

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, July 10, 2017-7:00 pm**

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

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

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 was published in the Ocean Star on January 6, 2017. Notice was also posted on our municipal bulletin board and municipal website.

**MOMENT OF SILENCE:** The Mayor asked for a moment of silence for Charlie Cerami, a longtime resident who owned the Starlight Motel who recently passed and for Maryann Bradley, wife of First Aid member Bob Bradley who passed away recently

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that the sand that was put on to the Ortley Beach has done its job by blowing it onto our south end beach to help us out. There is a section of beach on Elizabeth Avenue that has created a pond like area that has become a big safety issue. There is tape around it for safety and we cannot fill it in until we receive the okay from the DEP. We have already been in touch with them and are awaiting approval for an emergency permit to do so. He stated that if anyone in the audience wished to comment on any issues 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)**

Dave Duffy, 1 Dover Avenue questioned if Dover Avenue could be opened for access onto the beach?

Mayor LaCicero stated that he will discuss it with Council and we will make a decision but not tonight.

Mr. Duffy also questioned why Capriccio's is allowed to be a night club all of a sudden?

Mayor LaCicero stated that he rode by their Friday night around 11pm and noticed the same thing. He stated he parked his car and went in to see what was going on. He spoke to the owner and explained to him that this is not acceptable and appropriate for Lavallette nor is it part of your liquor

license. He stated that he made a call to Kim Pascarella, the owner of the building and the liquor license and he came over so we both could discuss this issue with the owner of Capriccio's. We did come to an agreement that the music must be shut down by 11pm and the alcohol must stop being served by 1am. These terms were given to him and he was also told that if he didn't abide by the rules he was given there were going to be consequences. He stated that he also has the Borough Attorney checking on what conditions can be set regarding the liquor license if he doesn't comply.

Joe Alicino, 13 Dover Avenue stated that the establishment did quiet down a bit but not that much. He stated that he has never had an issue with this place since he has been living here. He thought that the restaurant was in Toms River.

Mayor LaCicero stated that there is an issue with jurisdiction since the building is in Ortley Beach which is Toms River and the liquor license is Lavallette as well as the condominiums. Our police department has been in touch with Toms River PD to see if they can work something out if the police have to get involved. He stated that Lavallette does have an ordinance against any amplified music so we can also hit him with that.

Mary Semler, 2405 Grand Central Avenue stated that she has been in Lavallette for 55 years and there has always been a business on that corner. No one has ever had an issue until this year. The residents around this place have had no quality of life whatsoever. The noise is extremely offensive and it has been going on since Memorial Day. If these issues continue and he doesn't abide by the rules you gave him we also will be seeking legal measures. The property is completely unsecure and has no sound barriers so the music just radiates and shakes everything with the booming.

Toms Burns, 2405 Grand Central Avenue stated that he has always had a great relationship with every business that was there for 50 years. This year is out of control. This has become an extreme imposition on families coming to enjoy their time in Lavallette as well as affecting the quality of life. These rules need to be enforced to let this guy know he will be shut down.

Michael Pfister, 18 Trenton Avenue stated that he has never been to a Council Meeting in the 35 years he has lived here. The quality of life for us is now being affected. How will we know if this issue has been resolved.

Mayor LaCicero stated that we gave him the rules and the times for the music and alcohol constraints. If anyone sees these rules not being met call the police and call him and we will see that something is done immediately.

Anthony Cortazzo, 27 Dover Avenue stated that he agrees with everyone else about the quality of life being affected. The noise level is ridiculous. It's actual like being in a disco in your own home.

Judy Cinamen, 16 Dover Avenue stated that she is a resident of the Toms River but needed to come here to support all of the Lavallette residents as well. She called Toms River Police a couple of times about it and was never told if anything was done about it. No one can sleep and the music is so uncontrollable its just unbearable. We have people who leave there after drinking all night and they are so loud going up the street.

