent.

A Motion to approve the consent agenda minus Resolutions 2016-154, 2016-162, 2016-163, 2016-163A was made by Councilwoman Filippone. The Motion was Seconded by Councilman Borowski.

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.

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

**RESOLUTION - OFF CONSENT:**

2016-154 appointing Shane Hart and James Allen as full time laborers for the Department of Public Works

Councilman Finter stated that he would like this resolution to state that the full time status is contingent upon the signing of the new Teamsters Contract.

A Motion to approve the amended Resolution 2016-154 to make the full time status contingent upon the signing of the new Teamsters Contract was made by Councilman Borowski. The Motion was Seconded by Councilwoman Filippone.

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 the amended Resolution.

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

2016-163 approving a facilities use application to Charles Sellers from DQ Events to hold a ½ mile ocean swim starting at Princeton Avenue to Diane Lane in Ortley Beach and a 3 mile run starting at Diane Lane in Ortley Beach to our boardwalk from Trenton Avenue to Ortley Avenue and then back on August 23, 2016 from 5pm to 8pm
Councilman Borowski stated that he thought that we approved a resolution for no events during the summer season east of the highway. This event seems like a big stretch of waters for the swim and boardwalk. He doesn’t really think it is a good idea especially in August which is our busiest time.

Councilwoman Filippone stated that she thought it was west of the highway and did not include the boardwalk.

Mayor LaCicero stated that we have time on this so let’s table it until we take a look at the resolution that we are speaking about.

This resolution is tabled until further notice.

2016-163A authorizing the approval of Change Order #1 with Wallace Brothers, Inc. for the construction of lifeguard headquarters in the amount of $15,669.12

Councilman Borowski stated that he said from the beginning when we hired Wallace for this project that he was not going to approve any change orders. This is exactly how it started with the Municipal Building. This is a modular home and there should be no reason for any change orders.

Mayor LaCicero questioned what the holes in the floor were for?

Councilman Finter stated that it is for holes into the concrete slab.

Mayor LaCicero stated that it is supposed to be on pilings.

Councilman Finter stated that the pilings are in one section and there is a concrete foundation in another section.

Mayor LaCicero stated that he thought we were using that portion as storage underneath?

Councilwoman Filippone stated that the labor costs are extravagant and ridiculous.

Mayor LaCicero stated that it is never going to be ready on time anyway, there is always something that they come up with.

Councilwoman Filippone stated that Mr. O’Donnell has stated that theses items were ordered by our building inspector.

Councilman Borowski stated that these issues should not have anything to do with the building being brought here.

Councilman Finter stated that all of these things have to be added before delivery.

A Motion to adopt this resolution was made by Council President Zalom. The Motion was Seconded by Councilman Finter.
The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Clem Boyers, 20 Kerr Avenue stated that the building is not going to be done on time anyway whether you vote no or yes on this change order. You just need to set the contractor straight or he is going to keep doing this.

Mark Speaker, 111 Brown Avenue stated that he is familiar with the modular industry and that box should be completed already. They will do additional openings in the factory but all of that should have been done a long time ago.

No one else wished to comment on this resolution. The Mayor closed the floor to the public.

Councilman Lamb stated that when you guys had the last meeting with Wallace is seemed productive so let’s get another meeting together with him and set him straight.

Councilwoman Filippone suggested that Ken Kiseli, the Construction Official be brought in on this meeting as well. She picked out all the colors and flooring and counters and so on last month so why is this happening now. This should have already been done months ago.

The Mayor asked Council for a vote on Resolution 2016-163A.

Vote: Council Member Zalom voted Yes. Council Members Borowski, Filippone, Finter and Lamb voted No. The Motion Fails.

**APPROVAL OF VOUCHERS:**

2016-164 Bills List in the amount of $3,670,303.64

A Motion to approve the bills list was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone.

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

Ernie Stefanelli, 122 Camden Avenue questioned if the bills list is always in the millions?

