

**BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, March 20, 2017-7:00 pm**

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Council Members Filippone, Finter and Stogdill were 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 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. There have been no local deaths which is a good thing.

PLEDGE OF ALLEGIANCE: Council President Zalom led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. Today is the first day of spring so we are on our way to warmer weather soon. He stated that he read an article in the Asbury Park Press about consolidation of the smaller municipalities and thought here we go again. We have been fairly safe since these discussions have been going on for about 7 years now. A Rutgers Study has already deemed the consolidation inefficient so let's hope that sticks. The largest town we would consolidate with would be Toms River Township which has much higher taxes so we don't want to go there. He stated that 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 so now.

COMMENTS FROM PUBLIC: (Items not listed on Agenda/not staying for remainder of meeting)

Frank DeRosa, 13 Elizabeth Avenue stated that he heard some news about the replenishment project and just wanted an update.

Mayor LaCicero stated that he attended the pre construction meeting last week and he wasn't real happy with the outcome. Apparently, they are going to be doing a quick beach replenishment in Ortley Beach by pumping sand on their beaches to create the dunes to give them some protection so it holds them over until the big project starts there. No construction just pumping the sand so that will also help strengthen our south end beach in Lavallette. After that

they are using a piece of equipment called a cutter head barge and starting in Mantoloking. They feel that they were the most devastated and that is where the quickest return will be. They plan on being there most of this summer. After that they are heading to Seaside Park and doing a recovery area close to shore. The piece of equipment they will be using to do the pumping of the sand for Ortley Beach is called a Hopper Barge, once they fill in those beaches quickly for the protection they will be heading down south to start project in that area. After that, they will be heading back over here and starting with Seaside Heights, Ortley and Ocean Beach first and then they will head to Lavallette. So basically, we will not be started until the earliest April of 2018 weather permitting. They feel that we are the safest and most protected right now compared to all the other towns. They will be here from April 2018 to approximately Memorial Day Weekend. The height of our dunes will be decreased by a few feet as well.

Mr. DeRosa questioned if they would be tearing down our pavilions?

Mayor LaCicero stated that our pavilions are not being moved or touched.

Mr. DeRosa requested that an update on this project be given at the beginning of every Council.

Mayor LaCicero stated that he would be more than happy to do that.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of March 6, 2017
Executive Session Meeting of March 6, 2017

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

RESOLUTIONS-ON CONSENT:

- 2017-116 authorizing the Borough of Lavallette to pursue an application for involuntary disability retirement for Senior Public Works Repairer Mitchell Williams' and recognizing his permanent disability
- 2017-117 approving the facilities use application submitted by the Lavallette PTO to hold a Pirate 5k on May 20, 2017 from 8am to 11am
- 2017-118 recognizing the month of April 2017 as "Child Abuse Prevention Month"
- 2017-119 approving a facilities use application to Breathe Life Yoga to hold yoga classes on the ocean beach between Newark and Trenton Avenues Thursdays through Sundays, starting June 1, 2017 through September 16, 2017 from 7:30 am to 8:30 am and on the bay beach at Reese Avenue on Fridays, starting June 2, 2017 through August 18, 2017 from 7:30pm to 8:30 pm

