

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, August 7, 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 Dorothea Albano, a long time resident on Newark Avenue. He believes she is related to Father Albano who was the former priest at St. Pio many years ago.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming out to tonight's meeting. He stated that he has keeping up with the dune project issue regarding Margate. They have a 1 week stop of work due to some issues. The bad thing about this is that when they push the work off for one week that pushes every other town's project off for one week which will bring us into the summer season. We will keep watching the progress and keep everyone updated. He stated that if there was 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)**

Pat Dughi, 15 Reese Avenue stated that her neighbor at 13 Reese Avenue has a sump pump and there is sludge on the street that is thick and has a horrible odor. She would like to see if something could be done about the issue since it is becoming a health hazard and very unsightly for people who walk up to the beach.

Mayor LaCicero stated that we will reach out to the homeowner and try to see if we can get them to adjust the pump higher which will alleviate the constant flow at the speed it is going now. This way it won't create such an issue that it is now. Unfortunately, there really hasn't been any resolution in figuring this issue in town. The State put some extra catch basins in when they did the highway project but they couldn't put extra ones in that area because the road was just newly paved. Hopefully, we can get it adjusted so the problem isn't as big of an issue as it is right now.

Mary Semler, 2407 Grand Central Avenue stated that the peace and quiet needs to be restored for the residents surrounding Capriccio's. The persistent loud noise is beyond inescapable from my home and the surrounding homes in the area. We were here a couple of meetings ago and we were told that there was an agreement reached between the Borough and the owner to the music going off at 11pm and the serving of alcohol being done at 1am. This agreement is not being complied with at all. It was good for the first week I would say and then it started all over again. The noise ordinance is definitely being violated on all levels. We would like the town to seriously do something about this problem or we as a community will have to take legal action to get some peace. We cannot tolerate another summer like this. We are hoping that the liquor license will not be approved next year unless there is something in writing with rules to prevent this from happening anymore.

Lou Pergaro, 2400 Grand Central Avenue stated that the noise is just beyond ridiculous. It seems unfair to the residents that we have to call the police in order for the music to be shut down. He should just be following the agreement. We hope this gets rectified for everyone.

Pat Formisano, 23 Dover Avenue stated that she has her air conditioning on and her windows closed and yet she can still feel and hear the thumping and booming from the music. It is not the right location for that type of music. To have that type of place, it should be more closed in and in a bigger facility.

Anthony Cortazzo, 2407 Grand Central Avenue stated that it's not just the noise, it's also the parking issues that occur. Also, it brings all elements in to the town and there is a lot of trouble that will happen. It's not fair to the residents that we should suffer during our vacation time.

Council President Zalom questioned why Toms River Township isn't getting involved more?

Mayor LaCicero stated that they feel since we have the liquor license that it is our problem. We certainly regret that we approved this license and will definitely not be approving for next year without this issue being 100% cleared up and understood of the consequences if it does. We will be having another meeting with the owner, the tenant and the Chief of Police and this will not be tolerated.

Councilman Lamb stated that he had a case in landlord tenant court last week and he saw the tenant in there so he was wondering if the owner is already trying to deal with the issue.

Councilwoman Filippone questioned if this occurs every night?

Mary Semler stated that it starts Wednesday and goes on until Sunday but Friday and Saturday nights are by far the worst with the noise.

Mr. Bennett stated that we have not received any complaints until this Friday night and one call Saturday night and once we got the complaint the Police went in and shut it down. We need to have more complaints to the Police Department when it is happening so we can document everything so don't be afraid to call more than once.

Sandra Blundetto, 110 New Brunswick Avenue stated that she is not happy with the amount of cell antennae we have on our water tower. Those cell towers create an abundance of radiation and that is a safety and health hazard for the residents of this town.

Mayor LaCicero stated that this has been discussed before and it was determined that it wasn't an issue.

Mrs. Blundetto also stated that the town needs to do something about the speed on Route 35. Her house has been hit with cars on more than one occasion because of accidents due to speed. Maybe more speed limit signs need to be put all up and down the highway.

Patricia Fox, 2 Trenton Avenue stated that she would like the town to put more handicap parking spaces on Trenton Avenue.

Mayor LaCicero stated that once the summer is over the parking spaces are going to be realigned and we will be looking to see if we can put more spaces lined and some handicap spaces as well.

Alison Tizik, 2 Trenton Avenue stated that she is a badge checker and just wanted to let Council know that there are a lot of drop offs after the mobi mats end and someone is going to get hurt.

Councilman Lamb stated that Public Works has been made aware of this and was going out about 1pm today to take care of the issues. Thank you for letting us know.

