

**BOROUGH OF LAVALLETTE(minutes)  
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL  
LAVALLETTE MUNICIPAL BUILDING  
February 6, 2017-7:00 pm**

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

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

Council President Zalom was absent.

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 Charlie Lorenzo and Lorraine Stork, two lifelong residents of Lavallette who passed away recently. Ms. Stork was Councilman Stogdill's grandmother's sister and was born in Lavallette. She also was part of making the Lavallette quilt we have right outside Council Chambers. Charlie Lorenzo lived on Brown Avenue and has lived in town for many years.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming to tonight's meeting. We did pretty well after the nor easter a couple weeks ago. We received the state aid agreement from the DEP regarding our dune replenishment project. He stated that it was the first time he actually saw in writing that we would be responsible for 25% of the County's portion for any maintenance that would need to be done in the future. This is the first time we are hearing that we would be responsible for any monies for maintenance. What happened to this project being free for 40 years once completed. Mr. Bennett is looking more into and we will have to discuss it further before we sign anything.

The Mayor stated that if anyone in the audience 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)**

Pat Holbig, 110 Virginia thanked Mayor and Council for the job they did after sandy as far as getting the residents back to town and making it so easy with all the permits and construction. It was a pleasure to have everything done so easily and quickly without any issues.

Mayor LaCicero thanked her for her comment.

Mrs. Holbig questioned when the town wide garage sale was going to be this year?

Mayor LaCicero stated that we didn't have all the summer event dates as of yet and that particular sale is scheduled by the Municipal Alliance Committee. Once we receive it, we will get it on our website and calendar. It's usually the 1<sup>st</sup> weekend in June but we will check on it.

Frank DeRosa, 13 Elizabeth Avenue questioned how many of the beach openings will be accessible after the beach replenishment is completed?

Mayor LaCicero stated that after the project is complete, all of the street openings will be accessible. Each one will have a walkover to get to the beach and four of the streets will have handicap accessible walkovers.

Mr. DeRosa also questioned what the markouts for utilities on Elizabeth Avenue was for?

Mayor LaCicero stated that Elizabeth Avenue from the ocean to the bay was getting repaved in the spring.

#### **APPROVAL OF MINUTES:**

Minutes of Caucus/Regular Meeting of January 23, 2017

Minutes of Executive Session of January 23, 2017

A Motion to approve the minutes was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone and Finter voted Yes. Council Member Stogdill abstained on the Executive Session and voted yes to the Caucus/Regular Meeting. Council Member Lamb Abstained. The Motion Passed.

#### **REPORTS:**

- a) Construction Report for January 2017-Councilwoman Filippone-read report
- b) Zoning Report for January 2017-Councilwoman Filippone-read report
- c) Municipal Court Report for January 2017-Councilwoman Filippone-read report
- d) Police Overtime Report for January 2017-Councilwoman Filippone-read report
- e) Public Works Report for January 2017-Councilman Lamb-read report
- f) Public Affairs Report-Council President Zalom-Not Present
- f) Tax Account Report for January 2017-Tax Collector
- g) Tax Collector's Annual Statement of Receipts for 2016-Tax Collector

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

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

## **RESOLUTIONS – ON CONSENT:**

- 2017-84 approving the use of our facilities on the bay front and gazebo for Founder's Day 2017 on Saturday, September 9, 2017 and appointing their Founder's Day Committee 2017
- 2017-85 approving the Lavallette Business Association's dates for the sidewalk sales and display dates for summer 2017-Mayor pulled this resolution and put it off consent.
- 2017-86 accepting the resignation of Joseph Lord and authorizing payment of unused vacation time-Mayor LaCicero stated that Mr. Lord has been a long time dispatcher with us and has now moved on to Toms River Police Dispatcher.
- 2017-87 approving the new pay scale for Class I and Class II Special Police revised by the Chief of Police-Mayor LaCicero stated that this change is an attempt to try and retain our Special Police for the entire summer instead of losing them to other towns. We wind up sending them for the training and paying for the training and then they go to a different town because they pay more. The other towns make out but we always suffer. This change is to become more competitive with the other towns.
- 2017-88 approving the corrected hourly rates of \$20.00 for Class II Special Officer Anthony Amalfa and \$22.05 for Class II Special Officer Arthur Reece-Mayor LaCicero stated that these rates are based on the new scale and the experience of 10 and 20 years.
- 2017-89 appointing Marcel Renson to the part-time position of Electrical Sub Code Official as a substitute on an as needed basis at an hourly rate of \$35.00 for the shared Construction Offices in Seaside Park and Borough of Lavallette
- 2017-90 appointing Glen Purves to the part-time position of Plumbing Sub Code Official and Plumbing Inspector not to exceed 18 hours per week for the shared Construction Offices at an hourly rate of \$35.00
- 2017-91 urging the Governor to fill the vacancy on the NJ Turnpike Authority Board of Commissioners with an Ocean County resident
- 2017-92 authorizing a refund to Audrey Hughes for unused off duty escrow in the amount of \$90.99
- 2017-93 authorizing the refund of unused ski trip payments due to the trip having to be cancelled
- 2017-94 authorizing the transfer of a 2016 veteran deduction credit to 2017 taxes receivable
- 2017-95 establishing the non-contractual annual salary for Municipal Court Administrator

