

BOROUGH OF LAVALLETTE (minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, October 16, 2017-7:00 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
Phil George, 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 6, 2017. Notice was also posted on our municipal website and municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for long time resident and Chairman of the Planning Board Lionel Howard who passed away today. Mr. Howard was on our Planning Board as the Chairman for 22 years with only a two year break. He was also on the Planning Board in his home town of Green Brook. Also, a moment of silence for Marie Maragni, a resident in town who also passed away from Grand Central Avenue.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that the beach replenishment project started last week in Mantoloking and then it stopped for some unknown reason. We have a meeting this Wednesday with the DEP to get some updates on what is going on and when Lavallette will get started. He stated that anyone who wishes 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)

Joe Alicino, 13 Dover Avenue stated that the Dover Avenue does not have a street sign and nobody can find our street. Could we please get a street sign for our street?

Mayor LaCicero stated that he will pass it on to Public Works to get something up there.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of October 2, 2017

A Motion to approve the minutes 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:

- 2017-283 approving a bonfire sponsored by the Lavallette Recreation Department in conjunction with their Halloween Harvest Hoedown on October 27, 2017 at 6pm to be held at the Washington Avenue bay beach
- 2017-284 approving the Halloween curfew on October 28th through October 31st 2017 from 9pm to 6am for minors under the age of 18 years old unless accompanied by an adult over the age of 25 years old
- 2017-285 authorizing the proposal for Engineering Services to O'Donnell, Stanton, & Associates for the preparation of the Municipal Access Plan and the submittal to the NJDEP in the amount not to exceed \$14,000
- 2017-286 authorizing the proposal of Engineering Services to prepare and submit the 2016 Storm Water MS4 Annual Report to the State of New Jersey in the amount not to exceed \$5,500.00
- 2017-287 requesting participation in the Ocean County Community Rating System Users Group
- 2017-288 authorizing the refund of a planning board application fees in the amount of \$200 due to an overpayment
- 2017-288A amending the capital budget-Mr. Bennett stated that we needed to amend the capital budget to include some air packs for the fire department and a front end loader for the DPW.

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.

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.

RESOLUTIONS OFF CONSENT:

APPROVAL OF VOUCHERS:

2017- 289 Bills List in the amount of \$3,684,876.37

A Motion to approve the bills list 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.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

ORDINANCE 2017-20 (1180) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 89 OF THE BOROUGH CODE, ENTITLED “VEHICLES AND TRAFFIC” SO AS TO REVISE SECTION 89-26

Mayor LaCicero stated that with these roads being repaved we need to create new handicap spaces for the top of the street.

Mr. Bennett stated that with each road improvement project we will be including the marking of the handicap and parking spaces with the job.

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 is scheduled for November 13, 2017.

ORDINANCE 2017-21 (1181) ORDINANCE OF THE BOROUGH OF LAVALLETTE AMENDING, REVISING AND SUPPLEMENTING THE BOROUGH OF LAVALLETTE CODE BY AMENDING, REVISING AND SUPPLEMENTING CHAPTER 90 OF THE BOROUGH CODE, ENTITLED “ZONING”, ARTICLE XII, ENTITLED “ADMINISTRATION AND ENFORCEMENT”, MOST NOTABLY SECTION 90-79, ENTITLED “CERTIFICATES AND PERMITS”. BY ADDING A NEW SUBSECTION, SECTION 90-79(D) “LOT GRADING”.

Mayor LaCicero stated that this ordinance was strongly recommended by Councilman Borowski. It will prevent new homes from increasing their elevation to further prevent the water flowing from their property to the street and their neighboring properties which becomes a nuisance.

A Motion to introduce this ordinance was made by Councilman Stogdill. 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 4, 2017.

CAPITAL ORDINANCE NO. 2017-22 (1182) CAPITAL ORDINANCE PROVIDING FOR THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT AND APPROPRIATING \$122,500 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mr. Bennett stated that this ordinance is for some equipment that is needed for some departments. The Public Works Department is in need of a truck for the sewer department and a sand sifter. The Electric Department is in need of new electric meters and readers to make reading easier and less time consuming. We will not be ordering all of the meters and readers at this time. This will be a three year process of ordering and will be taken out of the electric cap fund. No authorization to borrow will be necessary.

Councilwoman Filippone questioned if the sand sifter can be used on the bay beach, as well?

Mr. Bennett stated that it will be used on the bay beach also.

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

Public Hearing and Final Adoption scheduled for November 13, 2017

BOND ORDINANCE 2017-23 (1183) BOND ORDINANCE PROVIDING FOR CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$427,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$248,375 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

Mr. Bennett stated that this bond will be for the balance for the President Avenue road improvements after the \$170,000 grant. The Fire Dept. needs new air packs because the ones they have are older than 10 years and should not be used. These packs cost approximately \$6,000 to \$9,000 each. This will become an ongoing program as well. We need a new tractor and rake for the beach.

