

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**June 6, 2016-7:00 pm**

**CALL TO ORDER:** Mayor Walter LaCicero, presiding

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

Also present:               John Bennett, Borough Administrator  
                                  Donnelly Amico, Acting Municipal Clerk  
                                  Dominic DiYanni, 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 Ruth Long, a resident from New York Avenue who passed away recently and for Kay LaVecchia, former resident and Municipal Clerk who also passed away. She was the Municipal Clerk for Lavallette for roughly 20 years and lived here longer. She will be dearly missed.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. We are now going to be wearing less formal attire for our Council Meetings for the summer season until further notice. 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)**

Kathy Hascher, 1307 Bay Blvd. stated that she is very concerned about the bicycles going the wrong way on the streets. She was almost run down by two bikes this weekend.

Mayor LaCicero stated that we seem to have that problem every year and the Police do write the tickets if they see them going the wrong way.

Mrs. Hascher stated that the crosswalks are also very dangerous. There are too many and the cars do not stop for the pedestrians.

Mayor LaCicero stated that he agrees and have never been in favor of them but the State disagrees with us so we can't win on the highways.

Chris Angulo, 17 Trenton Avenue questioned if there is no smoking allowed on our beaches?

Mayor LaCicero stated that there is only no smoking allowed in our places of resort on the bay side but on the ocean beach you are allowed to smoke.

Mr. Angulo stated that he is making it his goal to ban smoking on the beaches.

### **APPROVAL OF MINUTES:**

Minutes of Regular Meeting of May 16, 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.

### **REPORTS:**

- a) Construction Report for May 2016-Councilwoman Filippone-read report
- b) Zoning Report for May 2016-Councilwoman Filippone-read report
- c) Municipal Court Report for April & May 2016-Councilwoman Filippone –read report
- d) Police Overtime Report for May 2016-Councilwoman Filippone-read report
- e) Public Works Report for May 2016-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-We had a wonderful Memorial Day Service. The Lakehurst Sea Cadets came and all our singers were wonderful. Shuffleboard starts on June 14<sup>th</sup> every week. The town wide garage sale is this weekend but no bulk pickup. All our movies and concerts are set up for the summer so we are all set.
- g) Beach Badge Report for May 2016-Councilman Michael Stogdill-read report
- h) Tax Account Report for May 2016-Tax Collector
- i) Revenue Transaction Report for April 2016-Chief Financial Officer

Councilwoman Filippone stated that Patrolman Ryan Greenhalgh is being honored by the 200 Club for his act of bravery when he saved someone who was trying to commit suicide by jumping off the bridge coming over to the island. Also, there were teenagers that were trying to jump off the WPI bridge into the water. These kids need to be told that the area under that bridge is very shallow due to the sand building up so no one should be jumping off that bridge. She stated that she did put a call into the police to advise them of this. It has also been brought to my attention that kids have been going under the WPI bridge and taking the rocks from under there and throwing them in the water. This is making it a very dangerous situation for the boats that go through there due to the fact that there has not been any dredging done there in quite some time so there is a lot of buildup of sand. The rocks will sit on top of the sand and when the boats come through the rocks will hit the bottom of the boats and damage them.

Mayor LaCicero stated that it happened to him with his boat over the weekend. We definitely need to get that area dredged soon. The State is going to dredge some of that channel but not that area.

Councilman Borowski questioned if maybe we could piggyback with the State project?

Mayor LaCicero stated that he was going to find out about that.

Councilman Borowski stated that we could make use of the dredged sand as well like we did after the storm.

Council President Zalom stated that the County is doing that outfall project in September so maybe since the equipment will already be here we could ask them to do it at that time. She will reach out to the County and see what they say.

