

**BOROUGH OF LAVALLETTE
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, May 8, 2017-7:00 pm**

CALL TO ORDER: Council President Anita Zalom, presiding

ROLL CALL: Council Members Borowski, Lamb, Zalom, Stogdill, Finter and Filippone
Councilman Stogdill was absent.

Council President Zalom requested that the Mayor and Councilman Stogdill be excused by Council.

A Motion to excuse the Mayor and Councilman Stogdill was made by Councilwoman Filippone.
The Motion was Seconded by Councilman Lamb. Vote: All of Council was in favor.

Also present: 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 all those loved ones that are kept in your thoughts.

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

MAYOR'S WELCOMING STATEMENT: Council President Zalom stated that anyone in the audience that wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting they could do so now.

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

No one wished to comment at this time.

APPROVAL OF MINUTES:

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

A Motion to approve the minutes was made by Council Members Filippone, Zalom, and Finter voted Yes. Council Members Borowski and Lamb abstained. The Motion Passed.

REPORTS:

- a) Lavallette Construction Report for April 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for April 2017-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for April 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for April 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for April 2017-Councilwoman Filippone-read report
- f) Police Overtime Report for March & April 2017-Councilwoman Filippone-read report
- g) Public Works Report for April 2017-Councilman Lamb-read report
- h) Animal Control Report for April 2017-Councilwoman Filippone-read report
- i) Public Affairs Report-Council President Zalom-The beach sweeps was on April 22nd and we had a good turnout. The bus for the NYC bus trip was only half full but they still had a great time in the city on a beautiful day. The speaker for Memorial Day is a resident on WPI, Frank Crivelli. Councilman Borowski will be introducing him at the Services. The town wide garage sale is on June 10th and June 11th and get your spring event flyers down stairs in the Administration Office.
- j) Tax Account Report for April 2017-Tax Collector
- k) Revenue Transaction Report for March 2017-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2017-154 proclaiming the month of May 2017 as “Paint the Town Pink” in the Borough of Lavallette to promote awareness on the importance of an annual mammography
- 2017-155 appointing Class I Special Officers at an hourly rate of \$10.00 commencing May 19, 2017 through September 4, 2017-Councilman Lamb requested this be pulled and put off consent
- 2017-156 authorizing the submission of expenditure for the recycling tax in the amount of \$6,116.85 for the year 2016
- 2017-157 appointing 2nd year Class I Special Officers at an hourly rate of \$10.50 commencing May 19, 2017 through September 4, 2017
- 2017-158 appointing five individuals for the beach badge office 2017 summer season
- 2017-159 authorizing the deletion of removed items from the 2017 fixed asset inventory
- 2017-160 appointing Ian Christiansen as a Class I Special Officer for the 2017 summer season at an hourly rate of \$10.50 commencing April 26, 2017
- 2017-161 recognizing the week of May 7th through May 13th as “2017 National Hurricane Preparedness Week” in the Borough of Lavallette-Councilman Borowski stated that

he would like to recognize Al DeBenedictis in the audience who is member of our Emergency Management Team and does a fine job for us.

- 2017-162 recognizing the week of May 14th through May 20th, 2017 as “National Women’s Health Week” in the Borough of Lavallette
- 2017-163 awarding a contract to Garden State Fireworks to hold our annual fireworks display on July 2, 2017, with a rain date of July 9, 2017 in the amount not to exceed \$7,000
- 2017-164 awarding a contract for the mold remediation of the lifeguard building not to exceed the amount of \$17,545.00-Councilman Borowski requested this be pulled and put off consent
- 2017-165 awarding a contract to Environmental Safety Management Corporation for consulting services regarding the mold remediation at the lifeguard building at an hourly rate of \$150 not to exceed \$5,000
- 2017-166 appointing Barbara McAteer as Deputy Court Administrator at \$100 per court session and \$50.00 per call out commencing May 8, 2017-Councilwoman Filippone stated that the previous Deputy Court Administrator resigned and there is a court session tomorrow night and the Court Administrator will need a Deputy for this court so this appointment is of an emergent situation and the employee will be hired provisionally
- 2017-167 appointing seasonal workers for the Department of Public Works commencing May 15, 2017 through September 30, 2017

A Motion to approve the consent agenda was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone.

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

Joe Palinsky, 122 Washington Avenue questioned Resolution 2017-159 regarding the deletion of some fixed assets and questioned where the items went.

Mrs. Amico stated that most of the vehicles were sold at auction on GovDeals and some of the equipment if not sold was disposed of.

RESOLUTIONS - OFF CONSENT:

- 2017-155 appointing Class I Special Officers at an hourly rate of \$10.00 commencing May 19, 2017 through September 4, 2017

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

Council President Zalom opened the floor and asked if anyone wished to comment on this resolution.

