

**BOROUGH OF LAVALLETTE(minutes)  
REGULAR MEETING OF THE MAYOR AND COUNCIL  
LAVALLETTE MUNICIPAL BUILDING  
Monday, June 19, 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: John Bennett, Borough Administrator  
Phil George, 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 for long time resident Theresa Tortorello who passed away recently. Mrs. Tortorello was the mother of long time resident Elaine Zamula both from Guyer Avenue.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting especially with the weather tonight. We had the tour of the lifeguard building tonight. It has been completely remediated and the renovations are complete. It looks great and is open for business.

Council President Zalom complimented Public Works for a fantastic job with the lifeguard building. Our guys did all the renovations inside and did a fantastic job.

Mr. Bennett stated that using the PW employees to do the complete renovations saved the Borough at least \$25,000.

Mayor LaCicero stated that Ortley Beach has an impressive width of their beaches now since they pumped the sand on there. Maybe now we will start getting some more protection for our south end beaches. He 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)**

Mary Heffernan, 2304 Grand Central Avenue, stated that she would like Council to put the topic of no smoking on our beaches for discussion on the next agenda.

Mayor LaCicero stated that there has been discussion on this topic quite a few times within the last couple years and there has never been any support from Council to ban it completely.

Councilwoman Filippone stated that she will make a motion to ban the smoking on our beaches.

Councilman Lamb stated that he is not a smoker and doesn't like it either but this becomes an issue of enforcement. It's hard to enforce this type of ban on all our beaches. There is only so much that can be done. Just like it is difficult for us to ban the dogs on the boardwalk and the beach and to keep people off of our dunes. It just becomes an issue to constantly try to enforce it.

Mrs. Heffernan stated that even though she understands it is an issue to enforce eventually these issues as time goes on become enforced.

Councilwoman Filippone stated that with all these mentioned issues we need to become more forceful with the enforcement. That is the only way we will progress with it.

Council President Zalom stated that we have no jurisdiction with the water mark so if people go down to the water and smoke while wading we cannot tell them they can't.

Councilman Borowski stated that we already banned it in our recreational resort areas and down at the bay where most of the young kids are. We have always received a lot of resistance when we discussed banning it on the ocean beaches. He suggested years ago banning it in between the white flags but he didn't get much support.

Councilwoman Filippone stated that if we are going to ban it, it needs to be banned on all the beaches period.

Mrs. Heffernan stated that it seems that the biggest issue is the enforcement on the ban not so much banning it.

There was no support for a second motion on the issue so the motion was not supported and seconded.

Jim McDonald, 120 Camden Avenue stated that on Facebook there was strong support in banning it on our beaches. It should be discussed again by Council and see where it goes.

#### **APPROVAL OF CLERK'S MINUTES:**

Caucus/Regular Meeting of June 5, 2017

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

#### **RESOLUTIONS-ON CONSENT:**

- 2017-194 approving the liquor license renewal for the year 2017-2018 held by Saulwil, Inc., doing business as The Crab's Claw Inn
- 2017-195 approving the liquor license renewal for the year 2017-2018 held by White Whale, LLC doing business as Lavallette Liquors
- 2017-196 approving the liquor license renewal for the year 2017-2018 held by Sherman Hospitality, LLC doing business as Pete's Poolside Bar-Councilman Finter stated that this is no longer Pete's Poolside so should it still be in the name. Councilwoman Filippone stated that she believes it should be changed to Capriccio's. Mr. George stated that the license is in the name of Sherman Hospitality and he can call the license name whatever he chooses, whether he names it Pete's Poolside Bar or Capriccio's it doesn't matter because the license is owned by Sherman Hospitality, Inc.
- 2017-197 approving the liquor license renewal for the year 2017-2018 held by the Lavallette Yacht Club, Inc.
- 2017-198 approving the liquor license renewal for the year 2017-2018 held by Lenny's Pizzeria Restaurant, Inc.
- 2017-199 appointing three summer seasonal for the Department of Public Works for the 2017 summer season
- 2017-200 refunding unused planning board escrow in the amount of \$1,308.00 to James & Frances Craig
- 2017-201 urging the State Legislature to extent the 2% cap on Police and Fire arbitration contract awards
- 2017-202 supporting the Legislative action to re-authorize and extend the National Flood Insurance Program (NFIP)
- 2017-203 appointing Lori Stogdill as a full time Clerk I for the Administration Office and the Department of Public Works-Councilman Stogdill requested this be put off consent.
- 2017-204 appointing a tennis court attendant at an hourly rate of \$8.44 to replace an employee who has resigned for the 2017 summer season
- 2017-205 appointing a badge checker at an hourly rate of \$8.44 for the 2017 summer season
- 2017-206 appointing a Year 3 lifeguard at an hourly rate of \$11.25 for the 2017 summer season

- 2017-207      appointing two individuals to the beach badge office staff at an hourly rate of \$8.44
  
- 2017-208      requesting approval of an item of revenue for the insertion in the budget in the amount of \$921,529.76 for the debris removal-Mayor LaCicero stated that this is the money we were reimbursed by the County for our interlocal with them for our debris removal after the storm.
  