2017-96 authorizing a refund to Perna Finnegan, Inc. for unused off duty escrow in the amount of \$33.47

A Motion to approve the consent agenda was made by Councilman Lamb. 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, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **RESOLUTIONS - OFF CONSENT:**

2017-85 approving the Lavallette Business Association's dates for the sidewalk sales and display dates for summer 2017-Mayor pulled this resolution and put it off consent.

Mayor LaCicero stated that this needs to be discussed further regarding the fees.

Mr. Bennett stated this was just for the sidewalk sales. The next resolution is the LBA events.

Mayor apologized and stated that he thought it was the LBA one.

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

2017-97 approving the Lavallette Business Association Proposed Calendar of Events for 2017

Mayor stated that at the last meeting we discussed that we needed to find out what our costs would entail for all these events as far as police presence and cleanup by DPW. Mr. Bennett received those costs from both departments and they weren't as much as I thought they would be.

Mr. Bennett stated that some of these events are also in conjunction with the town's events so we wouldn't be charging them and with the food truck festivals the Fire Department makes money with the liquor as well.

Mayor LaCicero stated that with the two food truck festivals they took out the electrical hookups that our electricians had to do so that is what cost us the money last year and with the

2<sup>nd</sup> date for the trucks we use the special police to save us money anyway because that falls under our summer season. The only issue is the garbage cans being emptied from all the garbage and cleanup and they already agreed to just tell the food truck vendors to take all their garbage with them so we won't need to deal with that issue anymore either.

A Motion to approve this resolution was made by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

No one wished to comment on this resolution. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

2017-98            determining the form and other details of its “note relating to the construction financing program of the NJ Environmental Infrastructure Trust” to be issued in the principal amount of up to \$1,352,250, and providing for the issuance and sale of such note to the NJ Environmental Infrastructure Trust, and authorizing the execution and delivery of such note by the Borough of Lavallette in favor of the NJ Environmental Infrastructure Trust, all pursuant to the NJ Environmental Infrastructure Trust Construction Financing Program

Mayor LaCicero stated that this is another resolution that has to do with our painting of the water tank and the loan we applied for. This is part of the process for this loan app. We have been told that we are getting 50% of the loan forgiven which is approximately \$500,000.

Councilman Borowski questioned if we went out to bid yet?

Mayor LaCicero stated that the bid opening is scheduled for March 1<sup>st</sup> and we have 60 days to award the contract. These documents need to be taken care of through our bond counsel and sent to the NJ Environmental Financing.

Mr. Bennett stated that we have an interconnect agreement already in place with NJAW so we can use their tank when the time comes. He has been told that we will need to use it two months in the fall and one month in the spring.

A Motion to approve this resolution was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Joe Palinsky, 122 Washington Avenue questioned why we couldn't use one of our other wells instead of NJAW?

Mr. Bennett stated that he believes that one of our wells has not been functioning for quite some time. Our Engineer has told us that we needed to do this interconnect with NJAW for this project. There is a limit to how much water we can use from each well we have and we do use our wells for our use already.

Mayor LaCicero stated that he spoke to the Supt. of Public Works and our well will be in operation all the times so we will also be using that well for this but we will need to use the interconnect for our peak hours.