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

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

2017-164 awarding a contract for the mold remediation of the lifeguard building not to exceed the amount of \$17,545.00

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

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

Jon Corney, 1 Newark Avenue questioned who will be paying for this remediation?

Councilman Lamb stated that stated that we had a meeting with the contractor, the Engineer and the Architect and between the three of them, they will be paying for this project.

Councilwoman Filippone stated that the project will have to be paid by the Borough through a purchase order first but we will be reimbursed by the parties involved. Each professional will be paying a percentage share towards the remediation.

Mr. George stated that we are keeping an eye on the total contract costs as well as making sure all agreements are reached and reduced to writing as per the Local Public Contracts Law.

Council President Zalom closed the floor to the public and asked Council for a vote on this resolution.

Vote: Council Members Filippone, Zalom, Finter and Lamb voted Yes. Councilman Borowski voted No. The Motion Passed.

APPROVAL OF VOUCHERS:

2017-168 Bills List in the amount of \$3,575,164.82

Councilman Borowski questioned PO# 17-00173 and the line item of water/sewer operating expenses. He stated that since they were plumbing fixtures that were purchased for one of our buildings this cost should be coming out of building and grounds not operating expenses.

Councilwoman Filippone stated that Diana from Public Works signed off on it and it is there department so I am sure that they agree to the line item. There must be a reason for it.

He would like this line item changed to building and grounds for this resolution. All of Council agreed.

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

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

ORDINANCE NO. 2017-08 (1168) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 31-12 OF THE BOROUGH CODE, ENTITLED, "FLOOD HAZARD AREAS", TO ESTABLISH A PERMIT FEE FOR THE DEVELOPMENT PERMIT APPLICATION FOR ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS

Councilwoman Filippone stated that this ordinance is so both Seaside Park and Lavallette Construction/Zoning/Code Departments have the same fees and costs for both.

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, Finter and Lamb voted Yes. The Motion Passed.

ORDINANCE NO. 2017-09 (1169) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 17 OF THE BOROUGH CODE, ENTITLED "CERTIFICATES OF OCCUPANCY", TO AMEND SECTION TWO ENTITLED, "FEES"

Councilwoman Filippone stated that this Ordinance also is to keep both Construction Departments in line with the same costs.

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, Finter and Lamb voted Yes. The Motion Passed.

COMMUNICATIONS:

Engineering:

- (a) O'Donnell, Stanton & Associates/Charles Applegate/Basketball Court Reconstruction/Soil Erosion Tests/Received April 3, 2017
- (b) O'Donnell, Stanton & Associates/Charles Applegate/Basketball Court Reconstruction/Trench Opening/Received April 3, 2017
- (c) O'Donnell, Stanton & Associates/Jack Berens, Project Manager/Rehabilitation & Repainting of the 500,000 Gallon Elevated Water Storage Tank/Notice to Proceed to Brave Industrial Paint, LLC/Received April 12, 2017
- (d) O'Donnell, Stanton & Associates/Jack Berens, Project Manager/Rehabilitation & Repainting of the 500,000 Gallon Elevated Water Storage Tank/Cell Antennas/AT & T/Received April 12, 2017
- (e) O'Donnell, Stanton & Associates/Jack Berens, Project Manager/Rehabilitation & Repainting of the 500,000 Gallon Elevated Water Storage Tank/Cell Antennas/T-Mobile/Received April 12, 2017
- (f) O'Donnell, Stanton & Associates/Charles Applegate/Basketball Court Reconstruction/Soil Erosion and Sediment Plan/Received April 17, 2017

New Jersey League of Municipalities:

- a) Introduction to Smart Communities Technology/Received April 6, 2017
- b) Weekly Update/Received April 7, 2017
- c) Prepare for the Census Now/Received April 12, 2017
- d) Proposed New Jersey State 2017-2018 Budget/Received April 13, 2017
- e) Weekly Update/Received April 13, 2017
- f) Daily Update/Received April 20, 2017
- g) Weekly Update/Received April 21, 2017
- h) Daily Advisory/Received April 27, 2017
- i) Weekly Update/Received April 28, 2017

General With No Action:

- a) Joanne Andreatch/2 Haddonfield Avenue/not in favor of reducing the size of the dunes with this beach replenishment project/Received April 3, 2017-Council President Zalom stated that the Mayor has already responded to this.
- b) Community Services, Inc. of Ocean County/James Sigurdson, Exec. Director/a letter thanking Mayor and Council for their donation to support Meals on Wheels for their seniors/Received April 4, 2017
- c) DEP News Release/Don't Waste our Open Space-Illegal Dumping Crackdowns Continue as Program Marks Completion of Third Year/Received April 10, 2017
- d) Donna Critides/115 Westmont Avenue/letter to NJDOT complaining about the excessive speed on Rt. 35 South and the excessive amount of man hole covers that create her house

to shake when big trucks hit them at a high rate of speed/Received April 12, 2017/email from Borough of Lavallette requesting that the NJDOT take a look at the area and see what can be done to rectify this situation

