BOROUGH OF LAVALLETTEminutes
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTEMUNICIPAL BUILDING
Monday, June 4, 2018-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Robert Brice, Borough Administrator
Donnelly Amico, Municipal Clerk
Eric Bernstein, Borough Attorney

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 12, 2018. Notice was also posted on our municipal website and bulletin board.

MOMENT OF SILENCE: The Mayor asked for a moment of silence for longtime resident Lach Cameron from President Avenue who passed away in an assisted living facility. He was very involved in the Democratic Party.

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

MAYOR’S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight’s meeting. The weather hasn’t been ideal but it should start to break very soon. 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)

Mary Buontempo, 1606 Baltimore Avenue, stated that she would like to get permission to hold a bocce ball tournament on our courts on September 15th. We use to have one every year, years ago and have decided we should start it up again. She has heard that the town is looking to do some renovating of the courts and wasn’t sure if the date was going to interfere with that. We also would like to have a rain date of the following Saturday.

Mayor LaCicero stated that there has been some possible consideration in upgrading the courts and he believes there will be more discussion on the topic tonight. Even if this occurs, we will be done before September anyway.

Mrs. Buontempo stated that in years past, the Municipal Alliance has helped us out with some extra funds for the tournament to help us out. She was wondering if this was possible to do again?

Council President Zalom stated that she would discuss this with Kathy Mango who is in charge of Municipal Alliance and get back to her.
Anthony Cortazzo, 27 Dover Avenue questioned if any date was set for the liquor license hearing as of yet.

Mayor LaCicero stated that a date has not been set as of yet but as soon as it is, it will be on our website and advertised in newspaper.

**APPROVAL OF MINUTES:**

Minutes of Regular Meeting of May 21, 2018
Executive Session Meeting of May 21, 2018

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

**REPORTS:**

a) Lavallette Construction Report for May 2018-Councilwoman Filippone-read report
b) Seaside Park Construction Report for May 2018-Councilwoman Filippone-read report
c) Lavallette Zoning Report for May 2018-Councilwoman Filippone-no report
d) Seaside Park Zoning Report for May 2018-Councilwoman Filippone-no report
e) Municipal Court Report for May 2018-Councilwoman Filippone-read report
f) Police Overtime Report for May 2018-Councilwoman Filippone-read report
g) Animal Control Report for May 2018-Councilwoman Filippone-no report
h) Public Works Report for May 2018-Councilman Lamb-read report
i) Beach Badge Report for May 2018-Councilman Stogdill-read report
j) Public Affairs Report for May 2018-Council President Zalom-sent a letter to the editor of Ocean Star thanking all who helped and participated with Memorial Day Services. The town wide garage sales will be this weekend. The LBA will have ladies’ night on specific dates all through the summer so check it out. We have beach yoga on every beach all summer long so take advantage
k) Tax Account Report for May 2018-Tax Collector
l) Revenue Transaction Report for April 2018-Chief Financial Officer

Councilwoman Filippone stated that she has not been receiving monthly reports from both zoning officers from Lavallette and Seaside Park as well as an animal control report from the officer. She would like the Administrator to advise them they need to start submitting them again.

A Motion to approve the reports 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.

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

**RESOLUTIONS – ON CONSENT:**

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2018-182 appointing 7 summer seasonal employees for the Lavallette Public Works Department

2018-183 approving the renewal of the club liquor license for the 2018-2019 license year held by the Lavallette Yacht Club, Inc.-Councilman Borowski requested this be put off consent.

2018-184 approving the renewal of the liquor license for the 2018-2019 license year held by Saulwil, Inc., doing business as the The Crab's Claw Inn

2018-185 approving a facilities use application from Lexy, LLC to hold a photo shoot in the Magee Avenue parking lot taking pictures of two vehicles on Friday, June 15, 2018 from 5pm to 7pm

2018-186 approving the renewal of the liquor license for the 2018-2019 license year held by J. Ralph, Inc., doing business as Cornerstone Wines and Liquors

2018-187 authorizing the Mayor and Municipal Clerk to sign and execute the employment agreement for the Borough Administrator

2018-188 approving the hiring of Katelyn Brihn as a summer seasonal to be utilized in the Administration and Construction offices commencing June 5, 2018 through September 1, 2018

2018-189 appointing badge checkers for the 2018 summer season-Councilman Lamb requested this be put off consent.