- 2017-209      requesting approval of an item of revenue for the insertion in the budget in the sum of \$750.00 for the OC Tourism Grant
  
- 2017-210      appointing a first year Class II Special Officer at an hourly rate of \$13.00 commencing June 14, 2017
  
- 2017-211      approving a facilities use application the Ocean County Men's Soccer League to hold soccer games on Chandler Field on Sundays from June 18<sup>th</sup> through September 21<sup>st</sup> 2017 from 8am to 11am
  
- 2017-212      approving a refund in the amount of \$20.00 due to an overpayment for beach badges
  
- 2017-213      amending fees and rates for the towing and storage of motor vehicles
  
- 2017-214      authorizing the Borough of Lavallette to apply for long term financing in the amount of \$5,715,000-Mayor stated that doing the long term financing will not put a large burden on our taxpayers.
  
- 2017-214A     approving the liquor license renewal for the year 2017-2018 held by J. Ralph, Inc. doing business as Cornerstone Wines and Liquors

A Motion to approve the consent agenda minus Resolution 2017-203 was made by Councilman Finter. The Motion was Seconded by Councilman Lamb.

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

Joe Palinsky, 122 Washington Avenue stated that regarding Sherman Hospitality liquor license, the address on the license is 2400 Grand Central Avenue and he believes that is not correct.

Mayor LaCicero stated that that whole building area was a hotel and restaurant at one time before it was condos. The whole building was one address so as long as one of those addresses exist for that building it is fine.

Jon Corney, 1 Newark Avenue questioned where the \$921, 529.76 is being used?

Mr. Bennett stated that we inserted it into the budget as a Chapter 159 and it will be going towards paying down the debt service.

Mr. Corney stated that decision was a good one.

Clem Boyers, 20 Kerr Avenue stated that he remembers many, many years ago Gabriella's Restaurant was called Gabriella's Poolside Bar. It has had so many different names but still only one license during all these years.

The Mayor closed the floor to the public and asked Council for a vote on the consent agenda minus Resolution 2017-203.

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

**RESOLUTIONS OFF CONSENT:**

2017-203      appointing Lori Stogdill as a full time Clerk I for the Administration Office and the Department of Public Works

Mr. Bennett stated that our Public Works Secretary will be retiring next year so we need to hire someone now for the training that is needed to learn her job. There is a lot that goes on down at Public Works and she needs to be trained on it all. For the time being she will be at the Administration Office part time and down at Public Works part time until she retires.

A Motion to approve this Resolution was made by Councilwoman Filippone. 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, Filippone, Zalom, Finter and Lamb voted Yes. Councilman Stogdill Abstained. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2017- 215      Bills List in the amount of \$976,492.00

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

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

ORDINANCE NO. 2017-12 (1172) 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 CHARGED

Mr. Bennett stated that there were still some areas that needed to be rectified regarding the shared services with Seaside Park. There are some ordinances that need to be amended for both towns so it's all the same.

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

Public Hearing and Final Adoption is scheduled for July 10, 2017.

ORDINANCE NO. 2017-13 (1173) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 56 OF THE CODE OF THE BOROUGH OF LAVALLETTE TO CREATE ARTICLE VIII "PUBLIC RIGHTS-OF-WAY"

Mr. Bennett stated that Seaside Park has this Ordinance so we needed to also create it for Lavallette.

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

Public Hearing and Final Adoption is scheduled for July 10, 2017.

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

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 this ordinance was recommended by the American Public Power Association to attempt to protect us and our customers from 3<sup>rd</sup> party vendors regarding smart meters and remote switches.

