

**BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING**

Monday, April 3, 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
Eric Bernstein, 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 a former long time resident, Bobby Little, Jr. who recently passed away. Mr. Little has been living in Florida and was born and raised in Lavallette.

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 the weather is getting better for us. He received some correspondence today in reference to a homeowner in the NE of town who states in his letter that he is unhappy with Mayor and Council's decision about lowering the dune height. This was not the doing of the Borough, it is the Army Corps. who has decided this. The Borough is not in favor of this nor is agreeing to it. We have no choice in this matter. He stated that he is not done with putting his complaints in about it as well as some other issues regarding our beaches not being started until April of 2018. These are all issues that he has with the Feds and he will continue to express his opposition on it. The second issue he would like to discuss is lifeguard headquarters. There was a meeting last week with all parties that are involved in this building issue. He thinks it was a very productive meeting and there were a lot of ideas and suggestions passed around. We think we have come to some type of agreement on the building and we will discuss it again at another meeting that is scheduled for April 7th, which is this Friday. He remains confident that this building will get taken care of very soon. He stated that anyone in the audience who 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)

Darren Monroe, owner Café Diem Mobile Vending Truck stated that he owns and operates a vending truck that has smoothies and small sandwiches that he runs in town. His truck is somewhat different from the other trucks since he doesn't have just ice cream and his business always requires

another person in the truck besides the driver at all times. He is looking to hire four people this year to help him and the fee of \$700 per person is a lot of money for him to put out plus pay them wages. He knows that his letter was discussed at a previous meeting but he just wanted to give it another try and see if Council would consider the waiving of the fee for him.

Mayor LaCicero stated that this was already discussed at a meeting last month and there didn't seem to be any positive feedback on changing the ordinance. If we decided to amend an ordinance it would take two meetings to do so.

Councilman Finter stated that because Mr. Monroe was a veteran his fee of \$2,000 as the initial driver was already waived and that is sufficient enough since some vendors pay the initial fee and the additional fee as well.

Kathy Grandstrand, 23 Brown Avenue stated that she would like Council to expand the pickle ball courts on a permanent basis. As it is right now there is one court that we use that was put together with tape on the court to make it accessible for pickleball but since it has become so popular as the years go on we would like two courts to just be for pickleball on a permanent basis. There are special nets and the courts can be permanently marked.

Mayor LaCicero stated that before we discuss whether or not we can do this, we really would need a proposal from you with all the costs and what will be needed. Then we will review it and make a decision.

Council President Zalom stated that to do this would cost roughly \$10,000 and the Lavallette School has already expressed interest in paying half the cost because there kids are very much interested in pickleball as well.

Mike Reilly, Ortleigh Beach stated that pickleball is very big in Florida where there are actual teams that play in tournaments. He thinks that these courts will go over big with Lavallette residents and visitors as well as the surrounding towns.

Mayor LaCicero stated that once we receive the proposal we will review it and discuss at a Council Meeting.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of March 20, 2017

Minutes of Bid Opening of Garbage Truck of March 31, 2017

A Motion to approve the minutes was made by Councilman Borowski. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Zalom and Lamb voted Yes. Council Members Filippone, Stogdill and Finter abstained on the March 20th minutes and Yes to the March 31st minutes. The Motion Passed.

REPORTS:

- a) Lavallette Construction Report for March 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for March 2017-Councilwoman Filippone-read report
- c) Zoning Report for March 2017-Councilwoman Filippone-read report
- c) Municipal Court Report for March 2017-Councilwoman Filippone-read report
- d) Police Overtime Report for March 2017-Councilwoman Filippone-not available
- e) Public Works Report for March 2017-Councilman Lamb-read report
- f) Animal Control Report for March 2017-Councilwoman Filippone-read report
- g) Public Affairs Report-Council President Zalom-The Ladies Aux. of the Fire Company will be holding a roast pork dinner on April 8th. Also, the drainage project on Bay Blvd. is getting done by the County. They will hopefully have it completed before the summer and then after Labor Day they will be scheduling the repaving of Bay Blvd. The town calendar was great this year with pictures of the Lavallette Quilt. The Beach Sweeps is April 22nd and get your activity schedules for the spring events downstairs. The town wide garage sale is June 10th and 11th but there will be no bulk pickup. The easter egg hunt is April 6th and there are still some seats left for the April 29th New York bus trip. We also need speakers for Memorial Day if anyone is interested or knows someone.
- h) Tax Account Report for March 2017-Tax Collector
- i) Revenue Transaction Report for February 2017-Chief Financial Officer