Will Zylinski, 118 Magee Avenue stated that he would like the lights at the basketball courts to shut off at 9pm instead of 10 or 10:30 pm. He has kids going up and down his street this late at night being so loud.

Mayor LaCicero stated that he thought they were shutting off earlier now. We think 9:30 pm is a compromised time to shut the lights down. We will make sure that the timer is set to that time.

Kathy Grandstrand, Brown Avenue wanted to thank everyone for resolving the pickle ball court issue.

Councilwoman Filippone stated that there has been an ongoing problem with the pickle ball as far as people climbing the fence and calling 911 because the courts weren't open. She thinks the better alternative regarding this is to put pickle ball courts separately from the tennis courts over on the old basketball courts to resolve these issues.

Mrs. Grandstrand apologized for all the confusion with calling 911 and the fence issues. The problem with that day was the courts were already reserved for that day and when we got there the courts were already being used. Eventually it was all straightened out and won't happen again.

Council President Zalom stated that she went over and took care of that situation immediately.

Councilman Borowski stated that his only issue and concern with this is that he was told that people reserve these pickle ball courts in advance for the whole summer and they don't pay in advance.

Mayor LaCicero stated that he does not believe that is the policy only within 24 hours advance notice. We will have to check on this.

Councilwoman Filippone stated that it seems to her like pickle ball is taking over all the courts and times where no one else can utilize them that is why they should go over to the old basketball courts.

Mrs. Grandstrand stated that on the old basketball courts they are used when the new ones are all taken and they are also used for aerobics.

Mayor LaCicero stated that for the time being we will leave it how it is and discuss it again for next year.

Mary Heveran, 2204 Grand Central Avenue stated that she sees that there are some letters about banning smoking on the beach on the agenda but doesn't see it for discussion. Is it going to be discussed tonight?

Mayor LaCicero stated that once we get to the correspondence he believes that it will be brought up for discussion.

Councilwoman Filippone stated that she will be bringing it up for discussion at that time.

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of June 19, 2017  
Minutes of Executive Session of June 19, 2017

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

**REPORTS:**

- a) Lavallette Construction Report for June 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for June 2017-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for June 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for June 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for June 2017-Councilwoman Filippone-read report
- f) Police Overtime Report for June 2017-Councilwoman Filippone-read report
- g) Animal Control Report for June 2017-Councilwoman Filippone-read report
- h) Public Works Report for June 2017-Councilman Lamb-read report
- i) Beach Badge Report for June 2017-Councilman Stogdill-read report
- j) Report on S & P Global Ratings for General Bond Obligations-CFO-Mayor LaCicero stated that we have a great bond rating of AA so we are still doing a good job.
- k) Public Affairs Report-Council President Zalom-She put information on the back counter regarding The History of Lavallette City and The History of Island Beach State Park and it is all very interesting. She thanked Councilman Finter for all his work regarding the interpretive trail that needed to be done.
- l) Tax Account Report for June 2017-Tax Collector
- m) Revenue Transaction Report for May 2017-Chief Financial Officer

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

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

**RESOLUTIONS – ON CONSENT:**

- 2017-216      refunding planning board escrow balance in the amount of \$510.00 to Susan and Eric Reith
- 2017-217      refunding an electric credit in the amount of \$199.71 to Diana Hammad
- 2017-218      refunding a construction permit fee in the amount of \$113.00 due to the property being in Berkeley Township and not Seaside Park

