

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, August 6, 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  
                                      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 long time resident of Ortley Beach Ken Langdon who was very involved with their Association there and was always sending us there reports on the badge sales within the four towns from Lavallette to Seaside Park. Also, for all the families who were affected by the 73 shot and 12 who died in Chicago. These shootings happened within one week.

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

**MAYOR'S WELCOMING STATEMENT:** The Mayor welcomed everyone to tonight's meeting. There were some electrical issues and power outages in town that were caused by the JCP & L substation here in town.

Mr. Brice stated that the electric will be shutoff between 2am and 5am tomorrow so JCP & L can take care of some voltage issues. They have promised that this should all be done within these hours. The Chief of Police has sent out a robo call to all the residents letting them know. Any critical care needed during this time will be taken care of by the Police Department so if you know somebody who will be in need of this let the PD know right away.

The Mayor stated that in the NJ Monthly Magazine they had a list of the best coffee houses and Lava Java was on the list so a big congratulation to Brooke and her all her staff. He stated that if anyone 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)**

Mary Semler, 2407 Grand Central Avenue, stated that she wanted to publicly thank Mayor and Council and Mr. George for their time and effort put in with the Capriccio's issue.

Mayor LaCicero stated that the restrictions were definitely necessary and at least there are still some of these restrictions that remained. There have been some complaints again that he believes Toms River Township received and they have been documented.

Mrs. Semler stated that within the resolution one of the conditions is for Mr. Deiner to have meetings with the Chief of Police to make sure he is following the conditions.

The Mayor stated that he believes that this will be taken care this week.

Mr. George stated that the Director of the ABC was very impressed by the amount of residents who came to the hearing to express their concerns and complaints.

Sante D'Emidio, 147 Newark Avenue stated that he was told a while ago that there would be additional garbage receptacles on Newark Avenue but there is not. There needs to be some on the beach as well because they are so overloaded that it is all falling onto the sand and boardwalk.

Councilman Lamb stated that he believed that they were put there and there are two pickups of trash on the weekends for this reason. He will look into and make sure some are put there.

Anthony Cortazzo, 27 Dover Avenue stated that he wanted to also thank Mayor, Council and Mr. George for alleviating the Capriccio's issue.

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

Minutes of Regular Meeting of July 16, 2018

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

#### **REPORTS:**

- a) Lavallette Construction Report for July 2018-Councilwoman Filippone-read report
- b) Seaside Park Construction Report for July 2018-Councilwoman Filippone-read report
- c) Lavallette Zoning Report for July 2018-Councilwoman Filippone-no report
- d) Seaside Park Zoning Report for July 2018-Councilwoman Filippone-no report
- e) Municipal Court Report for June & July 2018-Councilwoman Filippone-read report
- f) Police Overtime Report for July 2018-Councilwoman Filippone-read report
- g) Animal Control Report for June 2018-Councilwoman Filippone-read report
- h) Public Works Report for July 2018-Councilman Lamb-read report
- i) Beach Badge Report for July 2018-Councilman Stogdill-read report
- j) Public Affairs Report for July 2018-Council President Zalom-the concerts and movies on the bay are going great and we always get a big turnout. One of our patrolman came to the movies on the bay to discuss bicycle safety and handed out pamphlets on bicycle laws and how important it is for the safety of everyone. He advised them all that if they follow these rules they will be given cards for free ice cream for obeying the bicycle laws. Waves of Impact were here last week doing

the surf camp for the disabled again. What a wonderful and uplifting program. It's just a wonderful program for these kids. The County used our pickle ball courts for their kid's camp and they were so thankful that we have these courts and we allow them to utilize them. She attended a luncheon for the American Disabilities Association and they were very impressed that I was there representing Lavallette because no other officials attended from other towns. The breast cancer walk was yesterday and there were at least 1200 people who attended. When we started this year ago only about 200 people attended and now it is absolutely unbelievable the turnout that has grown within these years. Please take advantage of all our programs we have going on in Lavallette daily and weekly as well as all the library programs.

- k) Tax Account Report for July 2018-Tax Collector
- l) Revenue Transaction Report for June 2018-Chief Financial Officer
- m) Report of Sale of Bond Anticipation Notes, Series 2018A in the amount of \$2,09,220-CFO

A Motion to approve the reports was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. The Motion Passed.

Council President Zalom stated that the residents were very pleased with the trees planted by the baseball field.

Councilman Borowski questioned how the bocce ball court is going with the repairs.

Mr. Brice stated that they removed the bad wood and are in process of replacing it with new.

Councilwoman Filippone questioned if the courts will be ready for the tournament in September?

Mr. Brice stated that he believes it will be ready before then.

