

BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, May 22, 2017-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Phil George, Borough Attorney
Donnelly Amico, Municipal Clerk
Robert Oliwa, Auditor
Steve Colville, Auditor
Christine Sierfeld, CFO

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting complies with the Open Public Meetings Act. Public Notice was published in the Ocean Star on January 6, 2017. Notice was also posted on our municipal website and municipal bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for long time resident Larry Sitkowski who passed away recently.

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

MAYOR'S WELCOMING STATEMENT: Mayor LaCicero welcomed everyone to tonight's meeting. He stated that the pumper has arrived in Ortley Beach to take care of pumping some sand on their beaches as a temporary fix until their project begins. We had some talks with the NJDEP concerning our dune maintenance permit and it seems that our general IP permit has expired. He was under the impression that it would hold over until the Army Corps Project was completed but apparently not. We are still discussing whether or not we will have to get it before the project or can we do it after. We will keep you informed as we hear.

Council President Zalom stated that she spoke to the County about helping us with dredging under the WPI Bridge. Unfortunately our dredge permit has expired and to renew this permit would cost us about \$30,000.

Mayor LaCicero stated that we will be looking into some grants, one of them called iboat, which we will use for repairs to our boat ramp, and also the DEP will be dredging further out in the bay so that should help with under the bridge area as well.

Mayor asked if anyone wished to comment on any items that were not on the agenda or if they couldn't 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)

Frank DeRosa, 13 Elizabeth Avenue questioned if Elizabeth Avenue was going to be repaved any time soon.

Mayor LaCicero stated that we are going out to bid for that road in a few weeks and we are hoping to start that project in the fall.

Mr. DeRosa questioned if it is going to include the entire street?

Mayor LaCicero stated that it is from the ocean to the bay and also a portion of Dover Avenue.

APPROVAL OF CLERK'S MINUTES:

Caucus/Regular Meeting of May 8, 2017

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

RESOLUTIONS-ON CONSENT:

- 2017-169 authorizing the refund of a 2014 State tax appeal in the amount of \$1,586.10
- 2017-170 authorizing execution of an amendment to the Master Power Purchase and Sale Agreement between the Borough of Lavallette and Exelon Generation Company, LLC-Councilman Borowski stated that the original contract had some exit clauses that were obsolete as of now so they needed to amend.
- 2017-171 approving the budget to be read by title only
- 2017-172 appointing Katelyn Brihn as a summer seasonal worker for the Administration Office commencing May 22, 2017 through September 1, 2017
- 2017-173 authorizing the execution of a changer order #1 to the contract with Brave Industrial Paint, LLC for the rehabilitation and repainting of the water tank in the amount of \$35,930.10-Mayor LaCicero stated that this change is for the Borough to supply the water from one of our own water system while the tank is offline. We had to purchase some equipment to do some repairs to the well to make this happen. Councilman Lamb stated that we did have to use some water from NJAW which cost us about \$705 but we are on track as of now with getting our well ready.
- 2017-174 appointing three first year Class II Special Officers at an hourly rate of \$13.00
- 2017-175 authorizing a change order to the contract with Remediation Specialists, Inc. in the amount of \$1,700 increasing the total of the contract to \$19,245.00-

Councilman Borowski requested that this be pulled and put off consent-Mayor LaCicero stated that there was some additional remediation that needed to be done in the attic area for protection.

- 2017-176 approving payment to Dr. Richard Lynch of Environmental Safety Management Corporation in the amount of \$6,930.00-Councilman Lamb stated that we have to pay these bills first and then we are getting reimbursed by all the parties involved.
- 2017-177 appointing Mark Speaker to the Ordinance Advisory Committee
- 2017-178 approving two raffle licenses to the Lavallette School PTO to be held on June 10, 2017 at the Lavallette School
- 2017-179 appointing badge checkers for the 2017 summer season
- 2017-179A appointing Daniel Anglim as a seasonal laborer for the Department of Public Works at an hourly rate of \$10.00
- 2017-179B appointing Janice Merna and Rosemarie McGlew badge office staff during the summer season-Council President Zalom stated that she was there over the weekend and they were extremely busy so they definitely need these people.

