

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, October 2, 2017-7:00 pm**

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

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

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 was published in the Ocean Star on January 6, 2017. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Ann Consales, a resident of New Jersey Avenue and Jim LaCava, a resident of Westmont Avenue who both recently passed away. He also asked for a moment for all the victims of the Las Vegas shooting.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that he had no words tonight so he was just going to move on to anyone in the audience 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)**

No one wished to comment at this time.

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of September 18, 2017  
Minutes of Executive Session of September 18, 2017

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

**REPORTS:**

- a) Lavallette Construction Report for September 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for September 2017-Councilwoman Filippone-read report

- c) Lavallette Zoning Report for September 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for September 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for September 2017-Councilwoman Filippone-No report
- f) Police Overtime Report for September 2017-Councilwoman Filippone-read report
- g) Animal Control Report for September 2017-Councilwoman Filippone-No report
- h) Public Works Report for September 2017-Councilman Lamb-read report
- i) Public Affairs Report-Council President Zalom-the beach sweep is this month on October 22<sup>nd</sup> and the food truck event is on October 15<sup>th</sup>. The Ridgewood students will be coming to plant dune grass as a project on October 6<sup>th</sup>. The Halloween hoedown events are set for October 27<sup>th</sup>. The County will not be paving Bay Blvd. this year but will be definitely doing it in 2018.
- j) Tax Account Report for September 2017-Tax Collector
- k) Revenue Transaction Report for August 2017-Chief Financial Officer

A Motion to approve the reports 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.

**ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:**

**RESOLUTIONS – ON CONSENT:**

- 2017-266      authorizing the execution of a change order #1 in the amount of \$1,400 for the 13 Virginia Avenue road repair project increasing the original contract price to \$8,400.00
- 2017-267      proclaiming October 2017 as Dating Violence Prevention Month
- 2017-268      authorizing a policy regarding outside employment by Department Heads to be in compliance with Best Practices-Mr. Bennett stated that this and the other two on here are all new policies that need to be instituted by us in order to comply with the Best Practices Survey for State Aid.
- 2017-269      authorizing the disposal of surplus property through GovDeals
- 2017-270      authorizing a policy regarding Borough vehicle use to be in compliance with Best Practices
- 2017-271      authorizing a policy regarding the notification from the Tax Assessor to the CFO and the Governing Body of all tax appeals filed each year to be in compliance with Best Practices
- 2017-272      proclaiming October 2017 as Breast Cancer Awareness Month
- 2017-273      authorizing the sale of a 2013 Kawasaki Mule which is used by the lifeguards to a non profit organization-Mr. Bennett stated that the lifeguard captain has stated that

he no longer wants this vehicle and has a buyer for it. He will have to wait until budget time next year to discuss the purchase of a new one if that is his intention.

- 2017-274 authorizing the cancellation of general capital fund grant receivable balances and reserve for grants receivable-Mr. Bennett stated that there were some old grants still on our books that needed to be cancelled as per our Auditor so that is what the CFO has done.
- 2017-275 authorizing the cancellation of general capital fund grant receivable balances and improvement authorizations
- 2017-276 approving and agreeing to the submittal of the State Fiscal 2018 Best Practices Survey
- 2017-277 approving the submission of a grant application with the NJDOT for the Bryn Mawr Avenue road improvement project-Mr. Bennett stated that this road is the first and Philadelphia will be the second for 2018 requests.
- 2017-278 approving the submission of a grant application with the NJDOT for the Philadelphia Avenue road improvement project
- 2017-279 refunding unused planning board escrow funds in the amount of \$569.00 to Alfonso & Mary Iervolino
- 2017-280 authorizing the Municipal Clerk to seek proposals for the positions of Borough Attorney, Borough Auditor, Borough Prosecutor and Consulting Engineer for year 2018
- 2017-281 authorizing the Mayor and Municipal Clerk to sign the Mutual Release and Settlement Agreement regarding the lifeguard building repairs and costs between the mutual parties involved
- 2017-281A approving a social affair permit to the Lavallette Fire Department to sell alcoholic beverages at the Lavallette Business Association's event "Food Trucks & Football on Sunday, October 15, 2017 from 11am to 6pm at the parking area on Bay Blvd

A Motion to approve the consent agenda was made by Councilwoman Filippone. 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.