A Motion to approve the reports 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.

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2017-135 authorizing the interlocal agreement between the Borough of Lavallette and the Toms River Fire District to provide fuel to five of their vehicles from the Ocean Beach Fire Company No. 3

- 2017-136 authorizing Mayor Walter G. LaCicero to sign and execute an amendment to the interlocal service agreement between the Borough of Lavallette and the Ocean County Prosecutor’s Office for the Driving While Intoxicated Program for the year 2016/2017

- 2017-137 approving a facilities use application to Hammer Surf School to hold surf lessons on any ocean beach available for three hours a day between 8am and 5pm from June 19th through September 4th 2017-Mayor LaCicero stated that there are designated surf beaches so the camp will have to be on Brown Avenue. We will amend the resolution to say the same. Mr. Hammer was in the audience and agreed to that beach.

- 2017-138 amending the facilities use application approved on March 20th to Breathe Life Yoga to omit the yoga classes on the Reese Avenue bay beach from June 2nd through August 18th from 7:30pm to 8:30pm and to add the dates of Friday, May 26th through

Sunday, May 28th 2017 to the schedule of yoga classes on the Trenton Avenue ocean beach from June 1st through September 16th from 7:30am to 8:30 am

A Motion to approve the consent agenda was made 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 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:

There were no resolutions off consent.

APPROVAL OF VOUCHERS:

2017-139 Bills List in the amount of \$810,050.20

A Motion to approve the bills list was made by Councilman Stogdill: 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 PUBLIC HEARING AND FINAL ADOPTION:

CAPITAL ORDINANCE NO. 2017-05 (1165) PROVIDING FOR THE TRENTON AVENUE ADA CROSSOVER PROJECT, AND APPROPRIATING \$63,000 THERFOR, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY

The Mayor stated that the Army Corps. project is including three handicap accessible walkovers on New York, Philadelphia and President Avenues but we thought that there should also be one on Trenton Avenue as well. Council President Zalom believes that she has secured approximately \$30,000 from CDBG grants to go towards this project and we also might have some donated funds through a new public access trust that can also go towards the costs which seem to be approximately \$57,000. The Army Corps. is requesting that the monies be submitted to them now instead of later so this ordinance is just allowing us to secure the funds from ourselves. We are not borrowing any funds and there is no debt incurred with this.

Councilman Lamb questioned if the Borough will also be responsible for the maintenance of this ramp?

Mayor LaCicero stated that this will be our ramp and we will be in charge of maintenance.

A Motion to adopt this Ordinance was made by Councilwoman Filippone. 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 NO. 2017-06 (1166) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING, REVISING AND SUPPLEMENTING CHAPTER 7, ENTITLED "FEES FOR USES OF BEACHES AND FACILITIES", TO CREATE A NEW 7-9 (F) (6) ENTITLED "ONE (1) DAY FOOD TRUCK EVENTS PERMITS"

The Mayor stated that there seems to be a lot of events that want to include food trucks and we decided that a one time event fee for these food trucks was sufficient. The fee will be \$100.00.

A Motion to adopt this Ordinance was made by Councilman Lamb. 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.

Motion: Second: Public Hearing: Vote:

ORDINANCE NO. 2017-07 (1167) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

The Mayor stated that this Ordinance is always done along side the budget every year to leave us the option in case we ever need to use it. We have never had to use it in all the years he has been Mayor but you never know. We like to keep that option available to us just in case.