- 2017-120 approving a facilities use application submitted by the Lavallette Business Association to hold flea markets in the firehouse parking area on Saturday, July 15, 2017 and Saturday, August 12, 2017
- 2017-121 approving a facilities use application to Elaine Schardien to hold yoga classes on Sundays, starting July 2, 2017 through September 3, 2017 from 8am to 9am on the Philadelphia Avenue ocean beach
- 2017-122 approving a facilities use/special event application to Charles Sellers from DQ Events to hold a triathlon on the bay front on Saturday, June 3, 2017 from 6am to 11am and June 2, 2017 from 3pm to 6pm for setup- Councilman Borowski stated that for the approval of this Triathlon event he would request that it be approved with the requirement of all swim participants to wear water shoes during the swim event. Last year there were so many of them that had cuts on their feet that we had to treat.
- 2017-123 approving a facilities use application to Danielle Maoli, LLC to hold yoga classes on the Ortley Avenue ocean beach on Saturdays and Sundays, starting July 1st through September 3rd 2017 from 7:30am to 8:30 am
- 2017-124 proclaiming the week of April 9th through April 15th 2017 as “National Library Week
- 2017-125 appointing Dennis LaSassa, Jr. as a part time substitute Plumbing Subcode Official at an hourly rate of \$35.00
- 2017-126 proclaiming the month of April 2017 as “Alcohol Awareness” Month
- 2017-127 proclaiming April 4, 2017 as “Mayor and County Recognition Day” and the week of April 23rd through April 29th 2017 as “National Volunteer Week”-Council President Zalom thanked all the volunteers and volunteer organizations in town that are always helping out without any complaints.
- 2017-128 approving eight applicants to attend Class I training at the Ocean County Police Academy at an hourly rate of \$8.44-Councilman Lamb requested this resolution be put off consent.

A Motion to approve the consent agenda minus Resolution 2017-128 was made by Councilman Lamb. The Motion was Seconded by Council President Zalom.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

June Schneider, Upper Shores Library thanked Council for the resolution for National Library Week. She stated that she is very happy that her Library is in the Borough. It is such a pleasure to work with the Borough and the residents. We are fortunate to have such a well funded library

system consisting of 21 facilities and we are the largest in the state. We have a number of events at our library in town and also trips we do so please come in and check them out. Make sure you all get library cards because we have so much that can be done online that are free if you have a library card. Thank you for allowing me to be here, for acknowledging National Library Week and for all your support.

Mark Speaker, 111 Brown Avenue stated that last year there were so many signs up on the boardwalk and bay front regarding the yoga classes and even thought they were told to remove them right away they never did. He would like the approval to come with no signs at all for advertising.

Councilman Borowski stated that he agreed with Mr. Speaker. Maybe we could also make them aware that if they put signs up around town advertising, there approval resolution will be rescinded.

Mayor LaCicero stated that sounded fair to him. We will make sure the applicants are aware of no signage at all or risk rescinding of approval.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda.

Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed.

RESOLUTIONS OFF CONSENT:

2017-128 approving eight applicants to attend Class I training at the Ocean County Police Academy at an hourly rate of \$8.44

A Motion to approve this resolution was made by Councilman Borowski. The Motion was Seconded by Council President Zalom.

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 and Zalom voted Yes. Councilman Lamb abstained. The Motion Passed.

2017-129 approving the facilities use application to the Lavallette Business Association to hold a food truck festival in the bay front parking lot between Washington and Philadelphia Avenues on June 24, 2017 from 3pm to 9pm

Council President Zalom stated that everyone loved this last year and it was a big hit. These food trucks are a big trend lately.

Mayor LaCicero stated that this is an additional food truck event. The one last year was in October and this year they are requesting approval for two, this one and another in October. My concern is they are also asking to sell alcohol and the LBA will be getting the permit for that.

Councilman Lamb stated that he is not real comfortable with them being able to purchase alcohol and walk around with it. Is there some way it can be contained. The only event that we have allowed walking around with the alcohol is Founders Day which is appropriate because it is the Borough's event. He also would like the band limited to one or two members.

Council President Zalom questioned if there was some way it could be contained to a specific area?

Mayor LaCicero stated that his issue is also how late it is going till with alcohol being involved. We can see if it can be contained to the parking lot area only.

Councilman Borowski stated that this is only a week into our summer season on a Saturday in a parking lot that requires stickers to be purchased to park there so that whole area is going to be unavailable to the beachgoers. We are supposed to be a family resort and it is going to be an alcohol event. Founder's Day is after our summer season but this is right into the beginning of our season.

Council President Zalom stated that she doesn't think it is a big deal for one day.