- 2017-219 supporting legislation action requiring the State Public Defender's Office to represent defendants in Superior Court bail hearings for those eligible defendants charged with disorderly persons offenses or petty disorderly persons offenses in lieu of the Township Public Defender
- 2017-220 authorizing the tax exemption for a totally disabled veteran pursuant to N.J.S.A. 54:4-3.30
- 2017-221 authorizing the refund of a facilities use application in the amount of \$25.00 due to him paying the Borough instead of the Founder's Day Committee to be a vendor
- 2017-222 appointing a summer seasonal worker for the Department of Public Works at an hourly rate of \$8.44
- 2017-223 appointing a badge checker for the 2017 summer season at an hourly rate of \$8.44
- 2017-224 appointing two lifeguards for the 2017 summer season
- 2017-225 authorizing the use of a 2017 Chevy Silverado 1500 pickup truck from Lester Glenn Chevrolet for the Lavallette Police Department at no cost to the Borough for the summer season-Mayor LaCicero stated that he thought we were also getting a Hyundai Sante Fe? Mr. Bennett stated that he has a call into Lester Glenn about the other vehicle so hopefully we will get that too.
- 2017-226 authorizing the approval of a policy being instituted into the Borough of Lavallette Personnel Policies Handbook and the Employees Handbook effective immediately
- 2017-227 appointing Christine Sierfeld to the position of Chief Financial Officer to another four year term effective July 1, 2017

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

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

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

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

**RESOLUTIONS - OFF CONSENT:**

2017-228 authorizing the Mayor and Municipal Clerk to execute an annual agreement between the Borough of Lavallette and the Lavallette Volunteer First Aid Squad, Inc. for services rendered for year 2017

The Mayor stated that this is the Borough's annual payment to the First Aid for their services.

Councilman Borowski stated that the First Aid was able to purchase two new ambulances thanks to the Borough and the generosity of the residents with their donations. He stated that this weekend the Fire Department will be conducting their yearly coin toss and the notification sign that the Police Dept. use as a message board will be utilized for this event.

Mr. Bennett stated that he was going to draft an agreement up on what exactly can be advertised on this message board so unnecessary events are not listed on there.

Motion: Second: Discussion: Public Comment: Vote:

**APPROVAL OF VOUCHERS:**

2017-229 Bills List in the amount of \$822,454.10

Motion: Second: Vote:

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

ORDINANCE 2017-14 (1174) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 48A OF THE CODE OF THE BOROUGH OF LAVALLETTE ENTITLED "PROPERTY MAINTENANCE TO AMEND ARTICLE IV, SECTION 18 ENTITLED "ROOFS AND DRAINAGE

Mr. Bennett stated that there was one sentence missing on our current code so we just needed to add that on.

A Motion to introduce this Ordinance was made by Councilman Lamb. 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 24, 2017.

ORDINANCE 2017-15 (1175) AN ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 24 OF THE CODE OF THE BOROUGH OF LAVALLETTE, ENTITLED "ELECTRICAL STANDARDS" TO AMEND ARTICLE I, SECTION TWO, ENTITLED "RULES AND REGULATIONS AND SECTION FOUR, ENTITLED, PREREQUISITES TO SUPPLYING OF CURRENT AND TO REPEAL SECTION SIX, ENTITLED, "THERMOSTATS"

Mr. Bennett stated that there is no longer an Ocean County Electrical Bureau so that needed to be changed to our Electric Construction Department and there also was a section that needed to be deleted.

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 24, 2017.

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

**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**

Mayor LaCicero stated that this ordinance was just to keep Seaside Park and Lavallette Construction Offices have the same codes and fees.

A Motion to adopt this ordinance was made by Councilman Lamb. 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 on this ordinance.

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.

**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"**

Mayor LaCicero stated that this right of way is the area between the property line and the curb. This is the public right of way and cannot be blocked in any way.

A Motion to adopt this ordinance was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone wished to comment on this ordinance.

Mark Speaker, 111 Brown Avenue questioned if this right of way entails the sidewalks as well.

Mayor LaCicero stated that it did include the sidewalks.

Mr. Speaker stated that a builder on his street that is doing three houses ripped up the sidewalk and never put it back and was told he didn't have to and received the certificate of occupancy's as well.

Mr. Bennett stated that the only way that a sidewalk wouldn't be included is if there was a planning board application saying it wasn't included.