2018-190 appointing James Gluck, Esq. as a temporary fill-in Judge to preside over two court sessions on June 12th and July 10th 2018 at a rate of $500.00 per court session-The Mayor stated that he had a discussion on this with the Assignment Judge and we should appoint a Judge right now as a temporary Judge not a fill in because we do not have a Judge at all right now due to the previous Judge's retirement so the new Judge would not be a fill in, he would just be temporary until a final decision is made on who to appoint on a permanent basis. He also advised me that the rate is not the norm for these Judges and should be discussed. We need to discuss the rate because it is usually higher. The recommendation was given of $1,000 per session. All of Council agreed to the higher rate. The resolution will be amended to $1,000 per court session.

2018-191 recognizing Friday, June 15, 2018 as World Elder Abuse Awareness Day to raise awareness about elder abuse, neglect and exploitation

2018-191A approving the hiring of Dianne Grosso for the beach badge office effective June 4, 2018
amending the 2018 Capital Budget to include the Bryn Mawr Avenue road improvement project

A Motion was made by Councilwoman Filippone to approve the consent agenda minus Resolutions 2018-183 and 2018-189. 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.

Mary Logios, 4 Sterling Avenue just wanted verification that the Bryn Mawr Avenue road project will be including Sterling?

Mayor LaCicero stated that if definitely is.

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

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

**RESOLUTIONS - OFF CONSENT:**

2018-183 approving the renewal of the club liquor license for the 2018-2019 license year held by the Lavallette Yacht Club, Inc.

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

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

2018-189 appointing badge checkers for the 2018 summer season

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

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 this resolution.

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

APPROVAL OF VOUCHERS:

2018-192 Bills List in the amount of $554,557.31

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

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Bond Ordinance No. 2018-04 (1187) Bond Ordinance of the Borough of Lavallette providing for improvements to Borough Roads including portions of Bryn Mawr Avenue in and for the Borough, Appropriating $240,000 Therefor, and Authorizing the Issuance of $240,000 in general Improvement Bonds or Notes of the Borough to Finance the Same.

Mayor LaCicero stated that this is for the Bryn Mawr road project that includes Sterling Avenue.

Public Hearing and Final Adoption is scheduled for June 18, 2018

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

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:


Mayor LaCicero stated that there was a handicap space but was removed due to a new house being built and the driveway apron needing to be put there. This ordinance creates a new handicap space across the street.

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

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.

COMMUNICATIONS:

Engineering:

a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/Received May 8, 2018

New Jersey League of Municipalities:

a) Three Grant Funding Possibilities through the US Dept. of Justice COPS office/Received May 1, 2018
b) State Issues/League Conference Follow-Up/Received May 4, 2018
c) Governor Issues Conditional Veto on S-5/Received May 10, 2018
d) State Issues/Received May 11, 2018-Council President Zalom stated that we should apply for the streetscape grant again. She thinks that the Engineer takes care of that.
e) Confusion on New Animal Cruelty Law/Received May 14, 2018
f) State & Federal Issues/Received May 18, 2018
g) State & Federal Issues/Received May 25, 2018

General with No Action:

