

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, April 9, 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  
                          Phil George, 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 moment of silence for long-time resident Barbara Lord who passed away. She lived on WPI and her son also lives here. Her grandson is also the Fire Chief. She was a long-time member of the Lavallette Yacht Club and Faith Lutheran Church.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero welcomed everyone to tonight's meeting. He stated that the beach replenishment project has been postponed until after Labor Day for Lavallette so our summer is saved. He stated that if anyone wished to comment on any items that were not on the agenda and 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)**

June Schneider, Upper Shores Library stated that the week of April 8<sup>th</sup> through the 14<sup>th</sup> is National Library Week and she just wanted to come and let people know how much the library in town has to offer. We had a concert from the Ladies of Country Music and it was a lot of fun. Right now we are donating prom dresses to some kids who just can't afford to spend the money right now. We have Gary Evans from WPI that comes and plays piano for us. We have different authors come to speak about their books and so many other wonderful events for kids and adults so please always come in and check to see what events are going on weekly.

Mary Semler, 2407 Grand Central Avenue stated that she just wants to make sure that Capriccio's By The Sea is going to have conditions and restrictions placed on their liquor license. As you know, the resident surrounding this place had their entire summer ruined last year due to the amount of noise coming from their dance club.

Mayor LaCicero stated that the license application has not been filed as of yet but we already have our Borough Attorney preparing restrictions that we can attach to the license.

Mrs. Semler stated that she also did an opra request to Toms River Township and the Borough of Lavallette requesting copies of all construction permits for there because they are doing work in there right now and both towns stated they have no permits at all on file.

Mayor LaCicero stated that part of the building is controlled by Toms River Township. They pay taxes on that building to Toms River. The Borough only controls the liquor license. We will be taking care of putting conditions on for the license but there are laws that tell us what we can and can't restrict so that is why our Attorney is taking care of it.

Anthony Cortazzo, 27 Dover Avenue stated that he just wants to reiterate what Mrs. Semler was saying. We hope that summonses will be issued if they break any restrictions or any noise ordinances.

Mayor LaCicero stated that the Borough cannot issue summonses to them because they are out of our jurisdiction and part of Toms River. The Toms River Police would have to take care of that. Our restrictions will be as strict as the law permits them to be.

Cal Burns, 2405 Grand Central Avenue stated that he just wants to be on the record as also requesting the restrictions to the license. We had a horrible summer last year and would like to enjoy it this year.

#### **APPROVAL OF MINUTES:**

Minutes of Regular Meeting of March 19, 2018

A Motion to approve the minutes 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.

#### **REPORTS:**

- a) Lavallette Construction Report for March 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for March 2018-Councilwoman Filippone-no report
- c) Lavallette Zoning Report for March 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for March 2018-Councilwoman Filippone-no report
- e) Municipal Court Report for March 2018-Councilwoman Filippone-read report
- f) Police Overtime Report for February & March 2018-Councilwoman Filippone-read report
- g) Animal Control Report for March 2018-Councilwoman Filippone-no report
- h) Public Works Report for March 2018-Councilman Lamb-read report
- i) Public Affairs Report for March 2018-Council President Zalom-the pickle ball courts are all done and the spotlight shining on our building is now working. We have a beach sweeps on the 22<sup>nd</sup> of this month and some students from the Rutgers will be helping out. There are still seats left for the NYC bus trip on the 28<sup>th</sup> of this month. The Ladies Aux of Fire is having their pork

dinner this Friday and they are selling flowers in May and the town wide garage sale is on June 10<sup>th</sup> and 11<sup>th</sup>.

- j) Tax Account Report for March 2018-Tax Collector
- k) Revenue Transaction Report for February 2018-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:**

- 2018-132 recognizing the month of April 2018 as “Child Abuse Prevention Month”
- 2018-133 approving a facilities use application to Jersey Shore Cosmos to hold soccer games on Chandler Field on Sundays at 9am in April and June 2018
- 2018-134 authorizing the Mayor to sign and execute the software maintenance agreement with Itron, Inc. in relationship with our new electric bills
- 2018-135 approving a facilities use application to Hammer Surf Camp to hold a surf camp and paddle board instruction on the Vance Avenue ocean beach from June 25<sup>th</sup> through September 5<sup>th</sup> 2018, three hours a day between 9am to 4pm
- 2018-136 approving a facilities use application to Soul Sessions with Kate to hold meditation and chakra classes on the Pennsylvania Avenue ocean beach on Thursdays, from June 28<sup>th</sup> through July 19<sup>th</sup> from 7:30am to 8:30am
- 2018-137 appointing Mary Beth Grant as the part-time supervisor to the beach badge office and Pam Caucino as the part-time supervisor to the badge checkers
- 2018-138 authorizing the annual interlocal agreement between the Borough of Lavallette and the Fire Commissioners of Toms River Township providing fuel services to the Ocean Beach Fire Company No. 3 for five vehicles
- 2018-139 approving a facilities use application to This Is Yoga to hold yoga classes on the Kerr Avenue ocean beach from May 31<sup>st</sup> through August 30<sup>th</sup> 2018 from 6:30 pm to 7:30 pm
- 2018-140 approving two part-time dispatchers at an hourly rate of \$11.00 for the Lavallette Police Department
- 2018-141 approving a facilities use application to Soul in Motion Yoga to hold paddle board yoga on the bay beach non swimming area on Saturdays and Sundays from 10am to 12noon starting May 26<sup>th</sup> through September 9<sup>th</sup> 2018

2018-142 approving 9 applicants to attend the OC Police Academy Class I training commencing April 19, 2018

A Motion to approve the consent agenda was made by Councilman Lamb. 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.

