

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, December 4, 2017-7:00 pm

CALL TO ORDER: Council President Anita Zalom, presiding
A Motion was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.
Vote: All of Council was in favor. The Motion Passed.

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

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 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: Council President Zalom asked for a moment of silence for Peter Spoto of Bryn Mawr Avenue who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: Council President Zalom welcomed everyone to tonight's meeting. We had wonderful tree lighting on Friday night. There were at least 200 people that attended. Public Works did a great job decorating the town. The new wreath donated by the Lavallette Beautification is hanging on the Municipal Building and looks great. She 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.

APPROVAL OF MINUTES:

Minutes of Caucus/Regular Meeting of November 13, 2017
Minutes of Executive Session Meeting of November 13, 2017

A Motion to approve the minutes 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.

REPORTS:

- a) Lavallette Construction Report for November 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for November 2017-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for November 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for November 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for November 2017-Councilwoman Filippone-no report
- f) Police Overtime Report for October & November 2017-Councilwoman Filippone-read report
- g) Animal Control Report for November 2017-Councilwoman Filippone-no report
- h) Public Works Report for November 2017-Councilman Lamb-no report
- i) Public Affairs Report-Council President Zalom-It seems that more people have been coming out to all our events when they are advertised on the police sign coming into Lavallette so thank you to Chief Grant for doing that. There was a write up in the newspaper about the oyster dinner and how it has been an ongoing event for 80 years. It was another great success this year. The beach badges are on sale now for people to purchase and give as Christmas presents. The two NYC bus trips are full. Don't forget about the ski trip in January, flyers are downstairs.
- j) Tax Account Report for November 2017-Tax Collector
- k) Tax Sale Report of November 15, 2017-Tax Collector
- l) Revenue Transaction Report for October 2017-Chief Financial Officer

A Motion to approve the reports 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2017-307 authorizing the Memorandum of Agreement between the Borough of Lavallette and the Lavallette PBA #372-Councilman Lamb requested this resolution be put off consent.
- 2017-310 approving a raffle license to St. Pio of Pietrelcina to hold a 50/50 off premise draw raffle on September 9, 2018 at 5pm
- 2017-311 authorizing the refund of a 2017 tax overpayment in the amount of \$1,874.80
- 2017-312 authorizing the redemption of a property tax lien in the amount of \$108.48
- 2017-313 authorizing the redemption of a property tax lien in the amount of \$1,013.91
- 2017-314 authorizing participation in a cooperative purchasing agreement with the National Joint Powers Alliance for the purchase of goods and services
- 2017-315 authorizing transfer of funds within the current and water funds

- 2017-316 authorizing the purchase of a 2018 Chevy Silverado 3500 work truck for the Department of Public Works Water Department under state contract A-88759 from Hertrich Fleet Services, Inc. in the amount not to exceed \$40,000
- 2017-317 authorizing the purchase of various electrical supplies from Wesco International, Inc. in the amount of \$31,220.98
- 2017-318 authorizing the purchase of a Surf Rake Model 600HD from Barber & Sons, Inc under State Contract #A-86414 in the amount of \$53,942.64
- 2017-319 authorizing the purchase of a Case International Diesel Tractor from Storr Tractor Company under the National Joint Powers Alliance Cooperative Purchasing Agreement in the amount of \$76,664.15
- 2017-320 authorizing the repairs to the street sweeper to Granturk Equipment in the amount of \$34,000
- 2017-321 requesting approval of a Chapter 159 to insert the sum of \$32,000 as an item of revenue in the budget from the Community Development Block Grant for the installation of the Trenton Avenue handicap accessible walkover
- 2017-322 appointing John Bennett as a consultant for the Borough of Lavallette at an hourly rate of \$63.00

A Motion to approve the consent agenda minus Resolution 2017-307 was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill.

Council President Zalom opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Jon Corney, 1 Newark Avenue questioned Resolution 2017-315 and asked for some figures on the transfers.

Mr. Bennett stated that in the current fund we transferred \$76,000 from some appropriations to others that needed it and in the water fund we transferred \$30,000 from capital outlay to the capital improvement fund.

