

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, May 7, 2018-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Councilman Finter was absent.

Also present: 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 all who have passed.

PLEDGE OF ALLEGIANCE: Councilman Borowski led us in the Salute to the Flag and asked that we keep all troops foreign and American in our thoughts.

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming out to tonight's meeting. He stated that he read in the Star Ledger an article about towns who have the highest percentage of retired people and Lavallette ranked #2. He also stated that he had a number of residents come to his Meet the Mayor on Friday and they expressed some dismay on some of my comments of we will discuss it or we will keep that in mind and think about it. He just wants to say that just because we don't talk about the issue that is brought up at that time, Council and myself do discuss these issues that are brought up all the time whether it be by phone or at the Borough Hall. We are always discussing the issues that our residents request to see if there are ways to give the residents what they want. Some issues take more time to come up with a plan or fix than others and sometimes we can't make it work but we are always trying and always put our residents first.

The Mayor stated that if anyone wished to comment on any items that were not on the agenda or if they cannot stay for the remainder of the meeting they could do so now.

Councilman Stogdill arrived at 7:06pm.

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

Anthony Cortazzo, 2307 Grand Central Avenue just wanted to make sure that there will be conditions put on the liquor license for Capriccio's so the neighbors don't have to deal with the chaos of last year.

Mayor LaCicero stated that our Borough Attorney is already working on it and we will have them ready for the renewal.

Mike Robertson, 10 Bullard Drive stated that there is something called a quality of life issue regarding this license that can be a condition. Also, the police can set up DWI checkpoints and it will bring in a lot of revenue.

The Mayor thanked him for his comments and stated that the Borough Attorney is working on the conditions and he will make sure all is good.

Bill Branagh, 2 Dover Avenue stated that he would like to know if any changes had been made as far as beach access points changing from last year?

Mayor LaCicero stated that the beach replenishment project won't be done in Lavallette until after the summer season so we will not be opening every access point again this year. As far as keeping access points as every other year we are unsure yet as to what streets will be open for this year but the number of them will still be what they have been since the storm.

Mr. Branagh questioned what the rationale was behind limiting the street access?

Mayor LaCicero stated that after the storm it was beneficial for the town to limit the amount of beach access to prevent any issues on all of the streets ends if there were any more storms. We then decided that we would leave it this way until after the replenishment project was completed. We feel that this makes it safer for our residents and the whole town.

Mr. Branagh stated that Dover Avenue has no dunes at all so why wouldn't they just give us access on that street to the beach.

Mayor LaCicero stated that if we open Dover that will create a domino effect for everyone to demand their street have access. Dover Avenue would not be opened anyway if we even did decide to change the access streets this year because most of it is not Lavallette.

Mr. Branagh questioned who determines what streets will be open?

Mayor LaCicero stated that Mayor and Council determine as well as our lifeguard captain and after the storm we felt that this was safer for the community.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of April 23, 2018

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

REPORTS:

- a) Lavallette Construction Report for April 2018-Councilwoman Filippone-read report
 - b) Seaside Park Construction Report for March & April 2018-Councilwoman Filippone-read report
 - c) Lavallette Zoning Report for April 2018-Councilwoman Filippone-no report
 - d) Seaside Park Zoning Report for April 2018-Councilwoman Filippone-no report
 - e) Municipal Court Report for April 2018-Councilwoman Filippone-read report
 - f) Police Overtime Report for April 2018-Councilwoman Filippone-read report
 - g) Animal Control Report for April 2018-Councilwoman Filippone-no report
 - h) Public Works Report for April 2018-Councilman Lamb-read report
 - i) Beach Badge Report for April 2018-Councilman Stogdill-read report
 - j) Public Affairs Report for April 2018-Council President Zalom-thank you to Mayor and Council for their donations to the Pt. Pleasant Beach Education Foundation. Our Memorial Day is getting underway. The Moose in Ortley Beach is serving breakfast on Sundays so make sure you take advantage. You have until May 11th to get your donations in for the animal shelters which is being sponsored by Donations of Love. The flyers are downstairs and on Donations of Love website. The town wide garage sale will be June 9th and 10th and applications are downstairs or on our website.
 - k) Tax Account Report for April 2018-Tax Collector
 - l) Revenue Transaction Report for March 2018-Chief Financial Officer
- Motion: Second: Vote:

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS – ON CONSENT:

- 2018-161 awarding a contract to Cherry Hill Winner Ford for the purchase of a law enforcement vehicle under state contract #A88728 in the amount of \$39,413.00
- 2018-162 appointing 6 summer seasonal workers for the Public Works Department
- 2018-163 awarding a contract to Garden State Fireworks in the amount of \$7,000 for our 2018 Fireworks Display to be held on July 1, 2018 with a rain date of July 8, 2018
- 2018-164 appointing lifeguard officers for the 2018 summer beach season
- 2018-165 opposing Senate Bill 2029 which would revise laws governing assessment of real property which would increase cost to taxpayers and municipalities
- 2018-166 requesting the approval from the State of NJ of a Chapter 159 item of revenue in the water utility fund in the amount of \$161,139.54 from FEMA proceeds-Councilman Borowski stated that this is just so the FEMA monies that we have been holding get placed into the 2018 budget so we can pay them their share

- 2018-167 appointing 4 badge office clerks for the 2018 summer season effective May 12, 2018-Councilman Borowski requested this be put off consent.