Sam Hammer, Surf Camp stated that his surf camp will be held on Brown Avenue not Vance and his paddle board yoga will be held on the bay on Vance.

Mayor LaCicero stated that there seems to be an enormous amount of yoga and other events for the summer which seems to be getting a little bit out of control.

Councilwoman Filippone stated that maybe we need to make a list of all the events as of now and see where we should go from there as far as approving more. We really need to start looking more into this.

Mayor LaCicero stated that he agrees. A lot of residents come here in the summer to relax and enjoy the quiet and an excess of events makes it somewhat difficult.

Mr. Brice stated that he and the Clerk will make a list of all events and then we can go from there.

Councilman Finter stated that we do get some of their proceeds so maybe its worth it.

Councilman Borowski requested that they received those amounts as well for the year to see if it is worth it.

Sam Hammer, Surf Camp stated that in other towns that he has surf camps in they do a bidding process and only allow one camp there. Maybe Lavallette should think about doing this for all the different events.

Joseph Palinsky, 122 Washington Avenue stated that the soccer games are for adults is for profit so we should get something from them as well.

Mayor stated that the 10% profits is connected to the facilities use app itself whether it is for the no matter where it is. If you are for profit you will have to give us 10%.

Mr. Palinsky questioned if there is any training for these dispatchers first?

Mayor LaCicero stated that the Chief uses the Class I and II Officers for dispatch and everyone is already trained for this.

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:**

2018-143 approval of a facilities use application to Sharks Marine Explorer Day Camp to hold marine day camp on the Bayfront Monday through Thursday, 9am to 11:30 am and 1pm to 3:30 pm starting June 25<sup>th</sup> through August 30<sup>th</sup> 2018

The Mayor stated that the Municipal Clerk compared the other science camp that was approved in February with the dates and times to this request and there seems to be no way to accommodate the both of them. They have the same days and times that they want to utilize the same area on Bayfront. We always try to accommodate the best we can with these requests but with this type of request when there is the same type of camp already there with the same times and days it just doesn't work.

Mr. George stated that this application does allow for denials or approvals so they can deny it.

A Motion to approve the application was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Stogdill, Finter and Lamb voted No. Council President Zalom voted Yes. The Motion Failed.

**APPROVAL OF VOUCHERS:**

2018-144 Bills List in the amount of \$868,231.86

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 PUBLIC HEARING AND FINAL ADOPTION:**

2018-01 (1184) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

Mayor LaCicero stated that this ordinance always comes along with the introduction of our Budget. We never seem to have to utilize the bank but we always make sure it is there just in case.

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 any one 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 March 9, 2018
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/NJDOT Municipal Aid FY 2017/Bid Award Recommendation/Received March 15, 2018
- c) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/NJDOT Municipal Aid FY 2017/Received March 22, 2018
- d) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Preconstruction Conference/Received April 2, 2018
- e) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/Preconstruction Conference Minutes/Received April 5, 2018

### New Jersey League of Municipalities:

- a) S-5, Bill to Transfer PFRS to a Labor-Management Board Held/Received February 27, 2018
- b) Your Social Media help with renewing arbitration cap/Received February 22, 2018
- c) Weekly Update/Received March 2, 2018
- d) Weekly Update/Received March 9, 2018
- e) Weekly Update/Received March 16, 2018
- f) Bill to Transfer of PFRS to a Labor-Management Board before Assembly Committee/Received March 19, 2018
- g) Weekly Round-Up/Received March 23, 2018
- h) Bill to Transfer of PFRS to a Labor-Management Board on Governor's Desk/Time Sensitive/Received March 27, 2018
- i) Weekly Update/Received March 29, 2018
- j) Weekly Update/April 3, 2018

### General with No Action:

- a) New Jersey Marijuana Retailers Association/Juan Carlos Negrin, President/introducing their company/Received March 5, 2018
- b) United States Senate/Cory Booker, Senator/New Tax Incentive called Opportunity Zones Program/Received March 5, 2018
- c) Blue Sky Tower/Don Madden, Development Manager/Developers of Wireless Infrastructure/Received March 12, 2018
- d) State of New Jersey/Department of Environmental Protection/Coastal and Land Use Planning/NFWF Building Ecological Solutions to Coastal Community Hazards/A Guide for New Jersey Coastal Communities/Received March 13, 2018

