

**BOROUGH OF LAVALLETTE(minutes)**  
**REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, August 21, 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  
Eric Bernstein, 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 the 15 that were slaughtered in Spain and on the ship. Also, for the ones on the Navy ship and the helicopter crash.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. He stated that he hopes all enjoyed the eclipse with their glasses. He stated that if anyone 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)**

Frank DeRosa, 13 Elizabeth Avenue questioned when the paving was going to start on Elizabeth Avenue?

Mr. Bennett stated that the paving is due to start after September 18<sup>th</sup> of this year.

Mr. DeRosa questioned if he would be notified when it will?

Mr. Bennett stated that all the homeowners that will be affected will get letters from the contractor with the details.

Mr. Bennett stated that a portion of Dover Avenue on the ocean side will be done as well.

Mr. DeRosa questioned if the schedule has changed regarding the beach replenishment project?

Mayor LaCicero stated that he has not yet received any type of revised schedule but knows that since there were issues in Beach Haven they are at least three months behind their schedule. Once he gets any notification of a new schedule he will let the residents know immediately.

---

**APPROVAL OF CLERK’S MINUTES:**

Caucus/Regular Meeting of August 7, 2017

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

**RESOLUTIONS-ON CONSENT:**

- 2017-249      appointing a tennis court attendant at an hourly rate of \$8.44 for the remainder of the 2017 summer season
  
- 2017-250      accepting the resignation of Justin Ottmer who worked in the Police Department as a full time dispatcher effective June 23, 2017
  
- 2017-251      appointing a badge checker at an hourly rate of \$8.44 for the remainder of the 2017 summer season
  
- 2017-252      appointing a seasonal laborer at an hourly rate of \$10.00 for the Department of Public Works
  
- 2017-253      authorizing the Municipal Clerk to prepare and submit the application for the Ocean County Cultural and Heritage 2018 Local Arts Grant to provide funding for the summer concert series summer program-Council President Zalom thanked the Clerk for doing all the work for these two grants. The application is very tedious and there is a lot of work needed to get it submitted correctly and on time and she does a great job of doing that.
  
- 2017-254      authorizing the Municipal Clerk to prepare and submit the application for the Ocean County Cultural and Heritage 2018 Local History Program Grant to provide funding for the preservation of our historical memorabilia in our Municipal Building
  
- 2017-255      authorizing Mayor Walter G. LaCicero to sign and execute an interlocal shared services agreement between the Borough and the OC Prosecutors Office for the participation in the OC Prosecutor’s Program for 2017/2018
  
- 2017-256      approving a facilities use application to Yakkity Yak Kayaks to utilize our bay beach near Vance Avenue for drop off and pick up of kayaks starting daily from August 24, 2017 through September 30, 2017 from 10am to 4pm-Mayor LaCicero suggested that we pull this and put off consent for discussion.

2017-257 approving a raffle license to the Lavallette PTO to hold a 50/50 on premise raffle on September 30, 2017 from 5pm to 10pm at the Lavallette Fire House

---

A Motion to approve the consent agenda 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 the consent agenda.

No one wished to comment at this time.

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

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

#### **RESOLUTIONS OFF CONSENT:**

2017-256 approving a facilities use application to Yakkity Yak Kayaks to utilize our bay beach near Vance Avenue for drop off and pick up of kayaks starting daily from August 24, 2017 through September 30, 2017 from 10am to 4pm-Mayor LaCicero suggested that we pull this and put off consent for discussion.

Mayor LaCicero stated that we have the owner in the audience so let's have him come up and give us some information on this.

Bob MacMaster, Brighton Avenue, Seaside Park, Owner Yakkity Yak Kayaks stated that all he does is deliver the kayaks to his clients and pick them up when they are done. He does not do any lessons or instruction on the beach or hold classes. He might give them some safety tips and tell them how to maneuver it but that is it.

Mayor LaCicero questioned if his clients get beach badges and if he had a parking sticker for his delivery vehicle?

Mr. MacMaster stated that he does have a parking sticker but is not sure if his clients have the badges. He will advise them from now on that they will need them.

Council President Zalom stated that the old owner of this business also questioned if he would need any permits back at least 12 years ago and we told him no because he wasn't using our beach per se to hold any classes. Why are we doing this now when it is the same process?

Councilwoman Filippone stated that back then we did not have the facilities use application. The old owner should have applied for the facilities use once we established one but if no one complained or noticed we would have not known either. The only reason we know about this is because someone must have noticed and complained.

Once we know about it we have know choice to act upon it and advise him of what needs to be done.

Mayor LaCicero stated that there is also a clause that requires 10% of your proceeds at the end. Is this going to be a problem for you?