Mayor LaCicero stated that a sidewalk should be replaced if it is ripped up. He requested that Mark give him the addresses and he will deal with it.

Gary Hunsinger, 8 Philadelphia Avenue stated that the same happened on his street and they received a c of o as well.

Mayor asked for that address as well.

Joseph Palinsky, 122 Washington Avenue, questioned if once adopted is the Ordinance retroactive?

Mayor LaCicero stated that ordinances are not retroactive.

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

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

## **COMMUNICATIONS:**

### Engineering:

- a) O'Donnell, Stanton & Associates/Jack Berens, Project Manager/Rehabilitation & Repainting of 500,000 Elevated Water Storage Tank/Brave Industrial Paint, LLC/Pay Estimate No. 1/Received June 12, 2017-Mr. Bennett stated that once Brave starts the Tank Project again in September they would like permission to work Sundays as well after September 18<sup>th</sup>.

A Motion to approve Brave working on Sundays as well after September 18<sup>th</sup> 2017 was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Request for Quotes/13 Virginia Avenue/Received June 23, 2017

### New Jersey League of Municipalities:



- a) Receive the Recognition Your Town Deserves!/Received June 2, 2017-Council President Zalom stated that she thinks the Goose Patrol Program should be recognized because it has done wonders for us and we collect revenue as well.
- b) Weekly Update/Received June 2, 2017
- c) Unauthorized Hotel Reservation Services/Received June 8, 2017
- d) Weekly Update/Received June 9, 2017
- e) Annual NJ League of Municipalities/Received June 14, 2017
- f) Weekly Update/Received June 16, 2017
- g) Mayor's Hall of Fame Final Reminder/Received June 19, 2017
- h) Daily Update/Received June 21, 2017
- i) Weekly Update/Received June 23, 2017
- j) Daily Update/Received June 27, 2017
- k) Legislative Alert/OPRA & OPMA Bills before Senate Budget on Thursday/Received June 28, 2017
- l) Weekly Update/Received June 30, 2017

General With No Action:

- a) DEP News Release/US Army Corps. of Engineers Begin Northern Ocean County Beach Replenishment Work at Ortley Beach in Toms River/Received June 5, 2017
- b) State of New Jersey/Department of Transportation/Michael Russo, Director/Denial of Municipal Aid Grant for Bryn Mawr Avenue/Received June 6, 2017-Mayor LaCicero stated that we always get approved for the first street and denied for the second street every year. This street will be approved next year.
- c) The Tears Foundation/Linda Ostapovitch, Director/Certificate of Recognition for Showing Support for their October 2016 Pregnancy and Infant Loss Awareness Campaign/Received June 12, 2017
- d) State of New Jersey/Department of Environmental Protection/Mary Jo Aiello, Director/Increasing New Jersey's Recycling Rate/Received June 15, 2017
- e) State of New Jersey/Application for 2017 Governor's Environmental Excellence Awards/Received June 15, 2017
- f) DEP News Release/DEP Launches Project to Encapsulate 1970's Era Landfill in Heavily Traveled Transportation Hub in Kearny/Received June 19, 2017
- g) DEP News Release/Christie Administration Publishes Comprehensive Guide on How to Protect and Grow Declining Monarch Butterfly Population/Received June 19, 2017
- h) DEP News Release/Christie Administration Continues Capital City Investments with Groundbreaking of Picnic Grove, Enhanced Playground at Trenton Historic Park/Received June 19, 2017
- i) Karen Buzzi/38 Lavallette Avenue/in favor of a no smoking on the beach ban/Received June 20, 2017
- j) Michael Kaen/1705 Baltimore Avenue/in favor of the no smoking on the beach ban/Received June 21, 2017
- k) Sante D'Emidio/147 Newark Avenue/in favor of a smoking ban on the Lavallette beaches/Received June 22, 2017
- l) ISO/Alex Shubert, Manager/Lavallette/Public Protection Classification 4/Effective Date October 1, 2017/Received June 22, 2017-Mayor LaCicero stated that we are at a

Classification 4 for Homeowner's insurance for Lavallette and it seems to have not changed from last year.

