

**BOROUGH OF LAVALLETTE(minutes)
REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, July 24, 2017-7:00 pm**

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

The Mayor stated that the Borough Attorney is stuck on the parkway due to traffic from an accident so he will be late.

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 all the loved ones we lost and for Patricia Connors of Brown Avenue who passed away.

PLEDGE OF ALLEGIANCE: Councilwoman Filippone led us in the Salute to the Flag.

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that all the sand that moved over to our beach from Ortleigh has created a huge berm on a portion of our beaches. This large berm fills with water and doesn't drain and the water becomes stagnate which creates a health hazard. We have been in contact with the DEP and they will only allow us to do a little bit of filling in at a time. The problem is the berm has become bigger than it was and we don't even have the capabilities of filling it at this point. It requires equipment that we just don't have. We have contacted the Army Corps. to see if we could either use their equipment that is over in Mantoloking or if they could help us out. We have also reached out to Senator Holzapfel and Assemblyman MacArthur for their help in rectifying this situation. The DEP is just not cooperative at all. He stated that if anyone in the audience wished to speak on any items that are not on the agenda or if they cannot 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 CLERK'S MINUTES:

Caucus/Regular Meeting of July 10, 2017

Bid Opening Minutes for Elizabeth Ave Road Improvements of July 21, 2017

A Motion was made to approve the minutes 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.

RESOLUTIONS-ON CONSENT:

- 2017-231 authorizing the CFO to refund an water/sewer credit in the amount of \$2,680.34 to due incorrect meter reading
- 2017-232 certifying to the Local Finance Board of the State of New Jersey that the Governing Body has reviewed the annual audit and the comments and recommendations
- 2017-233 appointing three badge checkers at an hourly rate of \$8.44 for the remainder of the summer season
- 2017-234 appointing Tom Allen as a summer seasonal garbage crew for the Department of Public Works at an hourly rate of \$10.00
- 2017-235 appointing a lifeguard at an hourly rate of \$10.00 for the remainder of the 2017 summer season
- 2017-236 authorizing the payment to the Lavallette Board of Education for portion of costs for the new fence separating the school and the Municipal Building and adjustments to the sprinkler system in the amount of \$3,384.65-Mayor LaCicero stated that this is the fence separating the Municipal Building from the School. We had an agreement in place for the school to pay a portion and the Borough would pay a portion.
- 2017-236A appointing Patrick Duggan as a part time substitute Plumbing Inspector to be utilized on an as needed basis for the shared services in Lavallette and Seaside Park at an hourly rate of \$35.00
- 2017-236B approving a facilities use application to Dorothy Bugbee from Bugbee Surf Adventures to hold private surf lessons on the ocean beach from July 22, 2017 through September 1, 2017

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

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

Jon Corney, 1 Newark Avenue questioned what the comments and recommendations were from the Auditor regarding our Audit.

Mr. Bennett stated that the Auditor recommended that we clear and cancel old grants that we didn't actual get the cash for but was still a line item of money that was not used. The CFO took care of clearing those line items. There was also a comment in reference to an inter fund transfer that was borrowed from one account and should have been put back by December 31st but it wasn't put back until after that. We now have that all in place.

Mr. Corney stated that he didn't know you could transfer from one appropriation to another.

Mr. Bennett stated that the Auditor didn't say it wasn't allowed he just said it had to be put back by December 31st of the same year.

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.

Mr. George arrived at 7:15pm.

RESOLUTIONS OFF CONSENT:

2017-237 approving an application for renumbering of 401 Grand Central Avenue, Units A through D known as Wexford Condominium Association, Inc. to 26 Bond Avenue, Units A through D

The Mayor stated that all the paperwork is in order and this request meets all the requirements for the change.

A Motion to approve the renumbering for 401 Grand Central Avenue was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.

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.