Councilman Lamb questioned if we can just approved without the alcohol and limit the band to one or two members?

Council President Zalom stated that we just need to figure out how to contain the area.

Beth D'Aloisio, LBA stated that the LBA has no problem with changing whatever is necessary to get the event approved. She already spoke to Fire Chief Lord and he already said he would help out with anything we need to make this work.

Councilman Borowski stated that he has a big problem with allowing these organizations to do all these big events all summer long. We are supposed to be a family resort and should be having family events for kids to enjoy not alcohol events.

Rebecca Malloy, LBA President stated that they do all these events to give back to the town because they are part of this community. We are planning to take all this money from these events and give a donation to the town for the purchase of a community bulletin board or whatever is needed.

Councilman Lamb stated that maybe we can just approve the event without the alcohol for the time being and then if its decided that the alcohol is okay we can approve that portion at a later date.

Mr. Bernstein stated that the Borough does not approve the permit for the alcohol, the State does.

Mayor LaCicero stated that he doesn't see the Fire Company helping out with this event without profiting from any sales.

Mr. Bernstein stated that the event itself can be approved for now without the alcohol. If they want to apply again to have the alcohol at the event they can reapply with the request for alcohol.

Mrs. Malloy stated that if they wanted to amend the application to allow the firehouse to sell the alcohol that is fine with her. We had discussions with Mr. Bennett about all our events and we thought all our events were already approved weeks ago so she is not sure what happened.

Mr. Bennett stated that when he had the meeting with her, they only discussed the dates and the events and how much it was going to cost the Borough for each event if additional police were needed and garbage needed to be picked up. The discussion of alcohol and bands was never spoken of.

A Motion was made to approve this Resolution without the approval of the alcohol by Council President Zalom. The Motion was Seconded by Councilman Lamb.

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, Zalom and Lamb voted Yes. The Motion Passed.

2017-130 approving the facilities use application to the Lavallette Business Association to hold their Soups of the Shore and Craft Festival on Chandler Field on September 23, 2017 from 11am to 3pm

A Motion to approve this resolution was made by Councilman Borowski. The Motion was Seconded by Council President Zalom.

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, Zalom, and Lamb voted Yes. The Motion Passed.: Second: Discussion: Public Comment: Vote:

2017-131 approving the facilities use application to the Lavallette Business Association to hold their food trucks & football event in the parking lot between Washington and Philadelphia Avenues bay front parking lot on October 15, 2017 from 12 noon to 5pm

A Motion to approve this resolution was made by Councilman Borowski. The Motion was Seconded by Council President Zalom.

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, Zalom and Lamb voted Yes. The Motion Passed.

2017-132 approving the facilities use application to the Lavallette Business Association to hold their Clambake on Chandler Field on August19, 2017 from 6pm to 10pm

A Motion to approve this resolution was made by Council President Zalom. The Motion was Seconded by Councilman Borowski.

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, Zalom and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2017- 133 Bills List in the amount of \$786,529.76

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING

ORDINANCE NO. 2017-06 (1166) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 7, ENTITLED ‘FEES FOR USES OF BEACHES AND

FACILITIES”, TO CREATE A NEW 7-9 (F) (6) ENTITLED “ONE (1) DAY FOOD TRUCK EVENTS PERMITS”

Mayor LaCicero stated that this is to allow the Borough to charge a fee of \$100 for a one day food truck event permit for the food truck events.

A Motion to approve this Ordinance was made by Council President Zalom. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for April 3, 2017.

ORDINANCE NO. 2017-07 (1167) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

Mayor LaCicero stated that this is an annual Ordinance we pass to go along with our budget every year. This is to allow us to exceed the budget cap to 3/5% if we ever needed to. We have never needed to use this ordinance but it’s always good to have it available if we need to utilize it.