Mr. Corney asked if there were any transfers.

Mr. Bennett stated that no transfers done.

Mr. Corney questioned why so much money to repair a street sweeper?

Councilman Lamb stated that this sweeper is much older and it requires some new parts and some revamping and this was the lowest quote we received on state contract.

RESOLUTIONS - OFF CONSENT:

2017-307 authorizing the Memorandum of Agreement between the Borough of Lavallette and the Lavallette PBA #372

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

2017-323 creating a 5-year step guide for the salaries of Mayor and Council commencing January 2018 for five consecutive years

Councilman Lamb stated that he never saw any kind of proposal on this and didn't know it was going to even be discussed tonight. He requested that they be put off and discussed in executive session.

APPROVAL OF VOUCHERS:

2017-324 Bills List in the amount of \$1,723,736.87

A Motion to approve the bills list was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, and Lamb voted Yes. Councilman Stogdill abstained from PO #17-01064 and yes to all others. Councilman Finter abstained from PO #17-01029 and yes to all others. The Motion Passed.

ORDINANCES ON FOR FINAL READING/ADOPTION:

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"

Councilwoman Filippone stated that this ordinance is to change the way measuring the heights for decks is done from the curb and making it from the adjacent grade.

A Motion to adopt this ordinance was made by Councilwoman Filippone. The Motion was seconded by Councilman Finter.

Council President Zalom opened the public hearing and asked if anyone wished to comment on this ordinance.

No one wished to comment. Council President Zalom 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.

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".

Councilwoman Filippone stated that this ordinance was requested by Councilman Borowski regarding the grading of properties. This ordinance is to allow grading of properties to certain restrictions to prevent any drainage spilling onto the connecting properties.

A Motion to adopt this ordinance was made by Councilman Borowski. The Motion was Seconded by Councilwoman Filippone.

Council President Zalom opened the public hearing and asked if anyone wished to comment on this ordinance.

No one wished to comment. Council President Zalom 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:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Elizabeth Avenue Road Improvements/Pay Estimate No. 2/Received November 30, 2017
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements

New Jersey League of Municipalities:

- a) Weekly Update/Received October 27, 2017
- b) Weekly Update/Received November 3, 2017
- c) 2020 Census Preparation Webinars/Received November 6, 2017
- d) Weekly Update/Received November 9, 2017

General With No Action:

- a) Ocean County Health Department/Daniel Regenye, Public Coordinator/Municipal Alliance Program Funding for Year 2019/Received November 17, 2017-Council President Zalom stated that this is in reference to our grant for next year.
- b) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Preliminary Estimate of 2018 Annual Charge/Received November 17, 2017-Councilman Finter stated that the estimated cost for 2018 is \$3,960 per million gallons.
- c) State of New Jersey/Department of Environmental Protection/Division of Land Use Regulation/Joanne Davis, Supervisor/Coastal Zone Management General Permit/Requirements Met Regarding Michael DeVita, 127 Pershing Blvd./Monetary Contribution to Lavallette in the Amount of \$10,150.00/Received November 17, 2017-The Municipal Clerk stated that this contribution that was made under the new CAFRA laws will be going towards our Trenton Avenue handicap walkover along with a second contribution by another homeowner for \$20,000.

General With Action:

- a) Lavallette Seniors Club/James Peeney, President/requesting funds in the amount of \$1,000 be set aside in the 2018 Lavallette budget from the town to help subsidize their anniversary luncheon and Christmas Party/Received November 16, 2017-Council
- b) Lavallette Seniors Club/James Peeney, President/requesting assistance of funds to subsidize the cost of the bus for their trip to the Surflight Theatre in LBI along with lunch on June 14, 2018/Received November 22, 2017

Council President Zalom stated that she spoke with Kathy from Municipal Alliance about these requests and she is going to see if there is something that can be done for them through Municipal Alliance.

Councilman Borowski stated that we maybe can help subsidize with the bus for their trip.