a) FEMA/Project Worksheet 5180/Laura Brophy, Deputy Branch Chief/Large Project Final Accounting/Award in the amount of $102,771.80/Received May 8, 2018
b) Taxpayer's Association of Seaside Park/Creation of a Regional Fire Department/Received May 14, 2018
c) Ocean County Planning Board/Mark Villinger, Planner/2018 Dune Fencing/Received May 14, 2018
d) Township of Toms River/David Roberts & Erika Stahl, Planners/Sustainable and Resilient Communities Guidance for Municipalities Report/Received May 14, 2018
e) Cannabis World Congress & Business Exposition/Leo Bridgewater, founding Member/Received May 17, 2018
f) State of New Jersey/Dept. of Transportation/Diane Gutierrez-Scaccetti, Acting Commissioner/Safe Routes to School/Received May 17, 2018-Council President Zalom stated that she would like the Administrator to find out about applying for this grant. She would like to use it for more sidewalks preferably on Jersey City Avenue where there are none to help with the kids walking to school. Councilwoman Filippone stated that she might also want to take a look at putting sidewalks from West Point Island by New Brunswick and Bay Blvd. The sidewalks are in horrible shape over there and they are used by the WPI kids who walk to school as well.
g) State of New Jersey/Dept. of Transportation/Diane Gutierrez-Scaccetti, Acting Commissioner/Transportation Alternatives Set-Aside Program/Received May 17, 2018
h) Monmouth and Ocean County Lifeguard Chiefs Association/State Bathing Regulations/Jesse Le Vine & Janet Carbin, Lifeguard Chiefs/Received May 21, 2018
i) Ocean County Health Department/2018 Recreational Bathing Facility Approval to Operate/May 21, 2018
j) Honor Guards of America/Lisa Crutch, Co-Founder/Honor Guards Day/July 1, 2018/Received May 21, 2018
k) State of New Jersey/Dept. of Environmental Protection/Strategies for Municipal Recycling Programs/Received May 22, 2018
l) New Jersey Dept. of Environmental Protection/Compliance Advisory Update/Introducing the Proposed Supplemental Environmental Project (SEP) Online Submission Form and Map/Received May 24, 2018
m) DEP News Release/DEP is Making $10 Million in Grants Available to Improve Water Quality in the Barnegat Bay Watershed/Received May 24, 2018
n) DEP News Release/DEP Announces Competition for $200,000 Flood-Resilience Planning Grants to Help Communities Impacted by Super Storm Sandy/Received May 24, 2018
o) Ocean County Columbus Day Parade/Isa Appignani/Columbus Day Parade in Seaside Heights/October 7, 2018/Received May 30, 2018
p) Holly and Demi Thoman/8 Elizabeth Avenue/thank you letter for taking down the “No Turn on Red” sign on corner of Elizabeth Avenue and Grand Central Avenue/Received May 31, 2018
q) American Red Cross/Ana Montero, Chief Recovery Officer/transition letter announcing her transition to aid Puerto Rico with their recover/Received May 31, 2018
r) Ocean County Utilities Authority/Keith Maroon, Exec. Director/Notice of Public Hearing on Proposed 2019 Rates/Received May 31, 2018
s) DEP News Release/State of the Shore Event Kicks Off 2018 Beach Season/Received June 1, 2018
t) State of New Jersey/Michael Russo, Assistant Commissioner/Transportation Trust Fund Project/Received June 1, 2018

General with Action:

a) Annette Pagano/601 Bay Blvd./Requesting Assistance Regarding the OCEAN Ride bus using President Avenue and Bay Blvd. every day all day/Received May 14, 2018-Council President Zalom stated that she would reach out to Mrs. Pagano. She spoke to the bus company and the driver sits in the parking lot with his engine off to wait for the pickup of the patrons he dropped off.

b) Caroline Walter/4 Kerr Avenue/requesting to hold a block party on either June 30th, July 3rd or July 7th from 5pm to 10pm closing the street from her address to the top of the street/Received May 30, 2018-Mayor LaCicero stated that this was a request last year as well. Councilman Lamb stated that these dates are the beginning of our summer season and people access the beach and boardwalk still during those times. He is also worried about emergency vehicles. Council President Zalom stated that she doesn’t think that small of a portion of the street blocked off is going to interfere with anything. A Motion to approve the request was made by Council President Zalom. There was no motion seconded for this request. The Motion Fails.

c) Rite-Aid/Mike Rhein, Store Manager/requesting to hold their annual “Welcome Back Summer Event” on Saturday, June 23, 2018 from 10am to 2pm/Received May 31, 2018-
Mayor LaCicero stated that this is an annual request and there have never been any issues so it is fine.

UNFINISHED BUSINESS:

Council President Zalom stated that her daughter use to work as a tennis attendant so she is going to take care of training the new staff on the duties and what needs to be done daily. One of the employees will then become the lead person who makes a schedule for them all.

