

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, April 23, 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  
Phil George, Borough Attorney  
Donnelly Amico, Municipal Clerk  
Robert Oliwa, Borough Auditor  
Christine Sierfeld, Chief Financial Officer

**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:** Mayor LaCicero asked for a moment of silence for Catherine Bonanno a resident of WPI who passed away and for the Jacoviak family whose son passed away suddenly.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out to tonight's meeting. The weather is starting to get nicer. The water tower is pretty much completed. Hopefully, the summer will be great and the weather will be great. 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.

Pat Marrone, Friends of Beautification, thanked everyone for all the help with getting the trees planted by the ballfield. She read a thank you letter thanking Public Works and Mike Visco for taking the time to review the area and make recommendations. Also, we want to thank Donnelly for making numerous calls to Casola Farms to make sure all their paperwork was in so we could cut them a check right away. She asked that the letter be sent down to Public Works and a copy be given to Mike Visco.

The Mayor thanked her for her letter and said the letter would be distributed accordingly.

The Mayor stated that he wanted to welcome Bob Oliwa the Borough Auditor for coming out tonight. We will be adopting our budget tonight so he is here to discuss that.

Frank DeRosa, 13 Elizabeth Avenue stated that since the beach replenishment will not be done for this season again he would like to request that Elizabeth Avenue be opened for beach access for this year.

Mayor LaCicero stated that he understands that it is an issue for residents regarding the scaled down openings but we have always depended on our lifeguard captain to review and give his recommendations and he has always come back to keep it the way it is until the replenishment project is completed.

Mary Semler, 2407 Grand Central Avenue stated that she thanks Mayor and Council for agreeing that there should be restrictions regarding the liquor license at Capriccio's and just wants to verify that this is most definitely going to be done and rectified before the summer season starts.

Mayor LaCicero stated that it is already being worked on by our attorney.

Mr. George stated that he has already requested all the police reports from Toms River regarding the complaints and is working on the restrictions to be attached to the license. There are rules under the ABC regarding the restrictions so we have to follow the guidelines.

Mrs. Semler questioned if a violation does occur how does it get enforced?

Mr. George stated that if violated the police or code enforcement officer could intervene and Mayor and Council could make the decision to pull the license.

Mayor LaCicero stated that when he was a police officer we had the same issue when Tycoon's was in town and we were having issues with them. We went in with plain clothes and watched to see if there were any violations occurring so if necessary that too could be done.

Mrs. Semler stated that we are not looking to shut this place down we are just looking to keep it to a point where our walls are not shaking and we can enjoy our summers.

Councilwoman Filippone stated that she is not sure about the enforcement and who would do the enforcement since the building is technically in Toms River Township.

Mr. George stated that this issue does make it a bit more complicated but the Borough has jurisdiction over the license itself so we can enforce the restriction part of it as well as the ABC also enforcing.

Mrs. Semler questioned what the consequences would be if they violate the restrictions?

Mr. George stated that the ABC is rigorous with their enforcement and are very responsive so it will move quickly.

Dave Duffy, 1 Dover Avenue stated that he too supports the issue of restricting Capriccio's. He stated that since the replenishment project is not going to happen before the summer again this year he would like to have beach access open for Dover Avenue.

Mayor LaCicero stated that if we open that street then we will get requests to open other streets. We have it modified for a reason. Our beach captain always makes the recommendation of what

streets to open and he has been comfortable with the ones that we have had the past few years. We only have one more year and then they will all be open for next year.

Mr. Duffy stated that he doesn't understand what the big deal would be to just open all the access points for this year since the project will be done in September. We have waited patiently and just want to have access to the beach from our street.

Councilwoman Filippone stated that the Borough has to be very careful when dealing with the dunes and beach openings. We tried taking care of the dune issue on Elizabeth Avenue many years ago and the DEP issued us a \$67,000 fine because of it.