Mayor LaCicero stated that it is not always this high. Also included in the bills list this time are fees we take in to pay the County, the School.

Councilwoman Filippone stated that included in this bills list is the school tax we have to pay and the insurance bill so that is why this bills list is high.

No one else wished to comment on the bills list. The Mayor closed the floor to the public and asked Council for a vote on the bills list.
Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

COMMUNICATIONS:

Legal:

a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny’s Pizzeria & Restaurant, Inc. v. Borough of Lavallette/Received April 15, 2016  
b) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Drone/Unmanned Aircraft Regulation/Received April 27, 2016

Engineering:

a) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Guyer Avenue Road Improvements/Received April 6, 2016  
b) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Gregory and Elissa Torre Residence/PV Solar Panel System/12 Camden Avenue/Received April 8, 2016  
c) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Guyer Avenue Road Improvements/Received April 21, 2016  
d) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Construction of New Lifeguard Headquarters/Pay Estimate No. 2/Received April 26, 2016  
e) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Guyer Avenue Road Improvements/NJDOT Local Aid Infrastructure Fund FY 2015/Received April 27, 2016  
g) O’Donnell, Stanton & Associates/Michael O’Donnell, Engineer/Preconstruction Conference Minutes/Guyer Avenue Road Improvements/Received April 28, 2016

New Jersey League of Municipalities:

a) Weekly Policy Update/Received April 1, 2016  
b) Weekly Policy Update/Received April 8, 2016  
c) NJBIZ & The New Jersey League of Municipalities Inaugural Public Private Partnership Awards/Received April 15, 2016  
d) Weekly Policy Update/Received April 15, 2016  
e) $100,000 Smart City Technologies Grant Announced/Received April 19, 2016  
f) Council on Local Mandates Invalidates Police Camera Mandate/Received April 20, 2016  
g) Galloway Twp. Wins OPRA Case/Received April 21, 2016

General With No Action:

a) FEMA/NFIP Transformation Task Force Update/Received April 4, 2016  
b) Office of the Ocean County Engineer/John Ernst, Engineer/Need to Notify County on all Open Space Acquisitions along County Roadways in Lavallette/Received April 4, 2016  
c) Ocean County Mosquito Extermination Commission/NJDEP Approved Fact Sheets/Michael Romanowski, Supt./Received April 4, 2016
d) NJ Bankers/Michael Affuso, Exec. Vice President/Property Maintenance Issues/Received April 4, 2016

e) DEP News Release/DEP and NJDOT Working to Ensure Protection of Barnegat Bay Water Quality During Route 35 Storm Water System Sealing Operations/Received April 5, 2016

f) DEP News Release/Christie Administration Providing Residents More Than 102,000 Seedlings to Replace Trees Lost During Superstorm Sandy/Received April 5, 2016-Council President Zalom stated that the State is offering seedlings if any one is interested. They have flyers down in the Administration office with the email address.

 g) Office of the County Engineer/John Ernst, Engineer/2016 County Road Improvement Program/Received April 6, 2016

 h) New Jersey Natural Gas/Maria Diaz, Supervisor/National Dig Safety Month/Received April 7, 2016

i) FEMA Launches New Preparedness Feature to Smartphone App/Received April 8, 2016

j) Dolores Sheptock/103 New York Avenue/thanking Mayor and Council for the extra benches on the boardwalk/Received April 13, 2016

k) State of New Jersey/Department of Transportation/Genevieve Clifton, Manager/Lavallette Beach Channel Maintenance Dredging/Received April 13, 2016-Mayor LaCicero stated that the State will be dredging the Lavallette Channel.