### **APPROVAL OF MINUTES:**

Minutes of Regular Meeting of July 24, 2017  
Executive Session Minutes of July 24, 2017

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

### **REPORTS:**

- a) Lavallette Construction Report for July 2017-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for July 2017-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for July 2017-Councilwoman Filippone-read report
- d) Seaside Park Zoning Report for July 2017-Councilwoman Filippone-read report
- e) Municipal Court Report for July 2017-Councilwoman Filippone-read report
- f) Police Overtime Report for July 2017-Councilwoman Filippone-read report
- g) Animal Control Report for July 2017-Councilwoman Filippone-read report
- h) Public Works Report for July 2017-Councilman Lamb-read report
- i) Beach Badge Report for July 2017-Councilman Stogdill-read report
- j) Public Affairs Report-Council President Zalom-The breast cancer walk was over the weekend and there were a lot of people who participated. Every year it seems to get bigger and bigger. The Sunday concerts are packed and still going strong. The LBA Clambake is this month and

the Pancake Breakfast at the Union Church is this weekend.

- k) Tax Account Report for July 2017-Tax Collector
- l) Revenue Transaction Report for June 2017-Chief Financial Officer

A Motion to approve the reports was made by Councilman Stogdill. The Motion was Seconded by Councilwoman Filippone. 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:**

- 2017-240 approving a facilities use application to Soccer Shots to hold soccer classes on Chandler Field on Mondays, 4pm to 5:30pm and Saturdays, 9am to 12noon with rain dates from November 12<sup>th</sup> through November 25<sup>th</sup> –Councilman Finter stated that we should check with the school and make sure there is no conflict.
- 2017-241 awarding a contract to Johnson Baran Corp. for Elizabeth Avenue Road Improvements with improvements to a portion of Dover Avenue in the amount of \$174,248.43-Mr. Bennett stated that this project will start after September 18<sup>th</sup> of this year.
- 2017-242 adjusting the weekly hours for Lori Stogdill from 35 hours to 40 hours per week- Councilman Stogdill asked for this to be put off consent.
- 2017-243 appointing two lifeguards for the remainder of the 2017 summer season at an hourly rate of \$9.00
- 2017-244 approving the corrective action plan regarding the 2016 audit report
- 2017-245 authorizing the disposal of surplus property through GovDeals-Mr. Bennett stated we have some dumpsters, an equipment trailer and the Dare car.
- 2017-246 refunding the unused balance of planning board escrow funds and canceling Resolution No. 2017-104
- 2017-247 authorizing the redemption of a tax sale certificate in the amount of \$27,676.71
- 2017-247A consenting to the application for special permit for social affairs to the Lavallette Fire Department for the sale of alcoholic beverages during Lavallette Founder’s on September 9, 2017

A Motion to approve the consent agenda was made by Council President Zalom. The Motion was Seconded by Councilman Finter.

The Mayor opened the floor for public comment 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 with the addition of Resolution 2017-247A and minus Resolution 2017-242.

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

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

2017-243      adjusting the weekly hours for Lori Stogdill from 35 hours to 40 hours per week

A Motion to approve this Resolution was made by Councilman Lamb. 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 Borowski, Filippone, Zalom, Finter and Lamb voted Yes. Councilman Stogdill Abstained. The Motion Passed.

### **APPROVAL OF VOUCHERS:**

2017-248      Bills List in the amount of \$2,875,166.15

A Motion to approve the bills list 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.

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

ORDINANCE 2017-17 (1177) ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 90 OF THE CODE OF THE BOROUGH OF LAVALLETTE, ENTITLED "ZONING" TO AMEND SECTION 25 ENTITLED, "SIGNS"

Mr. Bennett stated there have been a lot of issues with the contractor signs remaining on properties for way too long. This ordinance will prevent this by giving a time frame of how long they can remain and when they should be removed. It also will prevent how many signs can be on a property at a time.

Councilwoman Filippone stated that the sign ordinance now gave no restrictions on all these signs so now at least we will have something to work with.

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

Public Hearing and Final Adoption is scheduled for September 18, 2017.

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

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"

Mr. Bennett stated that the State made a change to the TCO fee just after we changed ours so we had to amend it again to correspond with the State fee.

A Motion to adopt this Ordinance was made by Councilman Finter. The Motion was Seconded by Councilwoman Filippone.

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:**

Legal:

- a) Eric M. Bernstein & Associates, LLC/Phil George, Esq/Borough of Lavallette and Lavallette Board of Education-Land Transfers/Received July 24, 2017-Mr. George stated that they received no answer from the Board Attorney so we are going to send the paperwork to the Board Secretary instead.