- m) Ocean County Health Department/Mary Gibson, Coordinator/Upcoming Deadlines regarding current Municipal Alliance grant cycle/Received June 23, 2017
- n) Karen Perrucci/100 Magee Avenue/Ban Smoking on the Beach/Received June 27, 2017
- o) Board of Chosen Freeholders/Joseph Vicari, Freeholder Director/Copy of Reimbursement Check in the amount of \$921,529.76 for our portion of the debris removal from super storm sandy/Received June 27, 2017-Mayor stated that we received our check for the debris removal. We received our 10% profit that we were promised with our interlocal with the County for the removal of debris after the storm. Lavallette was the 3<sup>rd</sup> highest in debris removal which says a lot since we are a small town.
- p) DEP News Release/DEP Announces Garden State Preservation Trust Approval of Nearly \$81 Million For Green Acres Projects/Received July 5, 2017
- q) Ocean County Utilities Authority/Kathleen Balasone, Exec. Assistant/Bulk Rate Established/Received July 6, 2017

Mayor LaCicero stated that we received four letters from residents requesting we ban smoking on the beach. Do we want to discuss these letters now.

Councilwoman Filippone stated that she received more correspondence today in her mailbox from over the weekend as well. Even though she believes it is too late in the season to establish the ban she does think that it is appropriate to discuss it tonight and make a decision on it. She has had a number of conversations with residents and Council and has had different suggestions, such as every other beach, only boardwalk and every beach in town. Most communities now have this ban so we really should have it as well. We as a community, need to make a decision and stand by it for our residents.

Councilman Lamb stated that it seems every time we form laws like this we always have to worry about how we are going to enforce them. He did some research and doesn't think there are as many smokers on our beaches versus non smokers so he doesn't think the enforcement issue is going to become an issue. Banning it only in certain areas is way too complicated, so if we establish the ban it should be across the board for all the beaches and quite frankly, all the resort areas in town including all the ocean beaches and boardwalk. He has never been a fan of people saying other towns do it because Lavallette is not like other towns, we are different and have always been different but he thinks now is the time to establish it for next year. He stated that this ban should only be during the bathing season not all year round.

A Motion to establish a smoking ban on all resort areas in town including all ocean and bay beaches, recreational areas and the boardwalk during the bathing season beginning year 2018 was made by Councilwoman Filippone. The Motion was Seconded by Councilman Lamb. Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted Yes. Council President Zalom voted No. The Motion Passed.

General With Action:

- a) James Borowski/141 Newark Avenue/requesting Council discuss specific codes and zoning requirements regarding changing the grade and elevation of a property by bringing in sand or fill which creates a drainage runoff issue for the connecting properties/Received May 17, 2017-Councilman Borowski stated that he just wants to have some discussion on this issue. He thinks we should do some type of ordinance as to the grades and storm drains that should be done for properties in town. He stated that he was given an ordinance that is in effect in Lacey Township that can be reviewed and we can use some of the verbiage to create our own. There has to be some type of rules when bringing fill onto your property to mitigate the flooding on your property because then that flooding just drains on your neighbor's property causing flooding there. He stated that he sent it over to the Planning Board so they could maybe discuss the issue and see what they come up with. Our Engineer is also in agreement that something needs to be created to prevent the issue from occurring. Mayor LaCicero stated that the ordinance should read that the drainage should be directed to the street. We might be creating unattended consequences because any difference in the grade is still going to drain onto the other properties just at a slower pace. We will have Mr. Bernstein's office draft something up for review. Councilwoman Filippone questioned how we would address the natural grade? Mayor LaCicero stated that would be getting involved in the topography of the property only.