l) Ocean County Department of Solid Waste Management/Gerry Little, Freeholder/Ocean County Recycling Revenue Sharing Program Check in the Amount of $2,315.49/Received April 14, 2016

m) American Red Cross/Steven Sarinelli, NJ Disaster Officer/Red Cross Response for Emergencies in our Town/Received April 20, 2016

n) State of New Jersey/Office of the Attorney General/Robert Lougy, Acting AG/State of New Jersey, Department of Transportation v. Great Swan Bay Corp./Received April 21, 2016

o) Ocean County Planning Board/David McKeon, Planning Director/Ocean County Wastewater Management Plan/Received April 22, 2016

p) State of New Jersey/Department of Transportation/Michael Russo, Director/Denial of NJDOT 2016 Municipal Aid Program for President Avenue/Received April 22, 2016

q) Borough of Seaside Heights/Thomas Boyd, Chief/Invitation to Class I Officers Graduation on May 1, 2016/Received April 25, 2016

r) J.R. Henderson Labs, Inc./Margaret Ellis, Lab Manager/Borough of Lavallette Water Utility Testing/Received April 28, 2016

General With Action:

a) Peter Nemeth/4 Hines Court/requesting assistance from Mayor and Council for a water bill in the amount of $2,293.52 for High Usage in a Vacant Home/Received April 14, 2016-Mayor LaCicero stated that he has already looked into this. Our new meters are so accurate you can actually see when the leak went through the meter so there is no room for error. Mr. Bernstein will respond formally to this gentleman.

UNFINISHED BUSINESS:
Council President Zalom stated that there is still $26,000 left in the CDBG 2015 funds. We have been looking into the EZ Docks Ramps to make it easier for the handicap and the mothers with a lot of kids and stuff to get on and off the beach. These will be put at some of the beach openings, I think three of them. We received a couple of quotes and they are roughly around $16,000.

Councilwoman Filippone questioned what makes these different from the mobi mats and from sinking in the sand?

Councilman Finter stated that he believes these are much better than the mobi mats and are solid units to prevent that from happening.

Mayor LaCicero stated that there is no sinking of sand there is an actually drop in the sand.

Councilman Lamb stated that the Supt. is still not confident that these are going to work. The DEP Permit that we have requires 15 inches and these can only go 12 inches. We need to be very careful in what we do because of our permit. We already had to pay a fine once. My suggestion is to reach out to Mr. Schlosser and discuss it with him before you do any kind of ordering of these.

Council President Zalom stated that she will talk to Mr. Schlosser about it.

Councilman Finter stated that it is definitely doable with the 12 inches. There should be no issues.

Mayor LaCicero stated that Councilman Lamb is right about interfering with our DEP Permit. We need to be sure that these are within the guidelines. We need to research more before we jump into this.

Councilwoman Filippone suggested that we reach out to the DEP and get there approval on these.

Council President Zalom stated that she will call the DEP.

Councilman Borowski questioned the deficiency at the water department regarding the water samples and if the situation was remedied?

Mr. Bernstein stated that due to some potential litigation he will update them in Executive Session on this matter.

NEW BUSINESS:

Mayor LaCicero stated that he had a discussion with the Mayor of Brick regarding our Shared Services Agreement for our Construction Official Services and he advised me that as of June 1, 2016 they will be taking our Construction Official Ken Kiseli back full time. The Brick Construction Office has also lost all of their DCA Inspectors as of April 30, 2016 so therefore, they will need Ken’s services on a full time basis from now on. The shared services agreement requires 3 months notice before they are allowed to take him away from us and he informed us in March. We are in discussions with Seaside Park to take over their construction department and do a shared services. They would like us to take over their construction services. We are still in the beginning
stages of working things out. We will have to make some employees full time so we still need to iron out some of the logistics. We need to sit down with Seaside Park and make some decisions. Mr. Royer is supposed to get more information for me this week.

**COMMENTS FROM THE PUBLIC:**

Herb Hascher, 1301 Bay Blvd. stated that a flooding problem still exists by the Washington Avenue entrance to the parking lot on Bay Blvd. The flooding is so very bad there it affects the walkers and runners who have to enter the roadway to go around the flooding that exists on the sidewalks also.