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**

- 2016-179      appointing summer seasonal employees for the Department of Public Works
- 2016-180      approving one applicant to attend the Class I Policy Academy Training Course commencing May 23, 2106 and ending June 17, 2016 at an hourly rate of \$7.25
- 2016-181      appointing Helena Zalom as a tennis court attendant at an hourly rate of \$8.49
- 2016-182      appointing Owen Law and Andrew Todd as Class I Police Officers for the 2016 summer season at an hourly rate of \$9.18
- 2016-183      appointing three Class II Officers for the 2016 summer season
- 2016-184      authorizing the execution of a shared services agreement with the Township of Toms River for the joint use of the Spillman Public Safety System (SPSS)
- 2016-185      requesting the State of New Jersey allow the Borough of Lavallette to carry the adoption of the 2016 Budget until notification of the Essential Services Grant-Mayor LaCicero stated that we are still waiting to hear whether we are going to receive this grant as of yet.
- 2016-186      authorizing the disposal of surplus property
- 2016-187      authorizing the redemption of a tax sale certificate in the amount of \$2,773.19
- 2016-188      appointing lifeguards for the 2016 summer season
- 2016-189      refunding an credit balance in the amount of \$47.33 to Steven DeBari on their electric account

2016-190 appointing badge checkers for the 2016 summer season

2016-190A authorizing the execution of a change order to the contract with Johnson Baran Corp. for the road improvements to Vance Avenue increasing the original contract price by \$4,200.00

A Motion to approve the consent agenda was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone.

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, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **RESOLUTION - OFF CONSENT:**

2016-191 approving a facilities use application to DQ Events to hold a ½ mile swim and a 3 mile run on our boardwalk on August 23, 2016 from 5pm to 8pm

Donnelly Amico stated that she reached out to this company and advised them that Mayor and Council had some questions on this application. They advised me that someone would be attending tonight to answer any questions but no one seems to be here tonight.

Councilman Borowski stated that he is not comfortable voting on this tonight. He thinks that it is a big race and taking up all the boardwalk during that time is just too much.

Mayor LaCicero stated that he agrees that at least someone should be here to answer any questions that we have. We will pull it again and let the person know that we need him here for any answers he may provide to us.

#### **APPROVAL OF VOUCHERS:**

2016-192 Bills List in the amount of \$485,273.92

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

## COMMUNICATIONS:

### Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Refuse Containers/Received May 9, 2016
- b) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Lenny's Pizzeria and Restaurant, Inc. v. Borough of Lavallette/Received May 31, 2016
- c) Eric M. Bernstein & Associates/Eric Bernstein, Esq/Theodora Esposito (110 New Jersey Avenue)/Need for a Variance/Received June 1, 2016-Mayor LaCicero stated that this is in reference to getting a variance for an outside handicap lift. There is a local attorney helping her with this issue. She definitely needs to apply for a variance but the Planning Board may be able to waive the fees due to a hardship. Mr. Bennett stated that he believes the only Public Body that can authorize the waiving of the fees is Mayor and Council. Also, the Borough fees can be waived but the Engineer fees and charges will stand. Mayor LaCicero stated to Mrs. Esposito in the audience that she should go ahead with having her attorney apply for the variance on her behalf and she might have to pay the fees in advance but they will be reimbursed except for the engineer costs.

### Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Gregory and Elissa Torre Residence/PV Solar Panel System/Received May 11, 2016
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Construction of New Lifeguard Building/Pay Estimate No. 3/Received May 12, 2016-Council President Zalom questioned why there is no storage area under the building like they discussed? Mr. Bennett stated that they could not do that because of the pumps that were underground when it was a pump station. It caused too much of an issue. As of right now, the lifeguards will remain in the tower, the checkers will be in the building and the lunch room will be in the storage area. The air conditioning that will be put in will be at no cost to the Borough due to their mistake.

### New Jersey League of Municipalities:

- a) Weekly Policy Update/Received April 22, 2016
- b) Weekly Policy Update/Received April 29, 2016
- c) National Infrastructure Week Will Focus on the Benefits of Investment/Received April 20, 2016
- d) Weekly Policy Update/Received May 6, 2016
- e) Weekly Policy Update/Received May 13, 2016
- f) Legislative Action on Local Priorities Schedule for Tomorrow/Your Legislators Need to hear From You/Received May 25, 2016

General With No Action:

- a) Ocean County Health Department/John Protonentis, Coordinator/Fiscal Year 2017 Solid Waste Control Program/Received May 2, 2016
- b) Ocean County Health Department/Daniel Regenye, Coordinator/Zika Virus/Received May 4, 2016
- c) Ocean County Utilities Authority/Robert McGlaughlin, Metering Specialist/First Quarter-2016 Metered Flow Data/Received May 5, 2016
- d) Scott Pezarras/Tax Assessor/retirement letter as of July 1, 2016/Received May 6, 2016- Mr. Bennett stated that we have received applications already for this position and he would like to get Council's permission to go ahead and set up interviews. Council was in favor of starting interviews for this position.
- e) State of New Jersey/Department of Community Affairs/releasing jurisdiction of demolished homes back to Lavallette/Received May 6, 2016-Councilwoman Filippone stated that she was under the impression that they were not charging for the demolitions. Mayor LaCicero stated that we aren't but in the long run who pays the federal government. Councilwoman Filippone stated that she isn't in favor of this program and thinks we should deny it all together. Mr. Bennett stated that he will review the file and report back to Council.
- f) Tom & Carolyn Tevlin/13 President Avenue/thanking Mayor and Council for their service/Received May 6, 2016
- g) Township of Brick/John Ducey, Mayor/Termination of the Shared Services Agreements with the Township of Brick for Construction Official/Received May 11, 2016-Mayor LaCicero stated that we are losing our Construction Official in a few months. We have some applications and will be doing interviews shortly.
- h) Ocean County Planning Board/Anthony Agliata, Assistant Director/CDB Urban County Qualification FY 2017-2019/Received May 19, 2016
- i) Ocean County Utilities Authority/Keith Marcoon, Executive Director/Notice of Public Hearing on Proposed 2017 Rates/Received June 3, 2016

General With Action:

- a) Ron and Elaine Deramo/206 Haddonfield Avenue/requesting the 200 block of Haddonfield Avenue be the next street for road improvements/Received May 9, 2016- Mayor LaCicero stated that we will have the Engineer go out and take a look and put on the list.
- b) Clem Boyers/20 Kerr Avenue/requesting the lined parking spaces be removed in front of his home/Received May 9, 2016-Mayor LaCicero stated that he understands his position on the matter but unfortunately we cannot accommodate you with this request. We will look into this and see what other options are available.
- c) David P. Civile Foundation for Boating Safety Awareness/Rich & Joan Civile/requesting the Borough of Lavallette consider posting their warning sign alerting paddlers of the dangers that exist and the importance of wearing a USCG life vest before entering the water/Received May 11, 2016-Mayor LaCicero stated that this was on a couple of

meetings ago. The sign seems fine so I don't see a problem. Mr. Bennett stated that a lot of Monmouth towns have this sign also.

- d) Dave and Nan Daly/requesting permission to restore Lavallette's basketball courts in honor of their son George who passed away in February 2015/Received May 20, 2016-Mayor LaCicero stated that this is a very substantial donation that they are offering. We are going to have to set up a meeting with them and see exactly what this entails.
- e) Rite Aid Corp./Michael Rhein, Store Manager/requesting permission to hold their 7<sup>th</sup> annual "Welcome Summer Event" on Saturday, June 18<sup>th</sup> from 9am to 2pm/Received May 20, 2016-Mayor LaCicero stated that this is annual request and is not a problem.
- f) Ocean County Public Information/Donna Flynn, Director/Invitation to Mayor and Council inviting them to attend the Unveiling Ceremony of Ocean County's New Pumpout Boat on Tuesday, June 7<sup>th</sup> at 1pm at the Lavallette Yacht Club/Received June 1, 2016-Council President Zalom stated that Councilwoman Filippone will be going to this event.
- g) Clean Ocean Action/Cailyn McGrath, Coordinator/requesting to set up a table on our boardwalk for four hours on Saturday, August 6, 2016 and Sunday, August 7, 2016/Received June 2, 2016-Council President Zalom stated that this is an annual event and is never an issue.

#### **UNFINISHED BUSINESS:**

##### Council President Zalom-EZ Dock Discussion

Council President Zalom stated that these are for people to be able to access the beach much easier. We had a meeting with one of the suppliers and looked at the product. It definitely works and we will be putting on three of the streets. We have CDBG funds to pay for these and the lowest quote we received I believe was under \$17,000. They are very handicap friendly. She stated that she has already reached out to Colleen Keller from the DEP and she has informed me that these EZ Docks are allowed on our beach.

Mr. Bennett stated that we received two or three quotes and the lowest is under \$17,000.

Councilman Lamb stated he would like the DEP to put this approval in writing so we have it on record.

Mr. Bennett stated that he spoke to the Engineer and he also stated that the DEP has approved them and he has an email confirming.