Mr. Brice stated that he has been in contact with Mr. Daly regarding the sand issue down by the volleyball courts. The biggest issue here right now is the direction of the sand is now blowing on the basketball courts which will be a problem for games there. Mr. Daly and I have come up with some different options and hopefully we can decide on one of these options tonight. We tried to come up with options alleviating recurring costs.

The first option is to put a 4-foot green vinyl fence with small drainage pipes that are green as well. Mr. Daly will pay for the costs and installation and the Borough will cover the replacement of the sand which is approximately $4,500.

Mr. Brice stated that his only concern with that fence is that when there are basketball games that there is a possible chance that someone will be either running into it or going over it.

The second option is a type of chrome rubber black mulch which will replace the sand. This cost is roughly $8,000 to $15,000 depending on what we choose.

Mr. Brice stated that his only concern with this option is that he believes the sand will still blow.

The third option is to put sod there which costs around $1,000 and the soil is roughly $2,500. The problem with this option is it will have to be maintained weekly.

Another option we discussed is a type of jersey barrier to keep the sand from blowing but those costs are roughly $7,000 to $11,000.

The fifth option we talked about was astro turf but that runs about $45,000 so this option is probably not a good idea.

The last option is a hard pack dirt that is somewhat clay like so it is heavy and hard. There is minimal upkeep so there would be no recurring costs and this runs roughly between $2,500 to $3,000.

The downside to this is people falling and diving onto this hard pack sand which is not smooth.

Councilman Borowski stated that he and Councilman Finter were down there on Saturday with Mr. Daly and their feeling is that if this fence was a foot inside the volleyball courts there wouldn’t be a negative effect but he can’t say that it won’t become an issue. There is only one thing that is clear
and that is leaving it the way it is, is not an option. He spoke with the CFO about finding the money and she advised me that it was no problem.

Councilwoman Filippone stated that this is why she objected to this in the first place. There is nothing down there to block sand from blowing. We already had issues before those courts with sand blowing on properties so putting more sand there was not a good idea without a barrier. The public should have weighed in on this as well.

Mayor LaCicero stated that the one issue we all can agree on is the fact that there are numerous complaints about the sand blowing so we need to rectify this now so we don’t have to deal with it again next year.

Councilwoman Filippone stated that she thinks that the hard pack would be a more permanent fix.

Mayor LaCicero asked that Mr. Daly come up to discuss the issue.

Charles Daly, 11 Reese Avenue stated that he too understands that the sand blowing is a significant issue. He even saw over the winter, that the sand blowing was actually created a dune on the shuffleboard court. The fence that he is proposing has what they call wing slats that will prevent the sand from blowing. The fence will be a foot off the macadam. Also, regarding the snow fence that was put up over the winter to help with the sand blowing, it would have helped a lot more if the fence was put inside the court and not outside. If it is inside the court, the sand will not blow, it will drop. Some boxwood shrubs east of the sidewalks will prevent far less sand from making it to Bay Blvd. My suggestion is to try the fence option, and if it doesn’t help, we can discuss it again next year and he will take care of any costs that are necessary.

Councilwoman Filippone stated that we should make sure that if a dune forms, are we going to have an issue with DEP with moving the sand and also to check to see if we are exempt from the Borough code because our ordinance states that no solid fences are allowed on the water front.

Mayor LaCicero stated that he doesn’t believe those will be an issue. The Daly’s are an asset to this community and we do appreciate all that they have done.

Councilman Lamb stated that we all need to look at the whole picture. The sand blowing is a big issue and is creating recurring costs and maintenance to the Borough. It’s only fair to everyone to try the fence for one year and see how it goes. Whatever the option, it needs to be remedied.

Councilman Stogdill stated that he agrees with the Administrator regarding the fence interfering with basketball games issue, maybe if we put a 5-foot fence there instead 4 foot. Also, the snow fence should be 2 rows each way inside the court.

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

NEW BUSINESS:
Councilman Borowski stated that he received a quote and gave Council the packet on the upgrading of the bocce ball courts. Public Works can install this mix and the costs will be $6,600 total for both courts.

Council President Zalom stated that the Angels with Wings has offered to upgrade and repair our bocce courts for free next year so can’t we wait for them.