Mr. Bennett stated that we are not even close to the cap but this is always a safety net.

A Motion to adopt this Ordinance was made by Councilman Borowski. The Motion was Seconded by Councilman Stogdill.

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

Jon Corney, 1 Newark Avenue questioned if this was a cumulative 3 year bank and are the portions under cap, in cap or outside cap.

Mayor LaCicero stated that it's a 1% cap not used that is in the bank and we have never needed to exceed the 2% cap.

No one else 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/Jack Berens, Engineer/Rehabilitation & Repainting of 500,000 Gallon Elevated Water Storage Tank/Verizon Contract/Cell Antennae/Received March 16, 2017
- (b) O'Donnell, Stanton & Associates/Jack Berens, Engineer/Rehabilitation & Repainting of the 500,000 Gallon Water Tank/NJ Infrastructure Financing Program/Contract 1/Received March 24, 2017-Mr. Bennett stated that regarding the 50% loan forgiveness, the 50% forgiveness is given on the cost of the project not the amount of the loan.
- (c) O'Donnell, Stanton & Associates/Jack Berens, Engineer/Rehabilitation & Repainting of 500,000 Gallon Water Storage Tank/Contract 1/NJ Environmental Infrastructure Financing Program/Pre-Construction Meeting/Received March 24, 2017

Councilman Borowski questioned how the inter-connect with New Jersey American Water is doing with this project?

Councilman Lamb stated that Public Works did have a meeting with the Engineer and NJ American Water and he wasn't aware of any issues.

Mr. Bennett stated that right now the Engineer is dealing with the three cell towers and discussing what will be done with their equipment during the project. The interconnect agreement is in place and there have been discussions about if we will need to use it but so far we don't think we will have the need.

New Jersey League of Municipalities:

- a) Weekly Update/Received March 3, 2017
- b) S-3040 Regarding PFRS/Received March 9, 2017
- c) Weekly Update/Received March 10, 2017

- d) New Jersey Digital Government Summit/Received March 20, 2017
- e) PFRS Bill Heading to Full Assembly/Received March 20, 2017
- f) Immediate Action/PFRS Transfer Legislation Before Full Assembly Tomorrow/Received March 22, 2017
- g) Weekly Update/Received March 24, 2017

General With No Action:

- a) DEP News Release/DEP Preparing Plans to Dredge Boat Channel for Little Egg Inlet/Received March 9, 2017
- b) DEP News Release/State-Local Partnership Eliminates Significant Source of Wastewater Pollution to Monmouth County's Shark River/Received March 17, 2017
- c) DEP News Release/Annual Planting of Dune Grass is Scheduled for Saturday, March 25th, 2017 At Island Beach State Park in Ocean County/Received March 23, 2017
- d) Northern Ocean County Beach Project to Start At Vulnerable Ortley Beach/Received March 23, 2017
- e) DEP News Release/Christie Administration Seeking Applications for Projects to Improve Water Quality/Received March 27, 2017

General With Action:

- a) Louis Gara and Athena Kita/requesting to use our beach at Brooklyn Avenue to hold their wedding ceremony on September 9, 2017/Received March 17, 2017-Mayor LaCicero stated that this is not during our beach season so beach badges will not be needed.

UNFINISHED BUSINESS:

Approval for Proposal of Services from O'Donnell, Stanton & Associates for their part in the Jacobsen Park Reconstruction and Improvement

Mr. Bennett stated that this is the cost for Engineering Services for the Jacobsen Park project. Keep in mind, these costs will be incurred by the Borough not the Dalys. We also will be responsible for any permit fees that will be required.

A Motion to approve the Proposal of Services from the Engineer 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. (Resolution 2017-140)

NEW BUSINESS:

Council President Zalom stated that March was Women's History Month. We missed acknowledging it so she would like to read a little blurb on it.

She would like to make a motion to include this proclamation for the month of March.