Councilwoman Filippone stated that it seems like what they are asking for is for the town to include their requests in the budget for next year so the money is there to give them. Maybe we can put \$1,000 in the budget for Recreation to give them.

Councilman Lamb stated that before we do anything, let's see what Municipal Alliance can do for them.

Mr. George stated that you could allocate a line item for this in the budget or you could do a special event allocation with a resolution.

Councilman Lamb stated that he doesn't know if we should do anything because he doesn't think the members are all from Lavallette. Let's see about Municipal Alliance first.

Mr. Bennett stated that we could put in the budget but we will still have to appropriate where it should go.

UNFINISHED BUSINESS:

Council President Zalom questioned where the pickle ball net project was? They seemed to start and then not finish them all.

Mr. Bennett stated that they did start to put them up but then other jobs took precedence over that so they had to stop and complete other tasks. They will get done soon. He already spoke to the Supt. and he promises they will get done within the week or two.

Councilman Borowski stated that he saw a bunch of letters from residents of Reese Avenue complaining about the awful mess with the sump pump issue on the ocean block. He was wondering if what was done on Dover Avenue could be done there but without the whole paving job. We could maybe just put the dry wells with some patching.

Mr. Bennett stated that our next street for improvements is President Avenue and we could see if that area on Reese could be included in this contract. The Engineer would have to include in the specs and contract.

Councilwoman Filippone questioned when President Avenue was going to start?

Mr. Bennett stated that it would be scheduled for the spring. He made sure he reiterated our policy of taking care of all the drainage problems with each new paving improvement project.

NEW BUSINESS:

Councilman Finter stated that with the new Governor talking about legalizing marijuana, he was wondering if we should do some type of ordinance prohibiting smoke shops in town.

Councilwoman Filippone stated that we already have an ordinance prohibiting certain businesses in our business district so we could just open up that ordinance and add that language in that section.

Councilman Borowski stated that he doesn't disagree with that but he is concerned about any constitutionalities that would prohibit us from doing that.

Councilman Finter stated that Pt. Pleasant Beach has already passed it.

Mr. George stated that he will look into but we really have to wait and see what exactly the Governor will legalize before we do anything.

Mr. Bennett stated that he would like approval from Council to make Tom Brihn, the Construction Official the Supervisor or Manager of both Lavallette and Seaside Park Construction/Zoning/Code and Flood Plain Manager Offices and Departments. In other words, we want him to be in charge of all the departments.

A Motion was made by Councilwoman Filippone to appoint Tom Brihn, Construction Official to the Chief Manager of both Lavallette and Seaside Park Construction/Zoning/Code and Flood Plain

Manager Offices and Departments. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

COMMENTS FROM THE PUBLIC:

Marlene Chamberlain, 26B Bond Avenue stated that California has been battling the marijuana issues as well. They did an ordinance to even ban the vape shops and the owners are fighting the ordinance.

Councilwoman Filippone stated that Lavallette should add the vape shops along with the smoke shops.

Mr. George stated that they didn't ban the vape shops, they put restrictions on them setting an age and requiring a license fee.

Mrs. Chamberlain questioned who would be responsible for replacing some stones in between the curb and sidewalk that were removed on the corner of Bond and Grand Central?

Councilman Lamb stated that he will have Public Works take a look and see what they could do.

Mrs. Chamberlain stated that the property next store to them has a lot of tenants and the owner doesn't allow smoking on the property. The problem is they smoke in the alley way and throw their cigarette butts over our fence on our property. Is there any way we could just purchase some kind of ash tray to put there so it doesn't keep happening. We would have no problem paying for it but we just want to make sure it is okay for us to put it there.

Councilman Lamb stated that throwing cigarette butts on the ground is littering and definitely a code violation. He thinks she would contact the code enforcement and he should take care of it for them.

Mrs. Chamberlain stated that 902 Ocean Front was boarded up but now the board on the door is off and she doesn't think that is a good thing.

Mr. Bennett stated that the Construction Official has stated to him that the owners have applied for a demo permit and the board is off of the door because they are in the process of getting rid of the asbestos before demolishing. She can contact the Construction Official at the office for more information if she needs to.