2017-238 approving a facilities use/special event application to Northern Habitat for Humanity to hold a family fun walk on the boardwalk from Dover Avenue to Ortle Avenue and back to Dover Avenue on the sidewalk on Route 35 North on September 9, 2017 from 10am to 12 noon

The Mayor stated that this event was here last year on the same day as Founder's Day and there were no issues.

Mrs. Amico, Municipal Clerk stated that on the application it says that there will be a port o potty on the boardwalk and also WJRZ will be setting up a table with live broadcast.

The Mayor stated that it's good publicity for the town.

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

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- 239 Bills List in the amount of \$919,632.84

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

ORDINANCE 2017-16 (1176) ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 20 OF THE CODE OF THE BOROUGH OF LAVALLETTE TO AMEND SECTION 3, ENTITLED "FEES"

Mrs. Amico stated that this fee was included in a previous Ordinance for fees that was adopted in June. Since then the State has changed the fee for the TCO so we needed to again amend the fee.

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 will take place on August 7, 2017.

ORDINANCES ON FOR PUBLIC HEARING AND FINAL ADOPTION:

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 that was omitted when the ordinances were codified years ago. We just added the sentence back in.

A Motion to adopt this Ordinance was made by Councilman Finter. The Motion was Seconded by Council President Zalom.

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.

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"

Mayor LaCicero stated that this ordinance is just updating and doing a lot of cleanup.

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

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:

Councilman Borowski stated that Waves of Impact will be having their surf camp for disabled children this Friday. The Beach Captain has determined that Trenton Avenue is not suitable right now due to the burm circumstances so he has requested that the camp move to Brown Avenue instead of Trenton Avenue. He has already cleared it with Sam Hammer Surf Camp that is already scheduled there as well.

Mr. Bennett stated that a resident would like to donate a pear tree to the town. Public Works will take care of going over and retrieving it and replanting it but we would like some feedback as to where we should plant it.

Councilman Borowski stated that he thinks the gardener should take a look at the tree and see where it should be planted in town. He is the most knowledgeable about this.

NEW BUSINESS:

Acknowledgement of Proposed Change (b) on Planning Board Checklist for Variance

Councilwoman Filippone stated that this is just a change in the drawings to scale in order to evaluate more accurately.

A Motion to approve the change on the checklist 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.

Requesting permission to have a block party and close the ocean block street of Kerr Avenue off on July 28th between the hours of 5pm and 10pm.

Mayor LaCicero stated that usually with this request we ask for each homeowner to sign off on the street being closed off. It doesn't look like we have that.

Clem Boyers stated that he did hear about this on my street. He isn't sure if it's a block party for just her family or if its residents at the top of the street but he was not invited approached. We have block parties in our back yards all the time so I don't know why she hasn't been involved in ours.

Mayor LaCicero stated that we can't approve this at this time. If she has all the residents sign off on it she can schedule a different date and time and we will look at it again. It also is the summer season which is not the best time to close the street for this.

Councilwoman Filippone stated that she has given a copy to Mayor and Council of the pictures of the paintings that were sent to me that would be donated to the Borough for placing in our Municipal Building. I have reached out to each of the donators and requested a value of these paintings so we can give them a donation letter to use for their income taxes. These paintings will also be coming to us pre-framed.

Council President Zalom stated that she saw a letter from a resident stating that we need crosswalks on Rt. 35 South like we have on Rt. 35 North. She spoke with the Chief and called the DOT and questioned why there are none painted on Rt. 35 South. They advised me that if we send them a resolution stipulating where we would like crosswalks placed on Rt. 35 South they would be happy to paint them. The Chief will be reviewing and advising us as to where he thinks they should go.

Councilwoman Filippone stated that last year we use to have a crossing guard on RT 35 South and Bryn Mawr and New York and 35 North helping with the crossing of pedestrians. We could start that again maybe just on the weekends and maybe some week nights if needed. She will talk to the Chief and get his input.