Mr. Palinsky questioned how much it would cost to repair the our well that is not functioning?

Mayor LaCicero stated that last they heard it was roughly 1 million.

Clem Boyers, 20 Kerr Avenue questioned if he will still be able to shower during this time?

Mayor LaCicero stated that nothing is going to cease any process of water in Lavallette at this time so he will still be able to take a shower.

The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

2017-99        declaring the Borough's official intent to reimburse expenditures for project costs from the proceeds of debt obligations in connection with its participation in the NJ Environmental Infrastructure Trust Financing Program

Mr. Bennett stated that this is to guarantee that we will pay any debt obligations that we have already incurred which is only our Engineer costs as of right now.

A Motion to approve this resolution was made by Councilman Stogdill. 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.

No one wished to comment. The Mayor closed the floor to the public and asked Council for a vote on this resolution.

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

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

2017-100 Bills List in the amount of \$412,473.55

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

**ORDINANCES ON FOR FIRST READING/INTRODUCTION:**

ORDINANCE NO. 2017-04 (1164) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 7 OF THE CODE OF THE BOROUGH OF LAVALLETTE TO AMEND THE PERCENTAGE FEE WHEN USING A CREDIT CARD FOR THE PURCHASE OF BEACH BADGES

Councilman Stogdill stated that last year it was 2% and we need to increase it to 3%.

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

Public Hearing and Final Adoption is scheduled for February 21, 2017.

**ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:**

ORDINANCE NO. 2017-02 (1162) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO AMEND THE LAVALLETTE BOROUGH CODE, SPECIFICALLY, CHAPTER 20, ENTITLED, "CONSTRUCTION CODES, UNIFORM TO SHARED SERVICES AGREEMENT

Mayor LaCicero stated that this Ordinance is to include the shared services agreement with Seaside Park for construction services.

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.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on this Ordinance.

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

ORDINANCE NO. 2017-03 (1163) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 20 OF THE CODE

## OF THE BOROUGH OF LAVALLETTE TO AMEND VARIOUS FEES

Mayor LaCicero stated that this ordinance is to align the construction fees with Seaside Park.

Councilman Lamb questioned if there was much difference?

Mayor LaCicero stated that our fees were much lower than theirs.

Councilwoman Filippone stated that they were not exorbitantly higher but they were higher fees than ours. With this shared services it's mandatory that the fees match for both towns.

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.

No one wished to comment. 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. The Motion Passed.

### **COMMUNICATIONS:**

#### Engineering:

- (a) O'Donnell, Stanton & Associates/Jack Berens, Engineer/NJ Infrastructure Financing Program/Water Tank Rehab and Repainting/Required Bidding Schedule that was Requested/Received January 31, 2017

#### New Jersey League of Municipalities:

- a) Weekly Update/Received January 6, 2017
- b) Weekly Update/Received January 13, 2017
- c) Supreme Court Issues Gap Ruling/Received January 18, 2017
- d) Newspaper Legal Advertising Cost Survey Sample Generated by the League of Municipalities/Received January 26, 2017
- e) Weekly Update/Received January 27, 2017

#### General With No Action:

- (a) Cablevision of Monmouth, LLC/Layth Taki, Senior VP/Franchise Fees for 2016 in the amount of \$28,484/Received January 25, 2017
- (b) Ocean County Utilities Authority/Keith Marcoon, Exec. Director/Certificate of 2017 Annual Charge/Received January 26, 2017



- (c) DEP News Release/Commissioner Martin Joins Fishing Interests in Rally to Oppose Proposed Cuts to Summer Flounder Recreational Harvest/Received January 27, 2017
- (d) Michael Boekel/110 Vance Avenue/complaint letter about his taxes and assessment/Received January 30, 2017(Letter was copied to Tax Assessor)
- (e) DEP News Release/Christie Administration Preserves Delaware Bay Wetlands in Cumberland County/Received February 1, 2017
- (f) Diocese of Trenton/Most Reverend David M. O'Connell, Bishop of Trenton/Poverty Awareness Month/Received February 1, 2017
- (g) United States Department of Commerce/2020 Census Local Update of Census Addresses Operation (LUCA)/Received February 3, 2017

General With Action:

- (a) Ocean County College/Jennifer Barnes, Esq., Coordinator/invitation to attend the Ocean County College Substance Abuse Summit on Tuesday, May 9, 2017 and an invitation to attend the discussion on the summit with the Committee on March 9<sup>th</sup> at 12:30 pm/Received February 2, 2017-Mayor LaCicero stated that he will check his calendar but if any of Council would like to attend they can.