- 2018-168 appointing Dennis LaSassa as a part-time temporary fill-in Plumbing Subcode Official at an hourly rate of \$35.00 effective May 1, 2018-Councilwoman Filippone stated that our regular Plumbing Subcode Official Glen Purves has gone out on sick leave and our fill in is unfortunately was on vacation last week and we had numerous inspections so we had to hire a fill in just for those few days

- 2018-169 awarding a contract to Guardian Tracking for police software in the amount of \$2,404.00 and authorizing the Mayor to sign and execute the agreement-Councilwoman Filippone stated that this system is to track the attendance and sick and vacation days

- 2018-169A awarding a contract to Central Jersey Equipment for the purchase of a John Deere Gator in the amount not to exceed \$9,760.00 for the Lavallette Beach Patrol and authorizing the Mayor to sign and execute any necessary documents-Councilman Stogdill stated that this vehicle will strictly be used by the first aid lifeguards. It will help a lot when the replenishment project is completed as well, because our beaches will be much wider in size and this vehicle will aid in getting our first aiders to the beachgoers and swimmers in need of immediate care.

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.

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 and Lamb voted Yes. The Motion Passed.

RESOLUTIONS - OFF CONSENT:

- 2018-167 appointing 4 badge office clerks for the 2018 summer season effective May 12, 2018

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 Filippone, Zalom, Stogdill and Lamb voted Yes. Councilman Borowski abstained. The Motion Passed.

2018-169B authorizing the termination of the Master Energy Supply Agreement between American PowerNet Management, LP and the Borough of Lavallette for the purchase of wholesale electric power effective June 30, 2018

Councilman Borowski stated that back in 2008 the Public Power Association along with the municipalities involved awarded a contract to American Power Net for the wholesale purchasing of power. After the three years we just did a resolution extending the contract. The Public Power Authority has decided that we are going to bring the responsibility of the purchasing in house instead of extending American Power Net's contract.

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, Stogdill and Lamb voted Yes. The Motion Passed.

APPROVAL OF VOUCHERS:

2018-170 Bills List in the amount of \$3,652,585.05

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 and Lamb voted Yes. The Motion Passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

Ordinance No. 2018-02 (1185) Ordinance of the Borough of Lavallette, Amending, Revising and Supplementing the Borough of Lavallette Code by Amending, Revising and Supplementing Chapter 7 of the Borough Code, Entitled "Bathing and Beach Control", Article IX, Entitled "Fees for Use of Beaches and Facilities", by adding New Subsection, Section 7-9(F)(6)(d) Waiving Fees for Certain Municipal Boards, Commissions, Committees or Organizations.

The Mayor stated that there was a request from the Founder's Day Committee to waive the food truck permit fee Founder's Day because it is a Borough event and is covered under our Borough

insurance policy.

Public Hearing and Final Adoption is scheduled for May 21, 2018.

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

COMMUNICATIONS:

Legal:

- a) Eric M. Bernstein & Associates/Eric Bernstein, Esq/PBA Local 372 and Borough of Lavallette/Received April 20, 2018

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/Contractor Executed Agreement/Received May 4, 2018

New Jersey League of Municipalities:

- a) Daily Update/Received April 3, 2018
- b) Weekly Update/Received April 6, 2018
- c) State Issues/Received April 13, 2018
- d) State & Federal Issues/Received April 20, 2018
- e) State Issues/Received April 27, 2018

General with No Action:

- a) State of New Jersey/Department of Environmental Protection/Sherri Shifren, Manager/Water Monitoring/Received April 17, 2018
- b) State of New Jersey/Department of Transportation/Laine Rankin Director/denial of Municipal Aid Grant for Philadelphia Avenue/Received April 20, 2018
- c) Friends of Lavallette Beautification/Pat Marrone, President/thank you letter to Public Works for their help with the trees by ballfield/Received April 23 2018-Mayor stated the trees look great
- d) New Jersey Public Power Authority/Brian Vayda, Executive Director/Councilman Borowski elected to Vice President for PPANJ/Received April 23, 2018-Mayor stated that Congratulations are due again to Councilman Borowski for becoming Vice President of the Public Power Authority.
- e) FEMA/Reginald Thomas, Public Asst. Branch Chief/Project Worksheet 3961/Large Project Final Accounting and Time Extension Request/Final Reward of \$2,629,651.80/Received April 25 2018-Mayor stated that was nice to see and we did better than expected.
- f) Ocean County Health Department/Brian Rumpf, Director of Administration/Community Job Fair on May 17, 2018/Received April 26, 2018

- g) State of New Jersey/Department of Environmental Protection/Green Acres Program/Draft 2018-2022 Statewide Comprehensive Outdoor Recreation Plan (SCORP)/Received May 1, 2018
- h) Lavallette Board of Education/Peter Morris, Supt./Schedule for 8th Grade Graduation/Received May 2, 2018
- i) NJ Bankers/Michael Affuso, VP/Property Maintenance Issues/Foreclosure Properties /Received May 2, 2018