Tony Gallo, 215 Newark Avenue questioned if there was going to be alcohol at the food truck festival or just beer?

Mayor LaCicero stated that the social affairs permit is for beer and wine only at this event.

Clem Boyers, 20 Kerr Avenue questioned who would be paying for the repairs due to the mold issue at lifeguard headquarters?

Mayor LaCicero stated that all the parties involved will be paying a portion of the repairs. We held monies for this building payment on the construction of the building once we found out about the mold.

Councilwoman Filippone stated that when the repairs were done on the building after the mold was remediated, we put changed everything in it from when it was constructed. The floors the walls the paint the fixtures, basically everything in there is brand new.

**RESOLUTIONS - OFF CONSENT:**

There were no resolutions off consent.

**APPROVAL OF VOUCHERS:**

2017-282 Bills List in the amount of \$549,030.01

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 2017-18 (1178) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE CODE OF THE BOROUGH OF LAVALLETTE, ENTITLED "ZONING" AMENDING SECTIONS 24, 37, 44, AND 50, ENTITLED, "AREA, YARD AND BUILDING REQUIREMENTS"

Mayor LaCicero stated that this is regarding the measuring from the adjacent grade instead of the top of the curb for the 18 inches.

Mr. Bennett stated that it will go to our Planning Board and the OC Planning Board for review before adoption.

A Motion to introduce this ordinance 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.

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

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 for the no smoking during the bathing season and banning the tents that are used on the beach and only allowing a specific maximum size as well as prohibiting the sides of tent from being covered.

Councilwoman Filippone questioned if this smoking ban is for the beach and the boardwalk?

Mr. Bernstein stated that it is for both but only for the bathing season. Smoking can be done off season.

A Motion to introduce this ordinance 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.

Public Hearing and Final Adoption is scheduled for October 16, 2017.

#### **COMMUNICATIONS:**

##### Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/NJDOT Municipal Aid FY 2016/Received September 11, 2017
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/Contract Agreement/Received September 11, 2017
- c) O'Donnell, Stanton & Associates/Michael O'Donnell/Elizabeth Avenue Road Improvements/Preconstruction Conference/Received September 14, 2017
- d) O'Donnell, Stanton & Associates/John Berens, Project Manager/Rehabilitation & Repainting of Elevated Water Tank Project/Brave Industrial Paint, LLC/Pay Estimate No. 2/Received September 26, 2017

##### New Jersey League of Municipalities:

- a) 2017 League Conference Resolutions/Received September 1, 2017
- b) Weekly Update/Received September 1, 2017
- c) An Open Letter from Mayor Albert B. Kelly, Bridgeton/President, NJLM/Received September 5, 2017
- d) Annual League Business Meeting/Received September 7, 2017
- e) Weekly Update/Received September 8, 2017
- f) Daily Update/Received September 11, 2017
- g) Daily Update/Received September 12, 2017
- h) Weekly Update/Received September 15, 2017
- i) Important Conference Sessions/Ethics/Received September 18, 2017

- j) Important Conference Sessions/Budget & Finance/September 19, 2017
- k) Daily Update/Received September 20, 2017
- l) Daily Update/Received September 21, 2017
- m) Weekly Update/Received September 22, 2017
- n) Important Conference Sessions/Environment & Environmental Infrastructure/Received September 25, 2017

General With No Action:

- a) Marine Science Camp/Sherri Paris, Founder/check in the amount of \$1,022.00 for her 10% profits of her camp for the summer/Received September 6, 2017
- b) Councilman Borowski's letter to Assemblyman Greg McGuckin regarding the Public Power Association and Assembly Bill A-4508/Received September 8, 2017
- c) State of New Jersey/Dept. of Transportation/Dominick Critelli, Manager/approved executed agreement in the amount of \$170,000 for the President Avenue Road Improvement Project/Received September 11, 2017
- d) NJ Office of Attorney General/Christopher Porrino, AG/Suspected Elder Abuse/Safe Cam Care Program/Received September 12, 2017
- e) Ocean County Planning Board/Mark Villinger, Principal Planner/Ocean County Open Space and Recreation Plan/Received September 12, 2017
- f) Marlene Browne Chamberlain/26 Bond Avenue/thank you letter for helping Mrs. Anne Haag with a beach chair on Friday, September 8, 2017 to Diana Lahullier, Mr. Bennett and Mayor LaCicero/Received September 12, 2017
- g) Jersey Shore Lawn & Sprinkler/Anthony Sierchio, Jr./President/thanking Council for a wonderful job of putting together such a great team in the Construction Department, especially Tom Brihn, Construction Official/Received September 15, 2017
- h) OC Department of Solid Waste Management/Freeholder Gerry Little/check in the amount of \$1,371.78 for the OC Recycling Revenue Sharing Program/Received September 20, 2017
- i) Ocean County Planning Board/Mark Villinger, Planner/2017 Beach Grass Distribution/Received September 27, 2017
- j) State of New Jersey/Department of Transportation/Richard T. Hammer, Commissioner/NJDOT Fiscal Year 2018 Local Freight Impact Fund Grant Applications Now Being Accepted/Received September 27, 2017
- k) FEMA/Vincent Brown/High Water Mark Project/Memorandum of Understanding/Received September 29, 2017

General With Action:

- a) Women's Club of Point Pleasant/Mary Kay Tokar, Chair/inviting Mayor and Council at their public symposium of Domestic Violence on October 14<sup>th</sup> from 2 to 4pm/Received September 19, 2017
- b) State of New Jersey/Department of Transportation/Mark Foss, Realty Specialist/requesting input on the valuation of property that the State will be purchasing from the Borough pertaining to the 35 restoration project/Received September 28, 2017-

Mayor LaCicero stated that this is regarding the bay front where the outfalls were done. The State will be purchasing the portion of property where the outfalls were done.

### **UNFINISHED BUSINESS:**

Discussion on proposals from O'Donnell, Stanton & Associates and Najarian Associates for the Municipal Public Access Plan

Mr. Bennett stated that no matter we are going to have to do this plan. He spoke to Joanne from the DEP regarding the Cafra issues with the monies and she has agreed to allow that homeowner to submit his \$13,000 check to go towards the Trenton Avenue handicap accessible walkover so that is taken care of but she has confirmed that the plan will still need to be submitted by the Borough for any further monies to be accepted as well as the general permit for dune maintenance. My suggestion is to get a start on this now instead of later so it's done and we have no further issues once the project is done.

Mayor LaCicero stated that a resolution for approval should be on for the next meeting.

Councilman Lamb stated that it has been decided that the lettering on the water tower should change direction so it can be seen coming from the south bound highway.

Mayor LaCicero stated that we should do this by vote.

A Motion to realign the lettering of Lavallette on the water tower so it can be seen from Route 35 South coming into town was made by Councilman Lamb. The Motion was Seconded by Councilman Finter. Vote: Council Members Filippone, Stogdill, Finter and Lamb voted Yes. Councilman Borowski voted no. Council President Zalom Abstained. The Motion Passed.

Council President Zalom stated that the bronze sculpture has arrived in our Municipal Building and it looks absolutely gorgeous. Councilwoman Filippone did a fabulous job and the Memorabilia Committee also paid for this. We also applied for a history grant again this year to fund all these wonderful history projects. Last year was the first time we applied for this history grant and we were the only municipality who received it. We received \$500 last year and we applied again this year. Mr. Hart, who is in charge of the grants, came last week to speak with Councilwoman Filippone and to see all the projects that are being done for the grant this year.

Councilwoman Filippone stated that we applied for another history grant again this year. Last year we received the \$500 for 2017 and the money has to be spent within the same year. This year Mr. Hart needed to come and see what projects will be done for 2018 and if there are any projects continuing from 2017 in order to determine the grant for 2018. We had to get some additional information for him regarding cost proposals on some art work that will be hung in this room and specific pricing on the hardware. He also wanted a copy of my resume as a history teacher to add to the grant application. The bronze sculpture is now in our lobby. It is beautiful and the theme of the sculpture is a two part history from past to present consisting of the pound fishing to the lifeguards going out in their boats. She stated that she is very proud of how it turned out and what it stands for.