Council President Zalom stated that while she was at the concert Sunday night a resident approached her and advised her that he would like to donate \$1,000 worth of Rosa Ragusa to plant on the dunes for us. Rosa Ragusa is like dune grass and grows quickly and full.

Councilman Lamb stated that on the west side of Bay Blvd. by the gazebo at the curblin there is a lot of field stone missing. Maybe Council President Zalom can contact the County and see if they could replace it for us.

Council President Zalom stated that she will contact them tomorrow and see what they say.

Mayor LaCicero stated that if they can't help us out we can't do anything this year cause we will have to put it in the budget for next year.

Mr. Bennett stated that at the last meeting, Council approved the contractor for the water tower to work on Saturdays after September 18th. Well now they are asking to work on Saturday and Sunday before September 18th and they will pay for our employee to be there.

Mayor LaCicero stated that if they are willing to pay our guy to be there then of course we don't mind. As long as it doesn't come out of our pocket. He questioned if the mounts for the police radios were going to be installed on the tower?

Mr. Bennett stated that he thought that was all taken care of but he will check with the Chief. He questioned Council on where the clam is going to be located in town.

Mayor LaCicero stated that he thought we already voted for it to go down by the Magee Avenue T Dock.

Mr. Bennett stated that he will advise Public Works.

COMMENTS FROM THE PUBLIC:

Brian Hughes, 11 Princeton Avenue stated that he is a new homeowner and has been dealing with the Construction/Zoning Office with his house. He stated that it was a pleasure dealing

with the employees and the inspectors in the office. They were always so helpful and guided him as to what needed to be done. He is looking forward to being a part of this community.

Everyone clapped and welcomed him to the Borough.

Mark Speaker, 111 Brown Avenue stated that he agrees that there needs to be crosswalks on Rt. 35 South. The cars do not stop at all for pedestrians and travel at a high rate of speed. He also stated that he thinks that Council needs to take a look at the Ordinance on boat moorings and revamp it. He has noticed some inconsistencies in some of the rules on them.

Mayor LaCicero stated that we have already talked about reviewing and revamping this ordinance. We haven't looked at it for a long time so it def needs some cleanup.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Stogdill stated that we are down some on daily and weekly badge sales from last year but we are definitely up in season badge sales. Right now we are at \$829,000 in revenue.

Mayor LaCicero stated that the daily's and weekly's could be down because Ortle Beach is open again this year and it wasn't last year so we got their beachgoers.

Councilman Borowski stated that the First Aid Squad sponsored a CPR Class recently and it was very well received. We have been very busy with 8 calls just yesterday. He wants to thank all the volunteers for giving their time to do this.

Council President Zalom stated that the First Aid will have their flea market on Wednesday. She attended a meeting at the library held by Save Barnegat Bay and they have a lot of environmental projects set up.

Councilman Lamb stated that 3 sets of additional recycling and garbage receptacles have been ordered and we purchased them with recycling tonnage grant money that we receive from the County for our recycling efforts. He stated that the business district's receptacles that are in front of the stores are so overloaded that Public Works is going to discuss with the business owners to maybe have their own garbage and recycling can in the front of their store that to help with the overload.

EXECUTIVE SESSION:

Mr. George stated that there is a need for an executive session to discuss a personnel matter. The appropriate notices have been given to the employee. There is no action that should be taken tonight.

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

The Regular Meeting was adjourned to go into Executive Session at 8:00 pm.

A Motion was made to reconvene the Regular Meeting by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. 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 personnel issue regarding a Planning Board Application. There was no action taken.

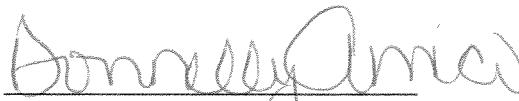
ADJOURNMENT:

A Motion to adjourn the Regular Meeting was made by Councilwoman Filippone. The Motion was Seconded by Councilman Finter. 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 24th day of **July 2017**


Donnelly Amico
Municipal Clerk