A Motion to adopt this Ordinance was made by Councilman Borowski. 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, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

### **UNFINISHED BUSINESS:**

Kathy Grandstrand, 23 Brown Avenue stated that she submitted another plan for the utilization of the tennis courts for both tennis and pickleball. 4 courts for pickleball and 1 court for tennis. The pickleball courts will need to be striped and special nets will need to be put up. There are portable nets that run roughly \$1,200 and there are also permanent nets that public works could install for roughly \$500. The pickleball courts are much smaller than tennis and the sport is growing by the day.

Mayor LaCicero stated that we need to get the plan approved first and then see how the rest goes with purchasing the equipment in the future.

A Motion to approve the pickleball court utilization plan was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Mayor LaCicero stated that we have been hit in the past with recreation programs that we spent a lot of tax dollars only to see it be a fad and slowly fade.

Councilwoman Filippone stated that we striped the courts last year so this is just a different configuration.

Mayor LaCicero stated that we are going to have also discuss the money situation for this equipment.

Mrs. Grandstrand stated that we have been using portable nets that one of our players purchased but it is a bit of a hassle because they are heavy and we drag them to and from the courts each time we play.

Councilman Lamb stated that we are going to have to drill two holes in the court for each net if we install permanent ones. Will Public Works be responsible for this task because they are already very busy with everything else this time of year.

Councilwoman Filippone stated that the recreation budget is already running in the red as everyone is already well aware of. Council President Zalom use to get a lot of grants towards the recreation programs in the past but there are less and less grants for recreation programs anymore and we still pay out as if the grants were still being given.

Councilman Borowski questioned if we are going to be resurfacing the courts any time soon?

Mayor LaCicero stated that we are not going to be resurfacing the courts right now but maybe in the future. It is not inappropriate to provide programs for the summer residents and visitors because we are in fact a summer tourist town.

Councilwoman Filippone stated that she isn't saying that we shouldn't have these programs and pay for them but then we should think about increasing the budget line for next year to appropriate the monies so we can plan ahead better.

Council President Zalom stated that Mr. Bennett should have already put some money in the budget for the pickleball nets since we discussed doing that already and the school is also willing to put money towards them as well.

Councilman Lamb stated that the amount of money we will be making on this pickleball isn't ever going to match what we have to pay for the equipment and the manpower.

Councilman Borowski questioned which courts need the most repairs and resurfacing first?

Councilman Lamb stated that both sides are pretty bad with cracks and Public Works is going to take care of filling the cracks for now as best they can.

Council President Zalom stated that there is a bigger interest in pickleball than tennis now a days and it is growing so we really need to get this done.

Councilman Lamb stated that if Public Works is going to be responsible for all of this set up it is going to have to be discussed with them because they already have their hands full with everything else right now.

Councilwoman Filippone stated that public works will have to put it on their schedule and get to it when they can. The players will have to adjust to what is there now and use their own nets until the set up is done.

Mr. Bennett stated that the problem is with the temporary nets and people bringing them on our courts it becomes a liability to the Borough. He has already figured out a plan for these courts and discussed with Public Works already. He has some money put aside for this so there shouldn't be an issue with the money.

Council President Zalom stated that she will get some money towards the nets also from the school. She will contact them tomorrow.

#### **NEW BUSINESS:**

Mayor LaCicero stated that he had a gentleman come to see him on Friday and wants us to renovate the bocci ball courts as well. He told him to do some research and he has some suggestions as well.



Council President Zalom stated that the town wide garage sale was a hit. The Municipal Alliance will be using the money from that sale to have a senior lunch and movie for our senior community.

Councilman Borowski stated now that the new basketball courts are in place, what is the plan for the old courts?

Mayor LaCicero stated that he thinks we should wait on doing anything on those as of yet and see what happens.

Councilman Lamb stated that there might be some overflow from the new courts and the old courts might need to be used to play as well.

Council President Zalom stated that the old courts are used for aerobics as well.

Councilwoman Filippone stated that she received some calls that the new courts were being used by bicyclists riding their bikes on them and teaching young kids to ride a bike. She called the Police and told them to send someone over there and advise them there can be no bike riding on the courts at all.

Mayor LaCicero stated that he was in Ortleby Beach by their playground and basketball courts and they have lights there that you can push a button and they come on. That is something to think about for our recreational areas. We can have on demand lights that will shut off at a certain time at night.

Mr. Bennett stated that the issue at 13 Virginia Avenue where there is extreme pooling in their apron and it seems that when they did the road improvements for Virginia it created a problem. We have some money left from the Vance Avenue road improvements and we are going to use roughly \$7,000 to correct this problem.

He stated that a resident would like to donate a pear tree to the Borough so if anyone has an idea of where we should put it let me know.