A Motion was made by Councilman Borowski to request the Borough Attorney to research and draft an ordinance on the grading and drainage of properties in town for review. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

- b) State of New Jersey/Department of Transportation/Matthew McDermott, Assistant Commissioner/requesting the Mayor provide a letter and/or resolution as to the specific intersection locations and desired speed limits to initiate homeowner's request at 115 Westmont Avenue/Received June 12, 2017-Mayor LaCicero stated that we don't want to start requesting changes in speed limits on the highway especially right now.
- c) Linda Fan/1806 Grand Central Avenue #10/requesting the replacement of two beach badges that she purchased pre season that were destroyed in the fire/Received June 15, 2017-Councilwoman Filippone stated that it has always been our policy no matter what to not replace badges. Mr. Bennett stated that he has an idea of what to do and he will take care of it.
- d) James P. Nolan and Associates/Sanford and Diane Rader/4 Newark Avenue/requesting information on the degraded dunes on Elizabeth Avenue and what the Borough will be doing about it/Received June 19, 2017-Mayor LaCicero stated that we are not permitted to move any sand on our beaches without a permit from the DEP. Our permit right now is expired and the DEP is trying to decide if we should renew it or if they are just going to allow us to extend since the Army Corps. project is going to start in less than a year. We cannot even touch the pond that has been created until we get emergency approval from the DEP.
- e) Ernest & Gail Stefanelli/122 Camden Avenue/requesting action to be taken on the progress of 124 Camden Avenue's construction work and when it will be completed and/or if the stop work orders are still in affect/Received June 19, 2017-Councilwoman Filippone stated that she has spoke to the Construction Office and a new contractor has been hired for this property and she believes their has been some progress already. The

stop work orders were issued to the previous contractor and there was a lot of issues with them so now there is a new contractor that will be rectifying all the issues so hopefully this will move quicker now. Mayor stated that the Stefanelli's are in the audience so why don't we bring them up to explain their issue. Mrs. Stefanelli stated that she has seen a little progress starting to take place. The biggest issue we have is the pond in the back yard that is so disgusting and hasn't been touched in four years. It needs to be remediated or filled in because it is filled with bacteria. Councilwoman Filippone stated that is a property maintenance issue and she will advise them to issue a violation to remediate that right away. We contacted the soil conservation in reference to the amount of sand on their property blowing onto ours and they did put up a black bag fencing that helps a little bit but not much. Councilwoman Filippone stated that now that we are aware of the situation we will stay on top of it and if they have any additional issues they can call and we will get it rectified.

- f) Connie Meyer/31 Dickman Drive/requesting Council direct one of the employees to get all the equipment out and ready for the shuffleboard so the players don't have to do it/Received July 5, 2017-Council President Zalom stated that this has been all taken care of.

#### **UNFINISHED BUSINESS:**

Discussion on a Wireless Antenna Pole Attachment Agreement between the Borough of Lavallette and Verizon Wireless

Councilman Finter stated that this is to place the nodes on our poles. He stated that he was provided a list of locations of where the nodes would be placed and wasn't happy with some of the locations so he advised Verizon that they had to come up with other locations.

Mayor LaCicero stated that initially we were not in favor of this project at all. These nodes are going to be very unsightly.

Councilman Finter stated that the nodes really are not the problem it's the control box that also needs to accompany each node. They are not appropriate at all.

Councilman Borowski stated he applauds the work that Councilman Finter has been doing to make sure that everything is in order however the Borough owns these poles and according to the Public Power Association no other towns are acting on this at all. One community requested copies of agreements with other municipalities that Verizon has and they have yet to provide these agreements. We have a cell tower so why do we need these nodes.

Councilman Finter stated that he mentioned that to them and they advised me that the cell tower cannot hold all the data that is needed so these nodes are needed.

Councilman Borowski would like Mr. Bennett to request the same as to copies of agreements with other towns.

Mr. Bennett stated that he will draft a letter requesting these agreements.

Mayor LaCicero stated that these nodes are not attractive so if anything is approved to do this project we need to make sure it is done esthetically reasonable.