General With Action:

- a) State of New Jersey/Department of Environmental Protection/Kerry Kirk Pflugh, Director/encouraging all OC Mayors to attend the OC Mayors Meeting on June 19th for the presentation of their summary of the NJ Back Bays Flood Risk Management Feasibility Study/Received April 25, 2018-Mayor stated he will check his schedule.
- b) Holly & Demi Thomas/8 Elizabeth Avenue/requesting the “No Turn on Red” sign be removed on corner of Elizabeth and Grand Central Avenue/Received April 26, 2018-Council President Zalom stated she contacted the DOT and they were in agreement that the sign needs to be removed so they advised us to have our PW remove as soon as possible.
- c) Office of the Prosecutor/Joseph D. Coronato/new law directing Mayors of each municipality to name one or more Police Officers as Humane Law Enforcement Officers (MHLEO) to deal with animal abuse issues/Received April 27, 2018-The Mayor stated that the Chief has advised him that the two officers that will become the Humane officers are Ryan Tulko and Victoria Lamb.
- d) Bill Hafstad/30 Lavallette Avenue/requesting a “No Parking” sign be restored between the driveways at 30 and 32 Lavallette Avenue (10 feet of curb)/was previously there before super storm sandy/Received May 3, 2018-the Mayor requested that Councilman Lamb have Public Works look into it.
- e) The Tears Foundation/Linda Ostapovich, Director/requesting the Mayor’s presence at their annual Rock and Walk event on Sunday, May 20, 2018/Received May 4, 2018-The Mayor stated that he will check his schedule.

UNFINISHED BUSINESS:

Discussion on Volleyball Court Sand Issue

Mayor LaCicero stated that we have been having a continuous problem with the sand from the volleyball court blowing all over the bay front homes and our properties as well. We have been trying to come up with the best fix but have been having some trouble figuring out the best solution.

Council President Zalom stated that she thinks that the best solution for this is called moon sand. It is very heavy and weighed down and is sticky so it won’t blow all over the place. It will also not be uncomfortable on the feet. She is working on getting the prices and will let them know.

The Mayor stated that we have weighed a lot of options and ideas but every option has showed to be so expensive. The Daly’s would like to put a fence up around it from east to west with slats to alleviate the issue and keep the sand there and they also said that the snow fences that we put up

should be inside the courts instead of out and that also would help with the blowing sand. They are working on the fence prices and we will work on the prices for the moon sand.

Councilwoman Filippone stated that we need to get the specifications and pricing on the moon sand to make sure it will be a good fit. She believes the moon sand might work because it is hard packed and that is something that we need there. She stated that she questioned the sand being put there when this was first discussed because she knew it was going to become an issue.

Councilwoman Filippone stated that the Ordinance Committee did discuss the mooring ordinance and we did have some options but we are all not in agreement with all the different options so we are going to hold off for this year and look at it again in the fall so it is all ready for the summer season next year.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Marlene Chamberlain, 26 Bond Avenue thanked PW for sweeping the boardwalk and beach. She stated that while she was walking the boardwalk recently she noticed roughly 4 properties that had snow fences that are leaning into the boardwalk. Some of them have rusty metal which is a dangerously unsafe situation.

Councilwoman Filippone stated that our ordinance stipulates that those snow fences up there have to be 18 inches from our boardwalk.

Mrs. Chamberlain stated that they are definitely only 2 or 3 inches off the boardwalk and some are not even that and hanging over.

Councilman Lamb questioned where the properties are north or south end?

Mrs. Chamberlain stated that they are pretty much in the middle.

Mark Speaker, 111 Brown Avenue stated that he too saw that these snow fences were way to close to the boardwalk. He stated that he hopes that the issue regarding the sand from the volleyball courts is rectified soon. The blowing sand went as far as 906 Grand Central Avenue which is crazy. He also thanked Mayor and Council for the great budget for this year. He was thankful for the flat tax rate and appreciates all their work.

Barbara Donnelly, 133 Princeton Avenue stated that the flag at the Centennial Garden and Gazebo is extremely tattered and she hopes it will be replaced soon. She questioned the boats docked at the end of Jersey City Avenue and if the slips are owned by the town.

Mayor LaCicero stated that they are boat slips that we own and our residents rent them annually. There is a long waiting list for them but you can put your name on the list if you would like to.

Mrs. Donnelly stated that the fire hydrant in front of her home needs to be painted desperately.

Mayor stated that Councilman Lamb will forward the requests as needed.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

There were no comments from Council.

EXECUTIVE SESSION:

There was no executive session.

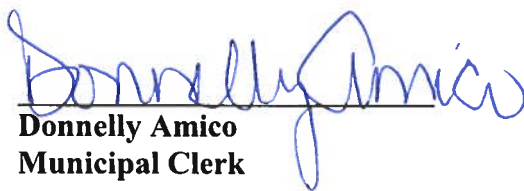
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:08 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 7th day of **May 2018**


Donnelly Amico
Municipal Clerk