New Jersey League of Municipalities:

- a) Weekly Update/Received July 7, 2017
- b) Daily Update/Received July 12, 2017
- c) Weekly Update/Received July 14, 2017
- d) Impact of FY2018 Increase in School Aid to Certain Districts/Received July 17, 2017
- e) Innovation in Governance Awards-2017 Invitation/Received July 19, 2017
- f) Weekly Update/Received July 21, 2017

General With No Action:

- a) DEP News Release/Four Public Meetings Scheduled Next Week on Draft Revisions To New Jersey Statewide Water Supply Plan/Received July 10, 2017
- b) Sharon Mill Slayback Palestri/Trenton Avenue/in favor of smoking ban/Received July 10, 2017
- c) William Huyck/Virginia Avenue/in favor of smoking ban/Received July 10, 2017
- d) James Donohue/106 New Jersey Avenue/in favor of smoking ban/Received July 10, 2017
- e) Beth Corney/1 Newark Avenue/in favor of smoking ban/Received July 10, 2017
- f) Dawn/2204 Grand Central Avenue/in favor of smoking ban/Received July 10, 2017
- g) Gerry Halley/119 Magee Avenue/Received July 10, 2017
- h) Joanne Liguori/2204 Grand Central Avenue/in favor of smoking ban/Received July 10, 2017
- i) Linda Sine/11 Trenton Avenue/in favor of smoking ban/Received July 10, 2017
- j) Marisa Bober/1600 Grand Central Avenue/in favor of smoking ban/Received July 10, 2017
- k) MaryLou McCarthy/Reese Avenue/not in favor of the smoking ban/Received July 10, 2017
- l) Nancie Parlin/704 Ocean Front/in favor of smoking ban/Received July 10, 2017
- m) Elizabeth Van Cleef/193 Pershing Blvd/in favor of smoking ban/Received July 10, 2017
- n) DEP News Release/NOAA Affirms New Jersey's Current Season Summer Flounder Length and Bag Limits/Received July 20, 2017
- o) State of New Jersey/Department of Transportation/Applications Now Being Accepted for the NJDOT's FY 2018 State Aid Programs/Received July 26, 2017
- p) Susan Hnatuck/259 Port Royal Drive/Toms River/complaint about receiving a parking ticket in the bay lot while picking up her granddaughter from the Science Camp/Received July 31, 2017
- q) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/Second Quarter-2017 Metered Flow Data/Received August 3, 2017

General With Action:

- a) Ocean County College/Jennifer Barnes, Coordinator/inviting the Mayor to the 2<sup>nd</sup> Annual Ocean County College Mayors' Panel on October 30<sup>th</sup> at 11am/Received July 10, 2017-The Mayor stated that he will check his calendar.
- b) Audrey Hughes/201 Haddonfield Avenue/requesting crosswalks on Route 35 South and Haddonfield Avenue for the safety of our residents and visitors/Received July 17, 2017-Councilwoman Filippone stated that she has already spoken to the DOT on this issue and the Chief will be going out and researching where is the best areas for these crosswalks.
- c) Jersey Shore Partnership/Sue Howard, Mayor, Monmouth Beach/requesting \$100 from Lavallette for the Jersey Shore Partnership Membership for shore towns/Received July 17, 2017-Mayor LaCicero stated that this is an annual request.
- d) Ron Deramo/206 Haddonfield Avenue/requesting additional crosswalks and signs be placed on Route 35 South/Received July 25, 2017

- e) Robert Marmo/9 Dover Avenue/requesting that action be taken regarding Capriccio's loud music late at night/requesting that Dover Avenue have their street end opened for beach access with a mobi mat/Received July 28, 2017
- f) House of Lucky/Patty Sabey/502 Grand Central Avenue/requesting that the 15 minute parking sign be removed in front of her business that was placed there when the Post Office resided there/Received August 1, 2017-Council President Zalom stated that she will call the DOT and see what they say.

### **UNFINISHED BUSINESS:**

Mr. Bennett stated that we have a total of 60 boat moorings and had 12 violators having more than one boat or kayak on the post. With the 12 violators, only 2 complied immediately. Second letters went out to the remaining 10 and if they do not comply it will affect their eligibility for next year. Letters were also sent to the owners of the 3 boat slips telling them they are in violation of subletting their slip.

### **NEW BUSINESS:**

Discussion of Possible AT&T Cell Site Lease Agreement Changes

Mr. Bennett stated that he wanted Mayor and Council to be aware of possible changes that AT&T are trying to negotiate regarding their lease agreement with the Borough.