**NEW BUSINESS:**

O'Donnell, Stanton & Associates Proposal of Services for President Avenue Road Improvements

Mr. Bennett stated that this is the proposal to start the process for the President Avenue improvements. There are six phases under this proposal that needs to be done. Phase 1 through 5 they are asking for a lump sum of \$25,200 and Phase 6 they are requesting a budget not to exceed \$24,000.

A Motion to approve the Proposal of Services 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.

**COMMENTS FROM THE PUBLIC:**

Mary Logios, 4 Sterling Avenue questioned if Council can take another look at banning construction at least on the weekends during the summer season?

Mayor LaCicero stated that they will discuss it again and make a decision before next summer.

Mrs. Logios stated that there is a terrible property maintenance issue at 106 and 108 Bryn Mawr Avenue and it needs to be addressed immediately. People are using it as a place for their dogs to go to the bathroom and it is just a horrible situation.

Mayor LaCicero stated that we will pass it along to the Code Enforcement Officer.

Mrs. Logios requested that bags be put in the garbage cans on the streets because people are just throwing food and drinks in there and they are getting disgusting.

Councilman Lamb stated that he is unsure if bags can go in the cans but he will talk to Public Works and see what can be done.

Joe Palinsky, 122 Washington Avenue stated that it should be stressed to the public that the smoking ban will not take effect until next summer. He stated that he thinks that Council should reconsider the bulk pickup and at least have one a year for the residents. It is a service to the homeowners.

Mayor LaCicero stated that it is not a service to our taxpayers. It is very expensive and no free lunch.

John DeGrande, 5 Jersey City Avenue just wanted to make sure that there are no restrictions on when construction can be done?

Mayor LaCicero stated that construction can be done 7 days a week but only between the hours of 8am to 6pm.

Mr. DeGrande stated that he sees a lot of boat moorings that have no boats or kayaks attached and yet because they were paid for the waiting list does not move. He suggests that Council maybe raise the price so people who pay for it and still don't use it might think twice if the fee is higher.

Councilman Lamb stated that he did talk about raising the price but it was too late in the season for this year so we will definitely have it in place for next year. He agrees with Mr. DeGrande, the waitlist needs to start moving forward.

Mr. DeGrande stated that he has a friend that lives in town that is very ill and he can't drive but he rides his bike every day to the beach. He was wondering if a handicap pass can be given to him for his bicycle so he can park his bike up there and still be able to go to the beach.

Mayor LaCicero stated that he would have to speak to the Chief but he doesn't believe that the State Statute will provide for that.

Mark Speaker, 111 Brown Avenue thanked Mayor, Council and all the employees in town for their help with all the LBA events this year.

Mary Heveran, 2204 Grand Central Avenue thanked Mayor and Council for the smoking ban. She believes that they have restored faith in good government. Lavallette has shown that the people do have a voice.

Jon Corney, 1 Newark Avenue stated that the microphones in here are a waste of time. Nobody up there talks into them so he can never hear them speaking. He stated that the delinquent tax amount is way too high. We need to start collecting these amounts through a tax sale now and not in November.

Mayor LaCicero thanked Jon for his comments.

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

Councilman Borowski stated that Waves of Impact will be doing their surf camps in a couple of weeks for the disabled veterans and special needs children.

Councilwoman Filippone stated that Council will really need to start looking at the Recreation budget and try and get it out of the red. We need to establish some type of policy. We should start charging for everything. There are a lot of towns that charge a fee for every single event they have and they make money. We need to start thinking hard about this to defray some of the Borough's costs. It is not fair to the taxpayers.

Council President Zalom just wanted to thank Public Works for always getting the job done no matter what it is.

**EXECUTIVE SESSION:**

There was no executive session.


**ADJOURNMENT:**

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

The Caucus/Regular Meeting was Adjourned at 10:00 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 **10<sup>th</sup>** day of **July 2017**

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