Mayor LaCicero stated that this is something that needs more discussion on. We need to way all our options.

COMMENTS FROM THE PUBLIC:

Ed Thayres, 100 Magee Avenue stated that he would like a “No Jake Break” sign on Route 35 North between Pennsylvania and Ortley Avenues.

Mayor LaCicero stated that he thinks that was requested to the State before and they said no but they will check into it again.

Mr. Thayres also requested that One Way signs be installed on both highways as well.

Mayor LaCicero stated there are one way signs on the highway already. There might not be a lot of them but they are there. He will talk to the Chief to see if we can request more.

Mr. Brice stated that the State has regulations on where the one way signs can go.

Mark Speaker, 111 Brown Avenue agrees with Mr. Thayres regarding the jack brakes. They are so very loud. Also, there was a lot of sand on the boardwalk this weekend and it looked like they only swept off the edges. He feels that the boardwalk was very neglected this year.

Councilman Lamb stated that he disagrees. Public Works is very diligent in cleaning the boardwalk off fully, but the sand blows up there constantly. It is impossible to maintain the sand on the boardwalk, especially when we have had a lot of windy days this season.

Mayor LaCicero stated that one year we did a clean out of 1 inch on both sides of the boardwalk to act as a catch basin for the blowing sand.

Councilman Lamb stated that he will talk to Gary and see if his guys can try that.

Mr. Speaker also stated that next year the facilities use application should include the removal of their own garbage for events. The triathlon was this past weekend and they did clean up their garbage but there were so many bags and they were all left by the receptacles. Public Works didn’t pick them up until Monday.

Councilman Lamb stated that there were a number of Class I and II Officers for this triathlon. I know we get 10% from the event but I can’t believe that it covers their salaries as well.

Mr. Brice stated that he will request the costs from the Chief for this.
Mayor LaCicero stated that we need to consider taking a look at all these events for next year. We need to make some changes.

Gary Hunsinger, 8 Philadelphia Avenue stated that he was on the boardwalk over the weekend and there was a police car driving on the boardwalk patrolling. He has never witnessed this in all his years here and doesn’t think it is a safety issue.

Mayor LaCicero stated that many years ago it was done a lot but not so often now since we have the specials on bicycles.

Jon Corney, 1 Newark Avenue stated that the bocce ball courts have not been usable for many years. The residents and visitors should be able to use proper courts as well as equipment and materials.

Mayor LaCicero stated that it is going to be done and we will continue to discuss and get more quotes.

Chris Chamberlain, 26 Bond Avenue stated that he has boat slip #204 and was interested in putting galvanized cleats in at his own cost if given permission.

Councilman Borowski stated that maybe Councilman Lamb or the Administrator could run it by the Supt. to see if that’s possible.

Joe Palinsky, 122 Washington Avenue stated that there should be no more development on the bay front. It is supposed to be open space.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

EXECUTIVE SESSION:

Mr. Bernstein stated that there is a need to go into executive session to discuss some personnel matters as well as some attorney client privilege matters. There may also be some discussion regarding a letter from Verizon. There may some action taken.

A Motion to adjourn the Council Meeting to go into executive session was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned to go into executive session at 8:40 pm.

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

The Council Meeting was reconvened at 9:20 pm.
Mr. Bernstein stated that while in Executive Session there was personnel discussion regarding the 
CFO and the Construction Official with some recommendations. Resolutions will be on for the 
next meeting. There was discussion regarding Sherman Hospitality, LLC liquor license renewal 
and a special hearing date of June 21, 2018 at 7pm was scheduled. The letter from Verizon will be 
reviewed by the Borough Attorney for some feedback.

A Motion to approve the date and time for the special hearing on the Sherman Hospitality, LLC 
renewal of liquor license of June 21, 2018 at 7pm was made by Councilman Lamb. The Motion 
was Seconded by Councilwoman Filippone. Vote: Council members Borowski, Filippone, Zalom, 
Stogdill, Finter and Lamb voted Yes. The Motion Passed.

ADJOURNMENT:

The Motion to adjourn the Caucus/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 Caucus/Regular Meeting was adjourned at 9:23 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 4th day of 
June 2018

Donnelly Amico
Municipal Clerk