A Motion to approve the consent agenda was made by Councilman Lamb. 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.

No one wished to comment at this time.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda minus 2017-175.

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

RESOLUTIONS OFF CONSENT:

- 2017-175 authorizing a change order to the contract with Remediation Specialists, Inc. in the amount of \$1,700 increasing the total of the contract to \$19,245.00

Councilman Borowski stated that he has been diligent with not agreeing and voting for any change orders that have to do with the lifeguard building and he wants to keep it this way.

A Motion to approve this resolution was made by Councilman Lamb. 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 Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

2017-180 approving a facilities use/special event application to Surfing the Dream to hold surf lessons on the Bryn Mawr Avenue ocean beach from June 18th through September 5th 2017 on an as needed basis for two hours a day at various time Frames

Councilman Borowski questioned if this is the two young girls who came to speak about this last year?

Mayor LaCicero stated that it was and there was no issues with it at that time and Bryn Mawr Avenue is a surf beach.

A Motion to approve this resolution 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 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, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

2017-181 approving a facilities use/special event application to Warhorse Scuba, Inc. requesting permission to walk through our town for their 22K Walk starting in Brick Township down Route 35 South and ending in Seaside Park to promote awareness of veterans suicide on July 22, 2017 with an estimated time of 10am to 11:30 am in Lavallette

Mayor LaCicero stated that this is going through a lot of towns and it is for a good cause.

Councilwoman Filippone stated that since it is going to be on Route 35 during that time frame in the middle of July she thinks they need a lot of police presence surrounding them.

Mayor LaCicero stated that he agreed. We will let the Chief know that he should schedule some officers for protection.

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

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, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2017- 182 Bills List in the amount of \$390,273.27

A Motion to approve the bills list was made by Councilman Stogdill. The Motion was Seconded by Councilman Filippone.

The Mayor opened the floor and asked if anyone wished to comment on the bills list.

No one wished to comment.

The Mayor closed the floor to the public and asked Council for a vote on the bills list.

Vote: Council Members Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Borowski voted No on PO #17-00437 and yes to all other. Councilman Lamb abstained on PO#17-00478 and PO #17-00479 and yes to all others.

ORDINANCES ON FOR INTRODUCTION:

ORDINANCE 2017-10(1170) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 25 OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "FEES"

Donnelly Amico stated that this ordinance was to add some items to the fees list as well as delete some items as well.

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 June 5, 2017.

ORDINANCE NO 2017-11 (1171) ORDINANCE OF THE BOROUGH OF LAVALLETTE REVISING CHAPTER 24 OF THE BOROUGH OF LAVALLETTE CODE TO MAKE PROVISIONS FOR THE AGGREGATION OF DEMAND RESPONSE ON BEHALF OF RETAIL CUSTOMERS OF THE LAVALLETTE BOROUGH ELECTRIC UTILITY SYSTEM

Councilman Borowski stated that the Borough is part of the Public Power Association for the last 10 to 15 years as well as the American Public Power Association which includes other municipalities who have their own electric utility. The market has been very complex for the last 10 to 15 years. The American Public Power Association researches the aggregation of demand and have found a weakness in the demand response behavior. They have found a system called smart metering that will allow a 3rd party to hook up to this smart meter and shut off power remotely. They would only need 50 people to allow it and they would be able to do it. This ordinance would prevent a 3rd party from being able to do this.