**COMMENTS FROM PUBLIC (Items not listed on agenda / not staying for remainder of meeting)**

**APPROVAL OF MINUTES:**

Minutes of Caucus/Regular Meeting of April 9, 2018  
Minutes of Executive Session of April 9, 2018

A Motion to approve the minutes 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.

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

**RESOLUTIONS – ON CONSENT:**

- 2018-146 authorizing the refund of a 2013 and 2014 state tax appeal
- 2018-147 accepting the retirement of Raymond Toscano and authorizing payment of unused sick and vacation time
- 2018-148 authorizing the redemption of a tax sale certificate in the amount \$108,823.99
- 2018-149 authorizing the redemption of a tax sale certificate in the amount of \$250.04
- 2018-150 approving a facilities use application from Peter Frampton to hold a free concert of soft guitar and vocals at the gazebo on July 28<sup>th</sup> 2018 from 7pm to 9pm
- 2018-151 approving the 2018 budget be read by title only
- 2018-152 approving a facilities use application to Bugbee Surf Adventures to hold surf lessons as requested and when needed from June 15<sup>th</sup> through September 15<sup>th</sup> 2018 on various days, Monday through Sunday and various times between 6am and 8pm on various ocean beaches (Haddonfield, Magee, Trenton & President)-Councilman Finter requested that this be put off consent.

- 2018-153 recognizing the month of May 2018 as “Paint the Town Pink” Month
- 2018-154 recognizing the month of May 2018 as “Older Americans” Month
- 2018-155 authorizing the disposal of surplus property through GovDeals
- 2018-156 refunding unused planning board escrow in the amount of \$1,426.50
- 2018-157 authorizing the Mayor to sign and execute a temporary easement agreement with the State of New Jersey for maintenance and repair of outfall pipes in conjunction with the reconstruction of Route 35-Mr. George stated that this is regarding the outfall pipes on Bay Blvd. that were part of the Route 35 highway project. The DOT needs to repair and replace these pipes and in order to do this they will need this.
- 2018-158 appointing 3 tennis court attendants at an hourly rate of \$8.60 for the 2018 summer season-Councilman Borowski requested that this be put off consent.

A Motion to approve the consent agenda was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter.

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 minus Resolutions 2018-152 and 2018-158.

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

**RESOLUTIONS - OFF CONSENT:**

- 2018-152 appointing 3 tennis court attendants at an hourly rate of \$8.60 for the 2018 summer season

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

- 2018-158 approving a facilities use application to Bugbee Surf Adventures to hold surf lessons as requested and when needed from June 15<sup>th</sup> through September 15<sup>th</sup> 2018 on various days, Monday through Sunday and various times between 6am and 8pm on various ocean beaches (Haddonfield, Magee, Trenton & President)

Councilman Finter stated that his concern is that they have listed non surfing beaches and various times which will conflict with the bathers. They should only be doing this on the surf beaches.

Mayor LaCicero stated that the owner is in the audience so let's bring her up to discuss.

Dot Bugbee stated that they mostly do the lessons for disabled and autistic children and they do use President Avenue but only do it very early in the morning before the beachgoers arrive. They will always use the surf beaches during the swimming times.

A Motion to approve this resolution 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.

#### **APPROVAL OF VOUCHERS:**

2018-159 Bills List in the amount of \$469,232.44

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.

#### **PUBLIC HEARING AND FINAL ADOPTION OF THE 2018 BUDGET: (Clerk to Read Budget Resolution 2018-160)**

The Borough Clerk read the budget resolution by title and the Mayor opened up the Public Hearing on the adoption of the 2018 budget.

Mr. Oliwa, our Auditor stated that the state reviewed the budget and didn't see any need for any amendments. The tax rate stayed the same and there was a 99% tax collection rate with a prepaid tax of \$1 million. The surplus had an increase and is now \$2 million. We also cleaned up a lot of interfunds that needed to be liquidated. This budget is all good to go for adoption.

Mayor LaCicero stated that the County tax also was cut by ½ a penny and he believes the school tax was also flat. He thanked the CFO for doing a great job on the budget.