**UNFINISHED BUSINESS:**

Calendar of Requested Events

Mr. Bennett stated that Matt Burk is in charge of our annual calendar and he is doing a great job.

Mayor LaCicero stated that this calendar was requested by Councilman Borowski for us to see exactly how many different events are requested by our facilities use application and how much of our own events are going also. He stated that he thinks we need to review this calendar some more and discuss the issue further at the next meeting.

Councilwoman Filippone stated that she thinks that we really need to focus on all of these exercise preferably yoga classes being requested by others when we also have yoga classes. To approve other yoga classes is taking revenues from the Borough.

Mr. Bennett stated that he has all the figures on how much we take in for yoga and Zumba with our classes and how much we our costs are. We are losing money on a monthly basis it seems.

Mayor requested that John make copies of those figures and costs for Council and we can discuss further at the next meeting.

Councilman Lamb questioned where we are with the Daly's and the basketball court project?

Mr. Bernstein stated that he has received comments from the Daly's Counsel just last week. He suggests discussing this further in executive session.

Councilman Lamb stated that is fine but he is just looking to get this resolved in an expedited fashion.

**NEW BUSINESS:**

Discussion on 91 Pershing Blvd. water bill issue-broken water pipe

Mr. Bennett stated that this is a resident on WPI that only has a water bill with us and a sewer bill with Toms River MUA. There was a water pipe that burst on the outside of their property and was running into the bay. The bill states that it was roughly 1 million gallons of water lost. The Borough usually credits the sewer portion of the bill when a customer has a water leak but this customer only has our water not our sewer. He is requesting a hardship and is asking for some type of credit on their water bill.

Mayor LaCicero stated that we have never adjusted a water bill for a leak for anyone and am not sure we should start now. Maybe they can talk to their sewer company and see if they could do something for them.

Councilwoman Filippone stated that Seaside Park Construction Department takes credit cards for their permit fees. They would like to keep that feature even with the shared services agreement.

Mr. Bernstein stated that this would need to be discussed with the Lavallette CFO to see if this can be done in Seaside Park and not in Lavallette.

Councilman Borowski stated that regarding the NJAW interconnect and the well not working, this is why there is a need for the utility committee to start having their meetings again. We need to know what is going on and have the answers that we should have if questioned.

Mr. Bennett stated that at the next Council Meeting the Tax Assessor, Bryan Covert, will be here to introduce himself, give everyone a brief description of what he will be doing for this year and answer any questions that anyone has. This will be the beginning of each Department Head attending a Council Meeting to introduce themselves and answer any questions that residents or Council may have.

**COMMENTS FROM THE PUBLIC:**

Susan Kotch, 119 Camden Avenue stated that we have put the vendor application on our website for Founder's Day this year. Make sure everyone gets it out there that we need vendors. Also, regarding the exercise programs in town, let's not forget that all of these events throughout the summer are what makes Lavallette different from the rest. We are a tourist community and need a lot of events for our summer tourists.

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

Councilman Borowski stated that Lavallette is a tourist town and there are some events that we sponsor that we have to subsidize the costs for as far as our fireworks and our band concerts. He

stated that he will be attending an all day seminar on Wednesday seeing how the PJM network works.

Mr. Bennett stated that we have already started working on the budget and have already met with the Police, Public Works and had one meeting already with the Finance Committee. We will be having some more sit downs again and then we will be meeting with the Finance Committee again. We also spoke with the Auditor regarding our debt service.

**EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need to go into executive session to discuss the Jacobsen Park negotiations and attorney client privilege issues. There will be no action taken.

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

The Caucus/Regular Meeting was adjourned to go into executive session at 8:10pm.

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

The Caucus/Regular Meeting was reconvened at 8:45pm.

Mr. Bernstein stated that while in Executive Session there was discussion on ongoing negotiations regarding Jacobsen Park and the lifeguard building regarding and the contractors. There was no action taken.


**ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 8:46 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 6<sup>th</sup> day of **February 2017**

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