Councilwoman Filippone stated that for the tractor and rake we might want to delay the delivery once ordered until after the beach replenishment project is done.

Mayor LaCicero stated that we have had a lot of complaints about the raking of the beach being done at 4am. We hope to change that schedule for next year.

Councilwoman Filippone stated that they could also take alternate routes each day to break it up.

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

Public Hearing and Final Adoption is scheduled for November 13, 2017

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

ORDINANCE 2017-19 (1179) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING THE BOROUGH OF LAVALLETTE CODE BY AMENDING, REVISING AND SUPPLEMENTING CHAPTER 7, ENTITLED "BATHING AND BEACH CONTROL", ARTICLE 1, ENTITLED "GENERAL REGULATIONS", MOST NOTABLY SECTION 7-11, ENTITLED "PROHIBITED ACTS". BY CREATING NEW SUBSECTIONS 7-11(W) AND 7-11(X).

Mayor LaCicero stated that this is to prohibit certain tent sizes only allowing 10 x 10 sizes with no sides on the tent.

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.

Mark Speaker, 111 Brown Avenue questioned how many tents will be allowed per family.

Mayor LaCicero stated that each will be allowed no more than 1 10 x 10 tent and there will be no abutting tents as well.

Mr. Corney, 1 Newark Avenue, stated that he could not find this ordinance on the website to review it. He thinks that the smoking ban didn't get enough due diligence in discussing the issue. It seems that a minority of summer residents were the ones pushing which is really not fair to the year round residents. I am not in favor of this ordinance at all.

Mayor LaCicero stated that he was not in favor of this ordinance either but he does not have a vote. The 6 Council Members do the voting. He stated that he knows that Council President Zalom is not in favor of it as well.

Mr. Corney stated that this just didn't get enough facts to sort out and not enough discussion just like the issue with Lenny's liquor license. Let's give it one more year before we make a decision. We have had too many ordinance changes but nothing is really being enforced so why even bother.

Council President Zalom stated that she agrees with Jon and the Mayor. I have been told by the DEP that if anyone chooses to smoke at the high water mark they have that right. There is no enforcing the ban at that mark. Also, if we are going to do a smoking ban on the beach and boardwalk then we also need to purchase the receptacles to put your butts in at the top of every street because if we don't we will have the homeowners up there complaining about all the cigarette butts in front of there homes.

Councilman Borowski questioned Mr. George on whether or not the high water mark cannot be enforced by us.

Mr. George stated that Council President Zalom is correct. The Borough cannot regulate that specific area due to riparian laws.

Councilwoman Filippone questioned who is going to determine the line as to where the high water mark is. All the other towns around us along the shore have already passed this ban years ago. There are less smokers nowadays than non-smokers so it is not affecting as many as we think. We are supposed to be a family resort and we need to accommodate our family resort status.

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

Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted Yes. Council President Zalom voted No. The Motion Passed.

UNFINISHED BUSINESS:

Councilman Stogdill stated that he had the final badge totals including Labor Day. The total is sales for the 2017 was \$1,010,080. The only badge sales that were down were the daily badges.

Councilman Lamb stated that the water tower painting is almost done and once it is, they will be putting up the lettering which will face the southbound highway.

Mr. Bennett stated that a lot of cars and properties that are close to the water tower were damaged from the blasting when there is wind. Claims were filed with the Contractor, Brave's insurance company. We are not liable for this damage.

Council President Zalom questioned when the pickle ball nets are going to be put up. These players play through the fall.

Councilman Lamb stated that Public Works is still too busy right now but we will make sure they go up soon.

Council President Zalom stated that the Chief should be getting back to us about where crosswalks should go on Rt. 35 South. The State has agreed to paint the crosswalks if we give them locations. Donations of Love had a blessing of the animals a couple weeks ago and it was just so sweet. Don't forget that the Beach Sweeps is October 21st.

NEW BUSINESS:

Discussion on the Kerr Avenue sump pump issue

Mr. Bennett stated that there have been a number of complaints regarding sump pumps on a lot of the streets in town but one street Kerr Avenue in front of 103 is in really bad shape as far as

the mess on the street of mold and mildew and a kind of sludge that has formed. The smell is just horrible. Public Works has gone over and did the best they could with cleaning it up but it is going to happen again. We will just have Public Works go to any areas that are that bad when we get the complaint.

Councilwoman Filippone stated that on Kerr Avenue the catch basin was put in the wrong spot.