We are going to be using Officer Frank White as our Alternate Code Enforcement Officer. He has already started on making a list of homes that are in violation of our property maintenance code and any properties that have bulk pickup at the curb that has not been paid for. The system that will be used is they will get one warning and if they don't take care of it they will get a summons. This will clean up a lot of the streets and properties.

#### **COMMENTS FROM THE PUBLIC:**

Bob Astorino, 2 Elizabeth Avenue stated that he tried to look up the June 5<sup>th</sup> minutes on the website and they weren't on there. When do the minutes go on the website?

Mayor LaCicero stated that the previous meeting minutes are approved at the next meeting. The minutes are not put on the website until they are approved at the next meeting by Council. The June 5<sup>th</sup> minutes were approved tonight so they will be on there tomorrow.

Mr. Astorino also questioned why the town can't have just one bulk pickup a year for the residents.

Mayor LaCicero stated that we will discuss it and see how it goes. We use to have two a year and just so you know, bulk pickup costs the town a lot of money.

Jon Corney, 1 Newark Avenue thanked Phil George for the beach fees statute he sent him. He still believes that some of the beach revenue can be used towards the reserve. Also, we use to have two bulk pickups a year and we are not a poor town. Break the tip fees down through recycling if it costs too much. There are a lot of seniors in town and for them to have to go down to public works and pay for each item of bulk and only put it out on a certain day is just too much for them. Council should strongly think about having at least one a year.

Mayor LaCicero stated that we cancelled the bulk pickups after the storm because we were taking care of the debris removal and then we didn't want the contractors to take advantage of getting rid of all their materials. We will rethink it and see what happens.

Jim McDonnell, 120 Camden Avenue stated that he too would like to see the bulk pickup come back to town. It does help out the residents get rid of items that are not needed.

Joe Palinsky, 122 Washington Avenue stated that he too agrees that we should have 1 bulk pickup a year to help the residents. The storm has passed and we are back together as a town.

Clem Boyers, 20 Kerr Avenue questioned if the town is allowed to make money from the beach.

Mayor LaCicero stated that we can make the money but it has to remain in the trust and can only be used to compensate beach issues.

Mary Heffernan, 2304 Grand Central Avenue stated that she wanted to thank Councilwoman Filippone for making the motion on the ban for smoking. She would like Council to think more about the issue and maybe have 2<sup>nd</sup> thoughts about putting it on the next agenda for discussion.

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

Councilman Borowski stated that he attended the 8<sup>th</sup> grade awards ceremony at the School and the Mayor was there and gave every graduate a history book from the Borough. His speech was great and the children appreciated him being there and giving them the history book.

Councilwoman Filippone stated that she attended the dedication of the new Bay Head Municipal Building on Saturday. Their building is very nice but much smaller than ours and very different. They have a beachy theme and its very traditional inside. Overall, it is a very nice building but much different than ours.

Council President Zalom stated that Councilman Borowski's daughter Kayleigh, graduated 8<sup>th</sup> grade this year and received the Caring Award. Donations of Love is holding a wine tasting event at Ohana Grill on June 21<sup>st</sup> and it is sold out already.

Councilman Lamb stated that Council President Zalom and myself attended the dedication of the new basketball courts on Saturday and it was really nice.

Councilman Stogdill stated that we are up across the board for badge sales in all areas already so this should be a good season for us.

Mr. George stated that there is a need to go into executive session to discuss a PBA grievance matter. There may be action taken when we return to the Regular Meeting.

A Motion to adjourn the Regular Meeting to go into Executive Session was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter.

### **EXECUTIVE SESSION:**

A Motion to reconvene the Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Regular Meeting was reconvened at 9:08 pm.

Mr. George stated that while in executive session there was discussion on a PBA grievance matter. All employees involved were rice noticed. Mayor LaCicero and Councilman Lamb were excused due to a conflict. The grievance matter was denied and a letter will be sent out to advise the next step will be to submit to PERC. Council will need to take action on this matter now.

A Motion to deny the grievance and go to the next step if needed was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb was not present. The Motion Passed.

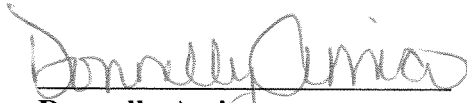
### **ADJOURNMENT:**

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

The Regular Meeting was adjourned at 9:09 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 **19<sup>th</sup>** day of **June 2017**

A handwritten signature in black ink that reads "Donnelly Amico". The signature is written in a cursive style and is positioned above a horizontal line.

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