Council President Zalom stated that the State took care of the timing on our traffic lights so they should change a bit quicker on our side streets.

Councilman Borowski stated that he thinks one more review of the grading ordinance should be good and then we should get it on for the next meeting.

**NEW BUSINESS:**

Discussion of proposal of Engineering Services for the preparation and submittal of the NJ 2016 MS4 Storm Water Report in the amount of \$5,500

Mr. Bennett stated that we are not going to act on this as of right now.

Councilman Finter stated that JCP & L will be replacing 12 vapor street lights in town and they should last a period over ten years. The cost is approximately \$4,000.

Mr. Bennett stated that the Chief has looked at Elizabeth Ave and Dover Ave for where handicap parking spaces should go after the new paving of the roads and he is recommending the space go on the south side of Dover Avenue and the north side of Elizabeth Avenue. We will have it on for the next meeting for approval. Also, the Tax Assessor has sent out added assessments, which has increased the total in assessments by \$32 million. We have surpassed the total of assessed lands before the storm.

**COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue questioned why the ocean side streets have to be lined for parking spaces and the other streets are not?

Mayor LaCicero stated that the striping of spaces happens after the paving of the streets.

Mr. Boyers stated that he understood how it works but he feels that if the ocean streets have to be stripped why doesn't the other streets. Spring Lake just marks the outside of the aprons in yellow so no one parks there and then cars just park without the striping. You will get more spaces that way.

Mayor LaCicero stated that he will check into and see what can be done.

Bob Astorino, 2 Elizabeth Avenue stated that the bocce ball courts are in a little need of repair. He suggests that a rolling of asphalt just be coated.

Mayor LaCicero stated that someone was supposed to submit a proposal on those repairs but he has not seen it as of yet.

Council President Zalom stated that Mr. Tevlin would like to do something on the bay front in memory of his grandson who was killed up north by terrorists. He was also talking about new bocce courts so we shall see what is presented.



Mary Semler, 2407 Grand Central Avenue stated that the welcome sign coming in to Lavallette from the north is missing the logo. She is here today to discuss the Cappricio's ongoing noise issue. She was told that the noise can be measured by decibels but when she questioned the police department they stated that they do not have that piece of equipment. This issue has still not gone away and we just cannot enjoy our time here. She put a complaint in on September 23<sup>rd</sup> with the Police Department and she knows that her neighbors who were here the first two weekends of September also put complaints in and one of them also came to the last meeting to complain. We keep being told that the liquor license will be renewed with restrictions to prevent this issue for next year and she hopes this happens. She is concerned that the owner of the liquor license will get an attorney to fight this and nothing will change.

Mayor LaCicero stated that we have all intentions of renewing the liquor license with reasonable restrictions and if these restrictions are not abided by, the license will be retracted. Unfortunately, we have been told that we cannot discuss any of these restrictions as this will give them grounds to appeal.

Jon Corney, 1 Newark Avenue stated that he still cannot hear Council with these microphones. He stated that if there is all this kind of noise at this restaurant, why isn't something being done to put a stop to it. We have an ordinance on noise and decibels so why doesn't the cops just shut them down.

Mayor LaCicero stated that we will be putting the restrictions on the license so it will be taken care of for next year.

#### **COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:**

Councilman Borowski stated that the Ocean County Flu Clinic will be on October 26<sup>th</sup> at the First Aid Building.

Mayor LaCicero stated that the paving on Elizabeth and Dover Avenues will begin this week. Notification has been sent out to the homeowners.

#### **EXECUTIVE SESSION:**

There was no executive session.

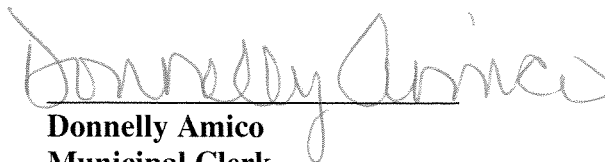
#### **ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 8:30 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 2<sup>nd</sup> day of **October 2017**

A handwritten signature in cursive script that reads "Donnelly Amico". The signature is written in black ink and is positioned above a horizontal line.

**Donnelly Amico  
Municipal Clerk**