Mayor LaCicero stated that they are put where the lowest area is so it flows east to west.

Discussion on Proposal from Johnson Baran to install Type "A" Inlets at Dover Avenue within the sump pump areas.

Mr. Bennett stated that there is a sump pump issue on Dover Avenue where the repaving is going to be. Johnson Baran, who is doing the paving, has given a proposal to install special inlets to help with the drainage to prevent the issue with the sump pumps from puddling. This proposal would be a change order of \$6,800 which would increase the Elizabeth Avenue/Dover Ave road improvement contract.

Mayor LaCicero stated that this is the way it is supposed to go. It has always been our policy to rectify these sump pump issues when the repaving project on that street is being done. It has been working for us so far.

Councilman Borowski questioned how many extra basins with this proposal are being installed?

Mayor LaCicero stated that he thinks its two extra holes to support the extra drainage. It should be on the proposal in your packet.

A Motion to approve the proposal for the increase in the contract for Elizabeth Avenue/Dover Avenue road improvement project in the amount of \$6,800 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.

Mr. Bennett stated that Pam Caucino has submitted a request to accept soccer goal nets that are being donated by Seton Hall. The only issue is that we would need to accept them by October 10th and have our Public Works pick them up.

Councilman Lamb questioned if they can be disassembled because we might not have a vehicle that will fit them assembled.

Mr. Bennett stated that he will ask Pam but can he get an okay tonight if they are disassembled.

Mayor LaCicero stated yes of course we will accept a donation.

Councilman Stogdill stated that there is a sump pump issue by Faith Lutheran Church at the corner of New York and Rt. 35 North. There is always puddling there and in the winter it freezes over causing a dangerous situation for people.

Mr. Bennett stated that is the one where the State screwed that up.

Mr. Bennett stated that the Fire Chief has requested that he be authorized to sell two very old pieces of equipment and keep the money from the sale towards purchasing new equipment in the future.

Mr. Bennett stated that Public Works has advised him that there are a number of our benches in town that have extreme rust and rot in some areas. They feel that they need to be repaired.

Councilwoman Filippone stated that the Beautification ordered those benches from a company and she thinks they are still covered under the warranty.

Mr. Bennett stated that he will check and see what company and if there is still a warranty. If there is he will schedule something with the company to inspect.

COMMENTS FROM THE PUBLIC:

Jon Corney, 1 Newark Avenue questioned what tax years are going to be sold at the Tax Sale this year?

Mayor LaCicero stated that the sale is for 2016 delinquencies only.

Mr. Corney questioned why we would not include delinquencies for 2017 as well to collect more revenue?

Mayor LaCicero stated that this is the kind of tax sale the Borough does and it has always worked for us.

Mr. Corney questioned what is being purchased with the Bond in the amount of \$248,375?

Mayor LaCicero stated that we already announced the purchases before. It is various equipment for some departments.

Mr. Corney questioned why we were bonding to purchase this equipment when we have plenty of money to use in the surplus.

Mayor LaCicero stated that he has discussed this with him on several previous occasions. We use our surplus every year to fund the next budget and for any type of emergencies that may come. We were fortunate to have the surplus we had when Sandy hit or else we would have had to borrow more money with our emergency bond.

Mr. Corney questioned how long our franchise agreement is with Optimum?

Mayor LaCicero stated that he believes it is for 10 years and we just signed it a few years ago.

Mr. Corney stated that he is not happy with them and he knows many other residents aren't as well. When the franchise agreement is up can you discuss other options for the residents?

Mayor LaCicero stated that Optimum seems to be the only game along the shore. We looked into other cable companies years ago. No one wants to come over here. We can't even get FIOS.

Mr. Corney stated that the bocce ball courts need to be repaired. He suggests that they just roll the courts for now.

Mayor LaCicero stated that we will check with Public Works.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Finter stated that there are only 5 seats left on the bus for NYC on December 6th and 18 seats left on the December 9th trip.

Councilman Borowski stated that he will be attending the Public Power Retreat this Wednesday and Thursday. We will be receiving information on the JCP & L rate issues so he will update at the next meeting.

Council President Zalom stated that the Food Truck Festival yesterday was fantastic. Don't forget about the beach sweeps in October and our Halloween Harvest Hoedown.

EXECUTIVE SESSION:

There was no executive session.

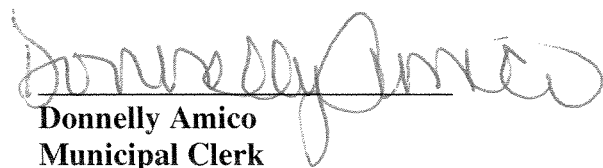
ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:10 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 16th day of **October 2017**


Donnelly Amico
Municipal Clerk