A Motion to approve this Ordinance was made by Councilman Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for April 3, 2017

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

ORDINANCE NO. 2017-05 (1165) CAPITAL ORDINANCE PROVIDING FOR THE TRENTON AVENUE ADA CROSSOVER PROJECT, AND APPROPRIATING \$63,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

Mayor LaCicero stated that the Army Corps. is giving us 3 handicap dune walkovers on our three wide streets but we also thought it appropriate to have one on Trenton Avenue as well. Council President Zalom is fighting for us to get at least \$30,000 with our CDBG funds and we will hopefully have around \$20,000 in a public access trust fund regarding CAFRA permits and access. The Army Corps. is requiring payment now for this ADA walkover so we needed to do this Capital Ordinance. This ordinance is not requiring us to borrow any money and we will not be incurring any debt.

A Motion to adopt this Ordinance was made by Councilman Borowski. The Motion was Seconded by Councilman Lamb.

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 Capital Ordinance.

Vote: Council Members Borowski, Zalom and Lamb voted Yes.

Mr. Bennett stated that this ordinance requires 4 votes for its adoption so the Mayor has to also voted.

Mr. Bernstein stated that the Mayor cannot vote on this Ordinance. We will have to carry the public hearing and adoption on this ordinance until the next meeting for a vote. The Clerk will have to re-advertise with a new hearing and adoption date of the next meeting.

INTRODUCTION OF THE 2017 BUDGET:

(Mr. Bernstein Read the budget resolution 2017-134A)

Mr. Bennett stated that we paid a lot of debt off with this budget and this is the last payment for the emergency note from the storm. We used some FEMA reimbursements and insurance monies to pay off a lot of our storm debt. The capital part of the budget we decided to do a pay as you go system which will work out better for us. Also, we had an increase in salaries due to the shared services with Seaside Park and bringing those employees on as Lavallette employees but we couldn't anticipate the Seaside Park revenue just yet. He feels really good about this budget.

Mayor LaCicero stated that with the shared services agreement we brought on a full time Construction Official and two full time workers in that department as well as some part time inspectors. We anticipate it all working out for the best.

A Motion to introduce the 2017 budget was made by Councilman Lamb. The Motion was Seconded by Council President Stogdill. Vote: Council Members Borowski, Zalom, and Lamb voted Yes. The Motion Passed.

Public Hearing and Final Adoption is scheduled for April 18, 2017 at 7pm.

UNFINISHED BUSINESS:

Discussion on the Agreement between the Borough of Lavallette, Halecon and the Daly's for the Reconstruction and Improvement of Jacobsen Park

Mayor LaCicero stated that this agreement has been reviewed by a lot of attorneys. We believe we finally have a finalized agreement on for a vote tonight so we can get this finally put to rest.

A Motion to approve the agreement between the Dalys, Halecon and the Borough of Lavallette for the reconstruction and improvement of Jacobsen park was made by Councilman Lamb. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed. (Resolution 2017-134)

Discussion on authorization of the release of payment for \$57,000 to Wallace Construction that has been on hold due to certain issues regarding the Municipal Building and the lifeguard building

Mr. Bennett stated that we have been holding Wallace's final payment for our Municipal Building due to some punch list issues still pending. We have come to an agreement on the final payment and I would like Council to approve the payment of \$50,000 on a final bill of \$57,485.19. We will be using the additional monies to take care of one of the issues as well as holding the balance until the roof and window issues are taken care of.

A Motion to approve the payment of \$50,000 to Wallace Brothers Contracting was made by Council President Zalom. The Motion was Seconded by Councilman Borowski. Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed.

NEW BUSINESS:

Council President Zalom stated that at the last meeting there were some issues with giving a \$500 donation to the Community Options, Inc. regarding Meals on Wheels for some of our residents that they deliver meals to in town. We received a legal opinion on it from our Borough Attorney and it is perfectly fine for us to do. She would like approval tonight from Council to go ahead with this donation.

A Motion to approve the \$500 donation to Community Options, Inc. was made by Council President Zalom. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Zalom and Lamb voted Yes. The Motion Passed.