Mayor LaCicero stated that we use to have Declan handle these issues. Let's send it over to him and if we have to give him another contract let's do it.

Mayor LaCicero stated that he had a resident come to see him on Friday regarding a handicap space that was in front of her home. It was there at the request of the previous owner who was disabled. She had to go for a variance for her curb cut and the handicap space has caused some issues of where the curb cut can go. Since the handicap space was there for the previous owner there is no reason that we can't just remove the space in front of her home at her request. In doing this, she can go back to the Planning Board and get some help with the curb cut.

A Motion to approve the removal of the handicap space in front of 206 Ocean Front was made by Councilman Finter. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Zalom, Stogdill, Finter and Lamb voted Yes. Councilwoman Filippone Abstained. The Motion Passed.

Mayor LaCicero stated that he also had a resident from Bay Blvd. come to see him regarding the basketball courts and the lights. Now that the lights are shut off at 9:30 pm the kids are now using their headlights to play ball after 9:30 pm. We already took a vote to shut the lights off at 9:30 pm so not sure what to do now. We can never please everyone.

Council President stated that she too thinks that the lights shut off too early. 9:30 pm for summer kids visiting and kids out of school is just too early.



Council President Zalom made a motion to keep the lights at the basketball courts on until 10pm. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb voted No. The Motion Passed.

Mayor LaCicero stated that he also was visited by Kathy Grandstrand regarding the pickleball nets being installed. He advised her that once they start that project of installing the nets the pickleball courts cannot be utilized for 2 weeks but the tennis court will still be available for people to play tennis.

Councilwoman Filippone stated that she just wanted to make a statement that we are destroying our tennis courts that we pay to have resurfaced every couple years by drilling holes for these nets in the asphalt. These people are only charged \$5 an hour for these courts and they utilize them every day for hours at a time. We really need to look into all these recreation issues and fees before next summer. She would like to see a recreation badge for the season that people pay for and use for the entire season. It would help the Borough with our maintenance costs of all our facilities.

Councilwoman Filippone stated that she received a phone call from the Tin Can Sailors about another bell from apparently the first ship. Right now it is in a museum in California but we will be taking possession of it come September and it will be put somewhere in or in front of our Municipal Building. She will keep everyone informed as she gets more information.

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

Joe Palinsky, 122 Washington Avenue stated that people should also send complaint letters to the ABC regarding Capriccio's so they also are aware of the issues. He also questioned when the Dare car was going to be put on Govdeals.

Mr. Bennett stated that Matt Burk takes care of that so he can reach out to him tomorrow and see when he is going to list the items.

Mr. Palinsky stated that regarding the lease agreement with AT&T, all of these companies are hoping that the node project will be approved and then they will all be requesting that.

Marlene Chamberlain, 26 Bond Avenue stated that she had an issue with a drone that was hovering over her on the beach which made her very uncomfortable. She really hopes that something can be done about them.

Mayor LaCicero stated that he too had an issue with a drone in his back yard and he was not happy at all. He hopes that the FAA will see the issues arising with them and put some type of restrictions on the recreational ones.

Jon Corney, 1 Newark Avenue questioned why we do not have tax title lien sales multiple times of the year. There are so many people who still owe taxes for 2016 and 2017 we could collect so much more money if we had multiple sales.

Mayor LaCicero stated that this is how it has always been and it seems to work for us. We have never had any issues and we collect 18% on this money so we are not looking to change what we have now.

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

Councilman Borowski stated that Waves of Impact had their surf camp for the disabled kids last weekend and it was another success. They have these events in California and Texas as well and they said that they get so much more cooperation from Lavallette. We are by far the best camp for them.

Council President Zalom stated that the rain over the weekend created a lake on President Avenue and Bay Blvd. so I called the County and they assured me that after Founder's Day they will be here to repair that outfall pipe and then they will be paving all of Bay Blvd. The DOT has informed me that the traffic lights will be adjusted within two weeks.

**EXECUTIVE SESSION:**

There was no executive session.

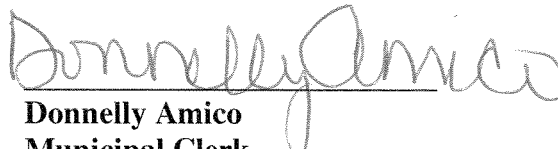
**ADJOURNMENT:**

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

The Caucus/Regular Meeting was adjourned at 8:38pm.

**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 7<sup>th</sup> day of August 2017

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