Al Jones, 113 Vance Avenue requested an update on the beach replenishment project.

Mr. Bennett stated that he could not attend the latest meeting for an update but he was told that we were scheduled for April of 2018 commencement but it was pushed back 30 days.

Councilwoman Filippone stated that she so some announcement online that Ortleigh Beach is to begin late spring 2018. If that is the new schedule that is going to push Lavallette to probably middle of summer 2018.

Mr. Bennett stated that we will be given updates as they come in and the Mayor always shares his updates at the Council Meetings.

Mr. Jones stated that in front of 21 Reese Avenue there is a pile of bulk items that have a red sticker on them but nothing has been done about it for at least a week.

Councilwoman Filippone stated that he shouldn't be waiting until a Council Meeting to find out about this. Any type of issues like this should be brought to the Code Enforcement Office on this floor of the building. We have a Code Enforcement Officer who goes out and assess these situations and will issue warnings first and then if need be summonses.

Mr. Jones stated that he feels the town is losing a lot of revenue by selling the beach badges at a discounted price during pre season sales in the summer and discounting them even lower for purchasing now for Christmas gifts.

Mr. Bennett stated that the price to purchase badges for Christmas presents right now is the same pre season price we do in the summer. They are not discounted any lower.

Mr. Jones stated that discounting them before the season starts is also unfair to the renters who come in for two weeks in August that have to pay full price for a season badge for two weeks.

Councilwoman Filippone stated that our pre season discounted sale is well advertised month in advance.

The Municipal Clerk stated that all the real estate agencies also receive our pre season information to let all the renters to purchase them ahead of time and sometimes the real estate agencies purchase a bunch ahead of time for their clients.

Mary Logios, 4 Sterling Avenue questioned if maybe the rules and regulations of the town are given to each person who buys a badge.

The Municipal Clerk stated that all of the rules and regulations are given to every person that comes into the badge office.

Mrs. Logios thanked Councilman Lamb for their wonderful trash receptacles at their end of the highway. She said it was very much appreciated.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski wanted to thank everyone who helped with the oyster dinner. One of our long time fireman has always been in charge of this event but this year he has a lot of health issues

and lost both his parents so he wasn't sure he wanted to do all of the work this year. So Councilman Lamb, Chief Joe Lord and myself decided to take on the task of helping out.

Councilman Lamb stated that it was a team effort and we accomplished a lot within a few days. It was well worth it and everyone enjoyed the day. We shucked oysters, set up tables and cleaned up in the kitchen. It was a great dinner and everyone enjoyed.

Council President Zalom stated that Lavallette will be having its Birthday/Christmas Party on the 21st. There will be a 50/50 raffle as well.

EXECUTIVE SESSION:

Mr George stated that there is a need to go into an executive session to discuss some contractual matters and salaries. There may action taken when we reconvene.

A Motion to adjourn the Caucus/Regular Meeting to go into executive session was made by Councilman Finter. 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 8:53 pm.

A Motion to reconvene 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.

Mr. George stated that during executive session there were discussions on two contracts as well as a discussion on the Municipal Clerk's salary and titles. There was action taken on all three items. There was also discussion on a possible step guide for the Mayor and Council salaries. There was no action taken on this at this time.

A Motion to approve the Dispatchers and Records Clerk 3 year contract (2018-2020) 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.

A Motion to approve the Teamsters Local 469 3 year contract (2018-2020) 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.

A Motion to approve an increase in salary for the Municipal Clerk for her title as Registrar in the amount of \$8,000 as of June 2017 was made by Councilman Lamb. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mr. George stated that before the discussion on the Municipal Clerk, she waived her rice notice and was excused from the executive session.

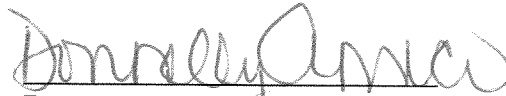
ADJOURNMENT:

A Motion to adjourn the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 9:36 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 **18th** day of **December 2017**


Donnelly Amico
Municipal Clerk