Council President Zalom stated that there are a lot of events going on in town these next couple of months. The Easter Egg Hunt was changed to April 6th at 3:15 pm. We will be having Senior lunch and a movie very shortly. The town wide garage sale will be June 10th and 11th.

Councilman Borowski stated that JCP & L will be proposing a 53% rate increase to their customers. It is scheduled to go to FERC on June 1st and the Public Power Association will be there fighting it.

COMMENTS FROM THE PUBLIC:

Mary Logios, 4 Sterling Avenue questioned if there was going to be any provisions given for the north end of the town in regards to handicap accessible walkovers?

Mayor LaCicero stated that as of right now the plans can not be changed. They will also be cutting the dunes down in that section as well which had more protection then the south end.

You will have regular pedestrian walkovers but no handicap ones. The CDBG funds come every two years for us to apply for funding so we can always apply in two years for another handicap accessible walkover for the north end.

Mrs. Logios stated that there is a gigantic hole on Bryn Mawr Avenue that needs to be filled in right away across from 101 Bryn Mawr.

Mayor LaCicero stated that Public Works will be informed to check it out.

Pat Doles, 14 Bryn Mawr Avenue questioned when Bryn Mawr Avenue was going to be put on the list for repaving?

Mayor LaCicero stated that we just sent in two streets to the DOT for approval and one of them was Bryn Mawr Avenue. That will be the next street after President Avenue so it should be done sometime in spring of next year.

Jon Corney, 1 Newark Avenue stated that he liked that the reserve for uncollected taxes went a bit down for this budget. He thinks there is a lot of fluff in this budget and would still like to see a nickel decrease in taxes but overall it's not completely awful.

Bob Astorino, 2 Elizabeth Avenue stated that regarding the beach replenishment project, are we still going to have 2 vehicle access points to get on the beach?

Mayor LaCicero stated that there will still be 2 access points for vehicles to get on.

Al Jones, 113 Vance Avenue requested an update on the lifeguard building issue.

Mayor LaCicero stated that all the reports on the mold issue that we received from certain experts have been distributed among all parties involved and Mr. Bennett has scheduled a meeting next week with all the parties to discuss and hopefully come to some type of resolution.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that the Crab's Claw's Chef was featured in the APP regarding clean cooking and using vegetables for clean living so congratulations to him.

The Easter Egg Hunt was rescheduled for April 6th which is a Thursday. The Firehouse will have their Roast Pork dinner which they haven't had in years and that will be on April 8th. The Beach Sweeps is scheduled for April 22nd at 9am.

Mr. Bennett stated that Council President Zalom asked him to check into firefighter's grants for our fire department to take advantage of. He would like to implement the Take Your Son or Daughter to Work Day in the Borough which is the 4th Thursday in April.

Mayor LaCicero stated that he has a lot of residents come to him about the amount of events we have in town on a daily basis. Council is going to have to start to recognize that we are facing a

large increase in the number of events we have in town especially during the summer months. We were supposed to try and prevent this from happening during the summer season. He has spoken to a group of municipalities already that are shore towns as well and they have limited the number of events especially the same kinds of events in their towns by doing a bidding or auction of these events. The more events we have on a daily basis causes more issues for our residents who live on these streets that have to be closed for the events and have blocked driveways, or they can't ride their bikes in certain areas because of the increase in the crowds. When and where do we start to draw the line on these events. The for profit organizations are an issue for me. They are making a profit by using our facilities and yet our residents are the ones who are inconvenienced. These people don't want to see events every single weekend. As of right now, we have four events with alcohol.

Councilman Lamb stated that we need to get a jump start on the situation and discuss in the fall before the applications start piling in and make a plan of what we are going to allow and how we are going to approve them.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Regular Meeting was adjourned at 9:23 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 20th day of **March 2017**

Donnelly Amico
Municipal Clerk