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

Pubic Hearing and Final Adoption is scheduled for June 19, 2017

PUBLIC HEARING AND FINAL ADOPTION OF THE 2017 BUDGET: (Clerk to Read Budget Resolution 2017-183)

The 2017 budget was introduced on April 18, 2017 and was advertised on April 28, 2017. The total 2017 budget appropriations are \$9,560,512.00 and are under the allowable expenditure appropriation CAP by \$970,581. The 2017 budget appropriations have increased by \$588,038 over 2016 and the adjusted 2017 anticipated budget revenues designated for the payment of bans and bond principal have decreased by \$116,827 under 2016. The introduced capital budget of \$2,255,000 includes planned 2017 capital projects and also includes planned projects for 2018 and 2019. The balance of hurricane sandy related deferred charges was \$916,680 at December 31, 2016 and will be fully funded in the Borough's 2017 budget by local revenue sources and a grant award of \$281,288 from the State of NJ. The local municipal tax rate for 2017 is estimated to be 30.6 cents per \$100 of assessed value and a 1 cent increase over the 2016 local municipal tax rate of 29.6 cents. The amount to be raised by local taxes to support the 2017 budget as introduced is \$5,731,698 an increase of \$202,698 over 2016.

Mayor LaCicero stated that we still have the CDL loan payments to deal with as well as the Homeland Audit and the appeal of this building. We still don't have any definitive answers on if these will affect us or if they will be forgiven or get a discount. We are looking into doing some long term bonding if it doesn't go the way we want it to which will take the burden off the taxpayers.

Chrissa Sierfeld, CFO stated that all our current bans will be up in July so we will start this then. We anticipated the audit so we have that money on hand if needed. The long term bonding we are looking at is roughly 6 million.

Mr. Oliwa stated that even with the bond issue the Borough still received a AA rating which is high quality.

Councilman Borowski stated that he saw an increase in the water, sewer and electric utilities affecting the salaries and wages which he thinks is from the change in the allocations that were done at the beginning of the year. Also, the increase in the OCUA payments this year had an impact.

Mayor LaCicero stated that the Borough Administrator did some changes to the salary allocations which is where employees salaries come out of certain departments. There were some changes to those allocations which affected the increase in some areas of the salaries but not increases in salaries just the departments they are charged to. There were no new employees hired.

Mr. Oliwa stated that those allocations were already broken out in the budget and it is a viable formula.

A Motion to adopt the 2017 Municipal Budget Resolution 2017-183 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Lamb.

The Mayor opened the Public Hearing and asked if anyone wished to comment on the 2017 Budget.

Jon Corney, 1 Newark Avenue questioned why we can't use the beach revenues to offset the budget?

Mayor LaCicero stated that we can't have more revenues than we take in but that revenue does go towards the tax rate.

Mr. Corney questioned why we have a 1 million surplus?

Mr. Oliwa stated that if we didn't have that surplus we would have to raise taxes to balance the budget. Remember, 60% of the surplus keeps the tax rate stable. We still have to keep in mind the CDL payment if not forgiven and what the Homeland Audit will cost us so a surplus that high right now is a good thing.

The Mayor closed the public hearing and asked Council for a vote on the adoption of the 2017 budget.

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

UNFINISHED BUSINESS:

Discussion on Pickle ball Courts

Council President Zalom stated that this year there will be four pickle ball courts that PW will make.

Councilman Lamb stated that these courts will be in the southeast corner of the courts.

Mayor LaCicero stated that if this works out than maybe next year we can add more courts.

Councilman Lamb stated that there really needs to be some kind of configuration with the courts and he knows it hasn't been that long since the courts were resurfaced but it looks like they need it again soon.

Council President Zalom stated that the school is willing to pay for the nets for pickle ball which will help us out also.

Councilman Borowski stated that maybe since Halecon is already here doing the basketball courts we can ask them for an estimate on the tennis courts again to see how much it would cost us to resurface.

Councilman Lamb stated that was a good idea and he will get in touch with them.

Council President Zalom stated that with summer approaching we need to get the parking signs up in front of Borough Hall and the Post Office. They are two hour signs so no beach goers can park there. She also received the letter about the timing of the traffic lights. The State DOT is saying that in order to investigate these lights we have to agree to the 25% cost sharing commitment but if can opt out after the investigation if we so choose to. She would like Council to approve this with a resolution so it can be sent to the DOT to start the investigation.

A Motion to approve the 25% cost commitment was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: All of Council was in favor. The Motion Passed.