- e) Ocean County Board of Taxation/Chelsea Skuby, Tax Administrator/Denial of Request of Extension for Revaluation Order for Borough of Lavallette/Received March 15, 2018-Mayor stated that we filed for an extension and was denied but we appealed. Council President Zalom stated that she spoke to the Tax Administrator from the County and there were 7 towns that haven't had a reval in 26 years that were included and we were one of them. She advised me that towns need a really good reason to be approved for an extension and it will become more of an expense with attorney fees.
- f) Richard Smith, Esq/Report on Testimony given by AAA Mid-Atlantic and Smart Approaches to Marijuana indicating their documented reasons for concern of increased traffic accidents/Received March 19, 2018
- g) Altice formerly Cablevision/Marilyn Davis, Director/check in the amount of \$1,100 for the PEG Access Payment/Received April 2, 2018
- h) New Jersey Natural Gas/Maria Diaz, Supervisor/National Safe Digging Month/Received April 5, 2018
- i) Wildwood Crest/Don Cabrera, Mayor/Mayor's Wellness Challenge/Received April 6, 2018

General with Action:

- a) Save Barnegat Bay/Britta Wenzel, Executive Director/requesting permission to do a Bayfront native garden clean up on June 22, 2018 from 9am to 3pm and requesting some assistance from Public Works in providing mulch and to utilize some of their equipment/Received March 16, 2018-Mayor stated that this has been done before and is beneficial to the town so there is no problem.
- b) Lavallette Founder's Committee/Mark Speaker/requesting an electrical receptacle be placed at the new bulletin board site on Bay Blvd. to allow for use during Founder's Day/Received March 29, 2018-Councilman Lamb will discuss with Public Works.
- c) Rutgers/Anish Patel/requesting an interview from the Mayor or Council Member on their opinion on legalized cannabis for his research project/Received March 29, 2018-Councilman Finter will take care of this.
- d) DEP Providing Tree Seedlings to Municipalities for free distribution to Residents /Municipalities Need to Register/Received March 29, 2018-Councilman Lamb will advise Public Works
- e) Mark Speaker/111 Brown Avenue/requesting further clarification of the Lavallette Borough Code, Chapter 17, "Certificate of Title/Certificate of Occupancy" regarding the certifications of Chimney/Received April 2, 2018-Mayor LaCicero stated that this will have to be discussed further with the Construction Official and new Zoning Officer.
- f) Michael Tsubota/2400 Grand Central Avenue/requesting that Mayor and Council not renew the liquor license for Capriccio's by the Sea/Received April 6, 2018-Mayor stated that his request is so noted.

**UNFINISHED BUSINESS:**

Proposal to Amend the Boat Mooring Ordinance from Mark Speaker

Mr. Speaker stated that he and Councilman Stogdill walked the area where the boat moorings are and came up with these four proposals that were presented to Council. This Ordinance is extremely

old and sizes of the boats have changed. Right now you can only have 1 boat to a post but it would be more beneficial to the Borough as well as the mooring holder to be able to moor more than one boat to a post. Of course the Borough would increase the fee to accommodate the extra boats.

Councilman Lamb stated that we would have to see how much these kayak racks will cost as well and where we will be able to store them.

Councilwoman Filippone stated that she would like this to be discussed by the Ordinance Committee which is the proper protocol.

Mayor LaCicero stated that sounded like a good plan. Councilwoman Filippone and Mr. Speaker should discuss the date and time for this meeting after the Council Meeting.

**NEW BUSINESS:**

Councilman Borowski-Discussion on Proposal for 2018 Electric Utility Consulting Services from Wilson & Wilson, LLC

Councilman Borowski stated that we are seeing losses greater than what should be regarding our Electric Utility and we cannot pinpoint where the problem is. The Public Power Assoc. has used Curt Wilson on occasion to deal with some of their issues and he is very good at solving the problems.

Mayor LaCicero stated that he agrees that we need someone that knows where and what to look for.

A Motion was made by Councilman Borowski to award a contract to Wilson & Wilson for consulting services regarding our Electric Utility not to exceed \$6,000. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

**COMMENTS FROM THE PUBLIC:**

Joseph Palinsky, 122 Washington Avenue stated that he is glad that the appeal was done regarding the reval. He doesn't believe that they used the correct data regarding the amount of years a reval was done versus a reassessment.

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

Council President Zalom stated that Lavallette PTO is having their spaghetti dinner for the 8<sup>th</sup> grade trip on Friday so get some good food for a good cause.

**EXECUTIVE SESSION:**

Attorney Client Privilege  
Personnel Matters



Mr. George stated that there is a need to go into executive session to discuss several issues regarding some personnel matters as well as attorney client privilege. The proper notice notices were served and there will be some action taken when we reconvene to the Regular Meeting.

A Motion to adjourn the Caucus/Regular 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 Caucus/Regular Meeting was adjourned to go into executive session at 8:50pm.

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

The Caucus/Regular Meeting was Reconvened at 9:10pm.

Mr. George stated that while in executive session there were several matters discussed regarding personnel matters that have been resolved and a settlement agreement regarding some pending litigation.

A Motion to approve the Settlement and Release Agreement regarding the Toscano matter was made by Council President Zalom. The Motion was Seconded by Councilwoman Filippone. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.


#### **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 9:11pm.

#### **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 9<sup>th</sup> day of **April 2018**

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