Mr. MacMaster stated that he will do what he has to do to keep his business going.

Mr. Bernstein stated that the only thing we will need is an updated insurance certificate naming the Borough as additionally insured.

A Motion to approve this Resolution was made by Councilman Borowski. The Motion was Seconded by Council President Zalom.

The Mayor opened the floor to public comment and asked if anyone wished to comment on this resolution.

Jon Corney, 1 Newark Avenue stated that there was already approval done for other commercial events on our beaches such as yoga and surf camps and a science camp so why wouldn't we approve this as well.

Mark Speaker, 111 Brown Avenue stated that the area that he is dropping the kayaks and picking up on the bay is not utilized by beach goers and is a perfect place for the drop/pickup zones for that type of business.

Council President Zalom stated that she doesn't feel it is right to charge him when we didn't do it with the old owner and he really isn't using our facilities for long periods of times.

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- 258 Bills List in the amount of \$20,126,397.17

A Motion to approve the bills list 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.

Mr. Bennett stated that the bills list is very high this time due to the paying off of some BANS.

#### **UNFINISHED BUSINESS:**

Mayor LaCicero questioned Councilman Borowski on if he had any issues with the grading draft ordinance?

Councilman Borowski stated that he thinks it needs to be discussed further before introducing it.

Mayor LaCicero stated that he has an issue with the 18 inches.

Councilman Borowski stated he feels the same.

Mr. Bernstein stated that is why he sends it Mayor and Council as a draft and requests any changes, deletions or additions before it is finalized for introduction. If Council has any changes send them to me so we can put it all in and send another draft for approval before introduction.

### **NEW BUSINESS:**

Discussion and Review of two quotes from O'Donnell, Stanton and Associates and Najarian Associates for preparing our Municipal Public Access Plan for the NJ Department of Environmental Protection

Mayor LaCicero stated that the DEP has started a new program regarding CAFRA permits and public access to homeowner's properties with CAFRA permits. If homeowners do not wish provide public access to that portion of their properties then they have to provide a fee to the Municipality for a public access project that will be utilized by the public. We have already received a check for \$20,000 from a resident that we were hoping to use towards the Trenton Avenue handicap walkover. Now the DEP has come back stating that before we can accept any of these monies we have to create an updated municipal pubic access plan with these potential projects. Looking at these two quotes from our two Engineers it appears that we are going to be spending more than we will be receiving. He thinks we need to rethink this and discuss it further.

Mr. Bernstein stated that we can carry this over until the next meeting so it can be discussed by Council first.

Democratic Club requesting to hold their first meeting in Council Chambers on August 29<sup>th</sup> or August 30<sup>th</sup> 2017 and continue with their monthly meetings on the fourth Tuesday of every month through the end of the year.

Mayor LaCicero stated that we have already allowed the Republican Club to hold their monthly meetings up here so we can not oppose another Club to hold their meetings. The clerk will advise them of the rules and regulations and the approval of the dates.

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

Founder's Day Committee-requesting clarification regarding the one day food truck permit and who is responsible for paying the \$100 fee.

Mayor LaCicero stated that Mark Speaker, a member of the Committee is here to speak on this issue.

Mark Speaker, 111 Brown Avenue stated that they are a bit confused on the permit for the food trucks and who is responsible for applying for the permit. Also, since this is technically a Borough event we are also confused on whether or not the permit is required.

Mayor LaCicero stated that he understands their confusion regarding the Borough event but he still thinks that the food truck is responsible for the fee.

Donnelly Amico stated that she created the permit form strictly from the ordinance. The ordinance specifically explained what needed to be provided by the food truck vendor regarding the plate number, registration information, business license, etc. In that case, my interpretation of the ordinance is that the food truck vendor is responsible for obtaining and paying for the permit regardless of the sponsoring organization.

Mayor LaCicero stated that there is a charge for each vendor for Founder's Day that is collected correct?

Mr. Speaker stated that was correct and it is a \$250 fee per vendor.

Mayor LaCicero stated that they should collect that fee and then we will get \$100 from that.

Councilwoman Filippone stated that she wanted to publicly thank the Lavallette Police and lifeguards for going the extra mile of stopping the traffic for St. Pio parishioners to cross the highway to go up to the beach and the lifeguards who took our Priest out in the boat for a water blessing. This was the first time that St. Pio participated in this blessing and it just brought me such joy to see our Police and lifeguards help us with this. We are very lucky to have the employees we have in this time.