- e) DEP News Release/Commissioner Martin Lifts Drought Warning and Watch Advisories for Most of New Jersey/Received April 13, 2017
- f) DEP News Release/New Jersey Forest Fire Service Urges Caution with Start to Wildfire Season/Received April 13, 2017
- g) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/First Quarter-2017 Metered Flow Data/Received April 24, 2017
- h) Sandra Brodbeck/Deputy Court Administrator/resignation letter effective two weeks from date of April 25, 2017/Received April 27, 2017
- i) Ocean County/Department of Solid Waste Management/Gerry Little, Freeholder Liaison/Ocean County Recycling Revenue Sharing Program/Check in the Amount of \$5,208.47 share of recycling revenue for the last six months of 2016/Received May 2, 2017
- j) Ocean County Planning Board/Mark Villinger, Principal Planner/2017 Dune Fencing Available/Received May 4, 2017
- k) Charles M. Byrnes, Esq./Sherman Hospitality, LLC d/b/a Gabriella's Restaurant/2304 Route 35 North/Received May 5, 2017

General With Action:

- a) DART Prevention Coalition/Roberta Rapisardi, Advisor/eager to discuss more about their new initiative of posting signs in municipalities aimed at teens and parents about the dangers of prescription pain killers/Received April 3, 2017
- b) The Tears Foundation/Linda Ostapovitch, Director/requesting the Mayor's attendance at their 8th Annual Rock and Walk Event on Sunday, May 21, 2017/Received April 3, 2017
- c) State of New Jersey/Department of Environmental Protection/FEMA/US Department of Homeland Security/John Moyle, Director, Div. of Dam Safety & Flood Control/Michael Moriarity, Director/Federal Insurance & Mitigation/requesting that Lavallette communicate with the owners of substantially damaged homes from super storm sandy reminding them of the October 2018 NFIP Mitigation Deadline/Received April 5, 2017-Council President Zalom stated that the Zoning Official took care of this.
- d) John Rotundo/2 Lavallette Avenue/requesting the Mayor help in getting the excess sand removed from underneath and along the bridge to West Point Island as it has created access to their back yard where a pool exists which is causing a dangerous situation/Received April 18, 2017-Council President Zalom stated that she will reach out to the County and see what they could do for us.
- e) Northern Ocean Habitat for Humanity/Suzan Fichtner, Exec. Director/requesting the Mayor and Council's attendance to their first annual fundraiser on June 9th at 6pm and requesting a donation/Received April 12, 2017
- f) Boy Scouts of America/Bray Barnes, Exec. Chairman/requesting the Mayor's attendance at their NJ State Police National Guard Camporee on May 19-21, 2017/Received April 20, 2017
- g) Marianne Wilson/requesting to donate a bench with her daughter's name on it that passed away suddenly by the tennis courts/t-dock by Brown Avenue/Received April 20,

2017-Council President stated that we are not doing any memorials at this time. Councilwoman Filippone stated that we want to keep the same type of benches throughout the town and the company we ordered our benches from require that you order a certain amount with an order not just one or two so even if she paid for it, we couldn't do it. Also, we are going to be doing something in town in an area for just memorials to be done but we just haven't decided on what type and where as of yet.

- h) Anthony Iorio/6 Princeton Avenue/requesting Mayor and Council consider passing an ordinance that prohibits all construction activities from Memorial Day through Labor Day/Received April 20, 2017-Council President Zalom stated that we have always allowed the construction to be done all year round. Sometimes the weather over here in fall, winter and spring isn't always good for construction so summer allows contractors and residents the time to get a lot done on their new constructions. Councilwoman Filippone stated that the hours of construction have always been 7 days a week, 8am to 6pm.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Councilwoman Filippone for the Planning Board to discuss length of docks and their required lighting with waterfront homes and cabanas and their requirements

Councilwoman Filippone stated that the Planning Board has become quite concerned with the Cafra permits from the State allowing docks to be erected 300 and more feet out into the water. This is going to become a safety issue. The State seems to think that it is not a problem. Also, there is no requirement for any kind of lighting that would at least help with navigating if they see lighting on the docks. The Borough does not govern the waters so there is no permit that we give. The Planning Board has sent a letter to the State DEP voicing our opposition on how far these docks can go out. Also, we are going to be looking into cabanas and discussing maybe doing an ordinance on these as well. We are also looking into doing mercantile licensing as well as rental co's in the near future. Seaside Park already does these so we are looking into this since we collect these fees from Seaside Park.