Councilwoman Filippone stated that we need to keep in mind that this is an expense that will only be for one year if the Army Corps starts their project next year.

Councilman Borowski stated that we have been hearing about this project for years and years and yet still nothing. We cannot keep not doing anything up there because of this project potentially starting.

Councilman Lamb stated that he would feel much better with a written letter from DEP stating that if we put these up on the beach we will not get any fines or enforcement.

Council President Zalom stated that she will call Colleen Keller tomorrow and have her forward that letter.

Mayor LaCicero stated that we received two quotes to repair the area in front of 223 Westmont Avenue where the pooling situation that seems to be getting worse. The Engineer has looked at it and the contractor that is doing the Guyer Avenue Road Project has given us a quote with two different options. One option is the drain not connected and the other option is connected. We have decided that having it connected is a better choice since it was screwed up the first time around.

#### **NEW BUSINESS:**

Councilman Borowski questioned if anything was addressed regarding the Rodgers Group?

Mayor LaCicero stated that he would look into it.

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

Mary Logios, 4 Sterling Avenue stated that Sterling and Bryn Mawr Avenue at that corner has the same water pooling issue as Westmont Avenue so why can't ours be fixed like Westmont?

Mayor LaCicero stated that the Engineer needs to address that issue before we can make any decisions on that.

Mr. Bennett stated that we can look into some hot patch as an interim solution for now.

Mrs. Logios questioned if the Chief has made a decision on the parking issue with the stop sign yet?

Mayor LaCicero stated that he did speak to the Chief on this and he is going to take care of the problem.

Clem Boyers, 20 Kerr Avenue questioned if any of the ocean blocks are going to be paved in the near future?

Mayor LaCicero stated that he was not sure what streets were next and what blocks. The Supt. of PW and the Engineer review the streets.

Councilwoman Filippone stated that the Police Department is in charge of the parking spaces. We have no say in that matter.

Joe Palinsky, 122 Washington Avenue stated that the DQ Events application for the run on the boardwalk in the middle of August is just not a good idea for so many reasons.

Mayor LaCicero stated that he agreed with him and it probably is not going to be approved.



Teddy Esposito, 110 New Jersey Avenue stated that she was told to come to this meeting for a decision on my lift chair and whether I will need a variance and be charged the fees.

Mayor LaCicero stated that we did get a letter from our Attorney advising us that you will need a variance for this lift but we can waive some of the costs to get that variance for you. You will still have to go through the process of paying the costs and filing the variance before we can waive any fees. You need to talk to your attorney so she can start the process for you.

### **COMMENTS FROM THE MAYOR AND COUNCIL:**

Councilman Finter congratulated his nephew for having his picture picked to be on the front cover of the yearbook for the Lavallette School.

Councilman Borowski stated that the Master Plan is on our website for review. The Planning Board meeting for the Public Hearing of it is June 9<sup>th</sup>.

Mayor LaCicero stated that Council has to approve the Plan as well.

Councilwoman Filippone stated that the public can have input at the public hearing.

Councilman Borowski stated that it was very sad to hear of the passing of Kay LaVecchia the long time Borough Clerk. With that, we just wanted to congratulate our new Borough Clerk, Donnelly Amico for passing her Clerk Exam.

Councilwoman Filippone stated that the Memorial Day Services were fantastic once again. Thank you to Council President Zalom for all her work each year.

Council President Zalom stated that we have another new reporter for the Ocean Star. His name is Michael. Also, Bob Cummins always takes pictures at our Memorial Day Services and sends the pictures to the Ocean Star for us.

Mayor LaCicero stated that his Mayor's Meeting at 3pm the Friday before the Council Meetings have become very busy. Just letting everyone know that he is available at that time for any issues that they may have.

Mr. Bennett stated that he has gone through the Verizon Wireless bills and has managed to eliminate five different phone numbers saving the Borough \$168 a month.

### **EXECUTIVE SESSION:**

There was no executive session.

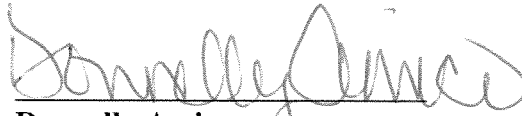
### **ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 8:50 pm.

**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 6<sup>th</sup> day of **June 2016**

A handwritten signature in cursive script, appearing to read "Donnelly Amico", written over a horizontal line.

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