Councilwoman Filippone stated that she spoke to the Chief about the gun permit applications and permit process and procedure. The last application was on January 27, 2017, the applicant did not go for his fingerprints until April 17, 2017 and we did not receive them back until April 28, 2017. Once the fingerprints were back we called them that day and told them they can come in for their approved permit. The applicant took one week to pick up the permit. There was only one officer in charge of these permits but since he is out from an injury there is now another officer put in charge and once the other officer comes back we will have a back up. All gun permit information and procedures is now on the Police Department website as well and you can also send an email to the officer in charge through that website.

NEW BUSINESS:

Councilman Borowski stated that he has been looking into providing a charging station for electric cars to charge their battery while in town. He has found that there is a DEP grant program for this charging station through the clean energy program. He reached out to the DEP and they advised me that they do not have the money as of right now but we can still go ahead with the application and once the funds become available they will process our application. He would like Council's approval to apply for this grant.

All of Council was in favor of going ahead with the application process for this grant.

Mayor LaCicero stated that we have to be careful that this charging station doesn't require a parking space because we already don't have enough spaces as it is.

Councilman Borowski stated that he also was thinking of that and thinks we could put it somewhere in the parking lot by firehouse.

Council President Zalom stated that she is getting ready for our Memorial Day Services and is excited about our speaker. She also wants to remind everyone that the Moose Club gives \$1,000 to all our first responders every year.

Mayor LaCicero stated that he has received a few phone calls on doing some type of ordinance restricting the size of tents that are allowed on the beach during bathing season. Some people are going to far with gigantic tents with sides and leaving them up all day and night. We should limit the size to a 10 x 10 which is still a decent size with no sides allowed. Seaside Heights passed that ordinance with that size and also included an umbrella limit of 6 feet because they are causing injuries when its windy.

Mr. George stated that he will work on getting this ordinance done.

Councilman Borowski stated that Seaside Heights has extended their badge checkers until 8 or 9pm which he hopes is not going to cause the stragglers to head over to our beaches to prevent having to pay there.

Councilwoman Filippone stated that we should include wind screens in this ordinance as well.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue stated that when the repaving is done on Elizabeth and Dover Avenues will they be putting the lined parking spaces as well.

Mayor LaCicero stated that if they already have lines now, they will again after the repaving.

Councilwoman Filippone stated that the ocean blocks are the most used during the beach season so it makes sense that there are lined spaces.

Mr. Boyers stated that without the lines we would be able to get more cars parked than we do now with the lines.

Mayor LaCicero stated that he will discuss with the Chief and see what other options there are but he thinks it is a state law.

Bob Astorino, 2 Elizabeth Avenue questioned why Elizabeth Avenue and Rt. 35 North wasn't included in the traffic light timing investigation?

Mayor LaCicero stated that he lives on Elizabeth Avenue and takes that light every day. He finds no issues with it taking too long to change.

Mark Speaker, 111 Brown Avenue stated that the LBA will be giving their donation for Memorial Day flowers for the gazebo.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom thanked Brian Bovasso a resident of Westmont Shores for his history book he put together on Westmont Shores. He also was appointed as President of the Ocean County Historical Society.

Councilwoman Filippone stated that the signs went up regarding no dogs on beach or boardwalk and not going on the dunes. Let's hope they work this year. If anyone sees any dogs in these areas or anyone on the dunes they should contact the Police immediately.

Councilman Stogdill stated that Preseason Badges started selling on May 5th and the preseason price ends June 12th so keep this in mind.

EXECUTIVE SESSION:

There was no executive session.

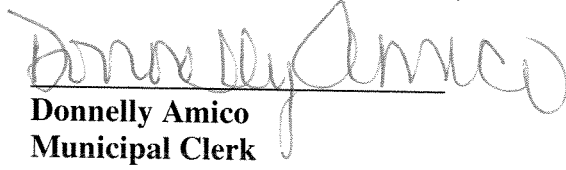
ADJOURNMENT:

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

The Regular Meeting was adjourned at 8:45pm.

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 8th day of May 2017


Donnelly Amico
Municipal Clerk