Council President Zalom questioned if the Borough could require the lighting on the docks after they are erected?

Councilwoman Filippone stated that we would have to look into that.

COMMENTS FROM THE PUBLIC:

Mark Speaker, 111 Brown Avenue stated that the businesses in town have always thought that the Borough should be doing mercantile licensing and rental co's.

Councilwoman Filippone stated that Lavallette use to have a lot of multi family homes years ago but now there are more single family homes which would make it much easier to do. We don't have that many rentals now.

Mr. Speaker stated that there are still a lot of residents that rent their homes during the summer on a weekly basis or monthly or for the whole summer so they would still apply.

Councilwoman Filippone stated that finding out which houses are being rented is going to be a task. How would we know which ones are being rented for the summer or winter? Also, the mercantile licenses, we will have to discuss who would be responsible to pay for it, the business owner or the owner of the building. These are all the things that need to be discussed before we act upon it.

Mr. Speaker stated that he would think that both the business and the owner of building would have to pay the mercantile license fee.

Councilwoman Filippone stated that she is going to schedule an ordinance committee meeting soon. She asked if Mr. Speaker would like to be a member to discuss these issues.

Mr. Speaker stated that he would think about it.

Councilman Lamb stated that there are not many renters in town anymore. He is not in favor of these licenses and co's. He feels that it is just another tax to put on our residents. We discussed these years ago and it just wasn't worth it.

Councilman Finter stated that his only concern is the safety of the renters who are renting in our town. We need to know that the smoke alarms are functioning properly for their safety.

Council President Zalom questioned if the Borough could get in trouble for not having these co's and if the smoke alarms are not functioning and something happens like a fire?

Mr. George stated that someone could very well file a claim because of it but if there is no ordinance in place for a rental co then it is not the Borough's responsibility. Renters should always beware and know whether or not there are rental co's in a town.

Mary Logios, 4 Sterling Avenue stated that she too would like to see the construction in town being stopped during the summer months. Maybe at least they could consider having it not being done on the weekends in the summer.

Councilwoman Filippone stated that she will bring this up at the ordinance committee meeting.

John DeGrande, 5 Jersey City Avenue stated that with the co's it would be a good way to see how many kitchens and baths for tax purposes so it would be a good money maker. Also, what are the hours of construction?

Councilwoman Filippone stated that the hours of construction are always 8am to 6pm. If anyone is working before 8am and after 6pm you can call the Police Department and/or call the Construction Department and they will advise the contractor.

Joe Palinsky, 122 Washington Avenue stated regarding the mercantile licenses and the rental co's, if Seaside Park is already doing this, then our Construction Official should get copies of their ordinances and speak to the inspectors there and see how they collect the money and who is responsible for the licenses and what they check with rental co's and how they know which homes are being rented.

Gail Stefanelli, 122 Camden Avenue stated that regarding the memorial requests, there should be uniformity with the types of memorials and maybe a certain area in town just for these. Like benches, or bricks or whatever but so its all the same.

Councilwoman Filippone stated that she agrees and there has been discussion already in finding an area for just that.

John Corney, 1 Newark Avenue questioned why this mercantile license issue and rental co's is being brought up?

Council President Zalom stated that all the surrounding towns have rental co's and these licenses so we are just trying to see if we should, too.

Mr. Corney questioned why the sewer numbers are lower than last year. Was there less discharge this year?

Councilman Finter stated that we replaced the sewer lines on the highway and the manholes so that must account for a lot of it.

Councilman Borowski stated that we also allocated more money to the OCUA in the budget last year than this year.

Mr. Corney stated that even those figures are all estimated.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated that she is still discussing the traffic lights being too long on red on the side streets with the DOT. Also, the County is working on Bay Blvd. improving the drainage by President Avenue. They will have that wrapped up before Memorial Day Weekend.

Council President Zalom stated that she was asked why the welcome signs coming into Lavallette aren't lit up. She remembers that before the storm, there was a light on them. She wonders if we should consider putting a solar light shining on them.

Clem Boyers, 20 Kerr Avenue, read a poem for his wife, Sue who passed away recently.

EXECUTIVE SESSION:

There was no executive session.

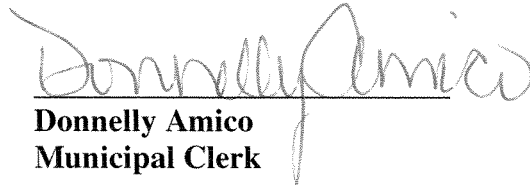
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:36pm.

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