Councilman Borowski questioned if the prepaid taxes were able to be put in the current fund?

Chrissa Sierfield, CFO stated that they were put in that account.

Mayor LaCicero asked if anyone wished to comment on the 2018 budget.

No one wished to comment.

The Mayor closed the public hearing on the adoption of the 2018 budget and asked Council for a vote on the adoption.

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

**UNFINISHED BUSINESS:**

Discussion on Proposal of Changes to the Ordinance for Boat Moorings by Ordinance Committee

Councilwoman Filippone stated that the Ordinance Committee stated that they would like to change the ordinance in two parts. Residents will be able to have 1 small boat and paddleboard or kayak and the space will be 12 feet for this year but no extra fees will be charged for this year. For next year and the years following we will have 4 foot sections and charge a fee of \$50 for each 4-foot slot. We also discussed putting a kayak rack down by the boat ramp for rentals and charge \$25 for each rental.

Councilman Lamb stated that he thought that the whole point of this was to increase the fees.

Councilman Borowski stated that his concern is that it is going to become too congested.

Councilwoman Filippone stated that we would have a section of 12 foot moorings and a section of 4 foot moorings in areas separately so they are not congested.

Mayor LaCicero stated that we will have the attorney have it on for the next meeting and see where it goes.

**NEW BUSINESS:**

Discussion on possible amendment to Ordinance 2017-06 (1166)

Mayor LaCicero stated that he thinks we should waive the food truck permit fee when it is a Borough event such as Founder's Day. The money they raise for this event comes right back to us so it seems kind of silly.

Council President Zalom stated that it should be waived for the LBA and any others who give back to the town as well.

Councilman Finter stated that he agrees with Anita as far as the LBA also, they do so much for this town as far as events in the summer and they give us donations.

Mayor LaCicero stated that we will put this one as well and see where it goes.

**COMMENTS FROM THE PUBLIC:**

Mark Speaker, 111 Brown Avenue, stated that the LBA is a community venture but Founder's Day is a Borough event. There is a difference. Regarding the moorings, when Councilman Stogdill and myself went down there to get some ideas there were posts that varied from 12 feet apart to 30 feet apart and there was still room for approximately 75 moorings which is 15 more than is down there now so I am sure that if it stays at 4 or 12 feet it wouldn't be that congested.

Mr. Speaker stated that regarding the chimney certification signoff for the c of o's, he would suggest eliminating the chimney signoff from a professional.

Councilwoman Filippone stated that it looks like the requirement is going to be that the seller signs off that they certify that the chimney is up to code and in good shape. This will protect the Borough from any liability.

Susan Kotch, 119 Camden Avenue questioned if we will be doing any kind of ordinance banning fire pits or having some guidelines. My neighbor had one burning the other night and the embers were coming so close to my house it was worrying me.

Mayor LaCicero stated that we talked about it a few years ago but there was no support for it.

Mary Logios, 4 Sterling Avenue stated that they should reconsider the fire pit ordinance and only allow gas fire pits for more safety. A lot of other towns have done this.

Councilman Borowski stated that he agrees that some of these flames from these do get really high and it does cause some concern.

Mrs. Logios requested that the yellow stripes get painted on Bryn Mawr Avenue and Sterling to prevent the parking in that area again for us.

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

Councilman Borowski stated that he attended a Public Power Meeting last week and our rates are looking really good.

Council President Zalom stated that congratulations are due to Councilman Borowski for being elected Vice President of the Public Power Association.

Councilman Borowski thanked everyone for the mention and stated that he is proud to be a part of this association and it is wonderful group of individuals.

Council President Zalom stated that the beach sweeps was on Saturday and we had 105 people show up to help.

Councilman Finter and Councilman Lamb requested that they be excused for the next meeting of May 7<sup>th</sup>.

Councilman Stogdill stated that he will need to be excused for the May 21<sup>st</sup> meeting as well.

**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 Motion Passed.

The Regular Meeting was adjourned at 8:32 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 23<sup>rd</sup> day of **April 2018**

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