Mayor LaCicero stated that we have put it on the County Road punch list that we do annually with the County so hopefully it will be rectified this year.

Council President Zalom stated that she will reach out to the County Engineer and have them put a rush on it.

Clem Boyers, 20 Kerr Avenue questioned why there is only marked parking spaces on the ocean front streets in town?

Councilwoman Filippone stated that the parking definitely has to be reassessed on the ocean blocks but the reason is because there is a lot of traffic on the ocean streets in the summer. Without the lines they will park right in the middle of two areas that could accommodate two cars.

Mr. Boyers stated that he would like Council to give him permission to paint over the lines with black.

Mr. Bernstein stated that is Borough property and he cannot get permission to do so. If Council wants the Engineer to go out and measure the areas and present a plan. The fact that the town chooses not to enforce the parking in that area doesn’t make it right. The Chief is responsible for the parking issues.

Bob Astorino, 2 Elizabeth Avenue stated that the problem is that when the lines are painted they have to be 3 feet off of the driveways on both sides which takes away from getting more parking in those areas.

Mayor LaCicero stated those are state regulations and it does create a problem.

Jon Corney, 1 Newark Avenue questioned if we received any reimbursements from FEMA for our Municipal Building as of yet?

Mayor LaCicero stated that we have done an appeal and right now we have put it in the hands of our Federal politicians to fight this for us. The paperwork for the appeal has been submitted and we are just at a waiting period right now.

Mr. Corney questioned when the dunes on the east side were going to start getting protection. There is no fencing over there at all.
Councilman Lamb stated that Public Works will be putting more snow fence up over there. We are doing the best we can with what we have. We can’t plant dune grass this time of year because it won’t take. The south sides of Newark and Elizabeth Avenues have always been tough streets.

Mayor LaCicero stated that because of our individual permit from the DEP we cannot move sand north to south.

Mr. Corney stated that we haven’t had any revetment which is the problem. The biggest issue is keeping the people off of the dunes. If we don’t start enforcing that nothing is going to get better.

COMMENTS FROM THE MAYOR AND COUNCIL:

Councilman Finter stated that garbage should be put in garbage cans to keep the sea gulls away from it.

Council President Zalom stated that we don’t have an ordinance stating that our residents should only use garbage cans. We tell them to use black bags not white ones to protect from the sea gulls. Pour vinegar or ammonia on the bags.

Council President Zalom stated that she and Councilwoman Filippone attended a breakfast with Don Sharpe our Architect and he received an award for our Municipal Building. It was so touching to be there and have them show pictures of our new building and have the audience give big wows. We were very proud!

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need to go into executive session to discuss a personnel item regarding the Administrator position and also to discuss an item of attorney/client privilege. There may or may not be action taken tonight.

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

The Caucus/Regular Meeting was adjourned to go into Executive Session at 8:42 pm.

A Motion to reconvene the Caucus/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.

Mr. Bernstein stated that while in executive session there was discussion relative to the employment of a part/time Borough Administrator. The Mayor and Council will be hiring John Bennett as the new Acting Borough Administrator until the execution of the agreement is signed at which time he will become Permanent Part/Time Borough Administrator.
A Motion to approve Resolution 2016-162 as amended was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Finter and Lamb voted Yes. The Motion Passed.

Mr. Bernstein stated that there was also some discussion on an item of attorney/client privilege with no action taken at this time.

Mr. Bernstein stated that in consulting with the Mayor in executive session he was informed that the Borough of Lavallette is only responsible for 10% of the costs of the lifeguard headquarters with FEMA paying the bulk of the costs. Given that information, we have asked Council to reconsider Resolution 2016-163A for a vote.

A Motion to reconsider and approve Resolution 2016-163A was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: Council Members Filippone, Zalom, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

ADJOURNMENT:

A Motion to adjourn the Caucus/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.

CERTIFICATION

I, Donnelly Amico, Acting 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 2nd day of May 2016

Donnelly Amico
Acting Municipal Clerk