She also wanted to make public a letter received by a Rev. Pastor from Washington, D.C. who was vacationing her with his sister in June 2017 when she suffered a heart attack in Rite Aid. Patrolmans Reece, Capron and Special Officer Ryan worked on his sister for 30 minutes performing CPR and using the necessary equipment and training to finally getting a pulse. He went on to say that he feels like Lavallette is now part of their lives and always will be as well as all the officials who helped in bringing her back to their family. After some hospital stays and a stay at a rehab facility and doing physical therapy she is now home and happy to be alive. She just wanted to publicly commend these officers publicly because they did not stop until they saved a life.

Mayor LaCicero requested that this letter be put in their personnel files as well.

Councilman Borowski stated that these officers did in fact do a fantastic job. There was also EMT's that were there as well, Ashley Lesko who is fairly new to the job, Dave Finter and myself and MONOC. It was a fantastic job done by all.

---

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

Al Jones, 113 Reese Avenue stated that sooner or later the bicycle safety issue is going to have to be addressed. He witnessed 1 accident and three near accidents regarding bicycles and autos. This is going to become more and more serious and may even become fatal for some if the situation is not rectified. The vehicles pull out on the side streets not looking both ways because the highways are one way traffic and yet if the bicyclist who is not going the right way is hit by the car it then becomes the driver of the vehicle's fault. It's just not fair at all. Also, bicyclists do not stop at red lights like the vehicles do which also causes almost near accidents.

Mayor LaCicero stated that he agrees that it is all a lot of chaos and even the pedestrian crosswalks seem to be causing issues as well. People are expecting cars to even stop at intersections where the traffic light is green. If a traffic light is green the car has the right of way. The pedestrians crossing at traffic lights should wait for the light to turn red before crossing. Bicyclists should be stopping as well at red lights just as cars do.

Maria Sessa, JCP & L stated that she just wanted to come tonight and just update the public and Council on pole attachments and how State law prohibits anything to be attached to our poles. This also includes any cell carrier equipment that has recently been going on in municipalities. JCP & L also has guidelines regarding the cell carrier equipment on our poles and we would need to review any information before any municipality could approve this.

Mayor LaCicero stated that we have only discussed the node attachments with Verizon and still have reservations about the whole issue. If we go any further with it, we will make sure that she gets any information we have for review.

Mrs. Sessa also stated that Nissan is offering rebates on electric car purchases to JCP & L customers. If anyone would like the information they can contact me.

Gary Hunsinger, 8 Philadelphia Avenue questioning if Council made any decisions on fire pits in town. They are really becoming a fire and safety hazard with the houses being so close together.

Mayor LaCicero stated that he thought we asked the Fire Chief for some feed back on this issue. He will follow up with him and let him know.

Alita Taylor, 1202 Ocean Front stated that she too feels the same way about the fire pits. There was one that looked like a bonfire, the flame was so high and we called the police to make sure it wasn't a fire.

Mary Semlar, 2407 Grand Central Avenue stated that she too believes that the bicycle issue is becoming more and more of a safety hazard for everyone. She has seen caution signs cautioning

pedestrians, motorists and bicyclists to be aware of their surroundings and know their road rules because not everyone follows these rules.

She also thanked Mayor and Council for their efforts in keeping the noise at a minimum with Capriccio's. She will continue to support Mayor and Council and they have also sent complaint letters to the ABC regarding this issue to make them aware as well.

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

Councilman Borowski stated that the whole issue with the bikes and the pedestrians and the lanes and going the wrong way is just never ending. Even the motorists are not following the rules. They had a call on a car that hit a bicyclist who was going the right way because he saw a parking spot and just cut in front of the bicyclist to get the space.

Councilwoman Filippone stated that the Borough has taken official possession of the other bell from the USS Lavallette and it will be arriving around Founder's Day.

Councilman Finter stated that he will not be at the next meeting and requested to be excused.

A Motion to excuse Councilman Finter from the September 5<sup>th</sup> Council Meeting was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

Council President Zalom stated that she attended the NJ Legislative Environmental Committee Meeting right here in Council Chambers last week. Most of our Council and the Mayor attended and he gave a wonderful introduction to them all. She also attended the press conference last week regarding the EPA funding that they are looking to cut. The LBA Clambake was cancelled due to the weather.

**EXECUTIVE SESSION:**

There was no executive session.

**ADJOURNMENT:**

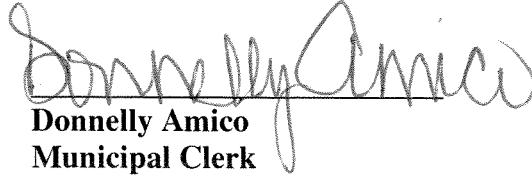
A Motion to adjourn the Regular Meeting was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor.

The Regular Meeting was adjourned at 8:10pm



**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 21<sup>st</sup> day of August 2017



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