A Motion was made by Council President Zalom to include the Women's History Month proclamation for March. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

Councilman Finter stated that he has been working with the DEP in regards to getting the interpretive trail taken care of. In replacement of the \$67,000 fine that the DEP had given us for moving the sand issue many years ago on Elizabeth Avenue they agreed to us paying \$8,475.00 and then \$25,000 worth of signage and plantings along the bay front and the boardwalk. We received an extension from the DEP to have the bay front completed by Memorial Day and once the beach replenishment project is completed, we will then do the signs and plantings up at the boardwalk.

Councilman Borowski questioned Mr. Bennett on the street lamps and the actual usage of them. Are they metered? We did already covert all the bulbs to LED.

Mr. Bennett stated that we are going to put a meter on a lamp with an LED and a lamp with a regular bulb and decide if it is cost effective to have the LED bulbs. Doing this will give us a better basis of comparability.

Councilman Stogdill stated that pre season badges will start May 5th.

Councilwoman Filippone questioned when the badge checkers and lifeguards are hired?

Mr. Bennett stated that we usually get those lists at the end of April or beginning of May.

Councilwoman Filippone stated that she would like to see the lists before they are put on the agenda.

COMMENTS FROM THE PUBLIC:

Clem Boyers, 20 Kerr Avenue questioned if Public Works is going to take care of putting some shrubbery on 35 S and Jersey City Avenue where after the storm some of the shrubs were damaged and never replaced. There is a little gap in an area that really needs something there.

Councilman Lamb stated that he will speak with Public Works and have them check the area and see what needs to go there.

Bill Murray, 2 Elizabeth Avenue stated that Elizabeth Avenue dunes are already too low and the pavilion is going to disintegrate because the ocean water already is coming right underneath it.

Mayor LaCicero stated that the Army Corps. is going to be pumping more sand on to Ortlely Beaches and he believes that in doing that it will also strengthen the area on the south end of our beaches.

Mr. Murray stated that all he hears is complaints from the north end of town about losing their huge dunes and yet we are taxpayers in the south end as well and we lose our dune at Elizabeth Avenue all the time.

Mayor LaCicero stated that the south end of town has all been an issue as far as dunes and that end taking a bigger hit with storms. It also has to do with less protection of the surrounding town and the way the storms come into town. We are hoping that once this sand pumping goes onto the beaches in Ortley it will help strengthen the south end beaches in Lavallette. The way it usually works is the sand will blow north so lets hope it does that.

Donna Critides, 115 Westmont Avenue stated that her house is on the corner of Westmont and Rt. 35 South and the big trucks come barreling through on the highway and there seems to be some kind of divet in the road there and the trucks bounce and it shakes my whole house.

Mayor LaCicero stated that he knows exactly where she is talking about but that is a State highway so she has to lodge a complaint with the NJDOT and he will make sure that Lavallette lodges a complaint with them as well.

Jon Corney, 1 Newark Avenue questioned who would be responsible for the safety inspections on the rides on the boardwalk in Seaside Park regarding our Construction Office there now?

Mayor LaCicero stated that the rides are in Seaside Heights not the Park and the safety inspections for any amusement rides are done by the State only not local.

Mr. Corney also questioned when the town runs out of fuel in their pumps what gas station do they get gas from?

Mayor LaCicero stated that the last time the fuel ran out, any cars needing gas went to Sunoco.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that he will not be at the next meeting and will need to be excused.

A Motion to excuse Councilman Borowski from the next meeting of April 18th was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

Mr. Bennett stated that he will be away and will be back on April 18th but he can be reached on his cell phone for any issues that arise.

EXECUTIVE SESSION:

There was no executive session.

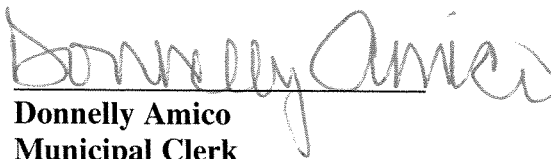
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:49 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 3rd day of **April 2017**


Donnelly Amico
Municipal Clerk