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

**RESOLUTIONS – ON CONSENT:**

- 2018-233      authorizing the hiring of 4 lifeguards for the 2018 summer season
- 2018-234      authorizing the redemption of a tax sale certificate in the amount of \$21,269.16
- 2018-235      authorizing the hiring of 3 badge checkers for the 2018 summer season
- 2018-236      authorizing a grant application under the NJDOT program for the Grand Central Beautification Project Phase II from Reese Avenue to Camden Avenue-Council President Zalom stated that we applied for this grant a few years ago and were denied. I have been told that if we apply again we should have no problems with being approved for something.
- 2018-237      committing the Borough to maintain the improvements for the Grand Central Avenue Beautification Project Phase II from Reese Avenue to Camden Avenue

- 2018-238 approving the application for a raffle license from Lavallette Heritage Committee to hold a 50/50 raffle on September 8, 2018 from 10am to 5pm at Lavallette Founder's Day
- 2018-239 approving the application for a raffle license from the Lavallette School PTO to hold an off premise raffle on October 14, 2018 at the Food Truck Festival from 12 to 5pm
- 2018-240 to affirm the Borough's civil rights policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors and members of the public that come into contact with municipal employees, officials and volunteers-Mayor stated that this is required by our insurance company.
- 2018-241 authorizing the Municipal Clerk to prepare and submit the application for funding through the OC Cultural and Heritage Commission's 2019 Local Arts Program Grant to provide funding for our summer concert series program-Council President Zalom stated that this application is very lengthy and requires a number of backup information. She thanked the Municipal Clerk for all her time and hard work in preparing this each year.
- 2018-242 refunding unused planning board escrow funds in the amount of \$1,018.00
- 2018-243 appointing Kim Reece as the Emergency Management Secretary and the FEMA Financial Processor for the remainder of the 2018 year-Mr. Brice stated that this should also be retroactive to July 1<sup>st</sup> since she has been doing the paperwork already.

A Motion to approve the consent agenda 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 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 was no resolutions off consent.

**APPROVAL OF VOUCHERS:**

- 2018-244 Bills List in the amount of \$9,263,970.95

A Motion to approve the bills list was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill. Vote: Council Members Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. Councilman Borowski abstained on PO#18-00712 and yes to the remaining. The Motion Passed.

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

Ordinance No. 2018-05 (1188) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 89 of the Borough Code, Entitled, "Vehicles and Traffic" so as to Revise Section 89-26

Mayor stated that this is for some handicap spaces that were needed on Camden Avenue.

A Motion to approve this ordinance was made by Councilman Lamb. 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 is scheduled for August 20, 2018.

### **COMMUNICATIONS:**

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Bryn Mawr & Sterling Avenue Road Improvements//Received July 27, 2018

New Jersey League of Municipalities:

- a) SFY 2019 Budget Adopted/Received July 2, 2018
- b) July Grants/RIS Program/Received July 3, 2018
- c) State Issues/Received July 6, 2018
- d) State & Federal Issues/Received July 13, 2018
- e) NJ Supreme Court Report on Municipal Courts/Received July 19, 2018
- f) State & Federal Issues/Received July 20, 2018
- g) State & Federal Issues/Received July 27, 2018

General with No Action:

- a) DEP News Release/DEP Accepting Nominations Through July 27<sup>th</sup> to Honor People, Organizations for Outstanding Commitment to Recycling/Received July 9, 2018
- b) Ocean County Utilities Authority/Kathleen Balassone, Exec. Director/Bulk Rate for 2019/Received July 10, 2018
- c) PPANJ Rate Comparison/June 2018/Received July 11, 2018-Councilman Borowski stated that this is a rate comparison for each town within in the Public Power Association for years.
- d) Karen Sandy/10 Pershing Blvd./thanking the Lavallette Police Dept. for their efficiency and quick response when called about my father collapsing/Received July 18, 2018-Mayor

stated that this is a thank you letter to two patrolmen from the PD that helped with a first aid call. Councilwoman Filippone stated that Karen is her neighbor so she was with her at the house. This was her father and the two patrolman worked so very hard to get a pulse back and miraculously succeeded. They were absolutely amazing. Unfortunately, Mr. Scarlato passed away hours later at the hospital but the effort they put in at the house was unbelievable to see.

- e) New Jersey Natural Gas/Suzanne Bostwick, Manager/Daily List of homes where gas service is disconnected/Received July 18, 2018
- f) DEP Reminds Residents to Eliminate Standing Water on Properties to Reduce Mosquito Population/Received July 20, 2018
- g) Township of Woodbridge/John McCormac, Mayor/2018 New Jersey Senior Olympics/Received July 20, 2018
- h) NJDEP/Division of Water Supply & Geoscience/Patricia Gardner, Director/Water Quality Accountability Act/Received July 26, 2018
- i) Seeking Peace & Tranquility Neighborhood Association/Mary Semler/2407 Grand Central Avenue/thanking Mayor & Council for their help and effort regarding Capriccio's by The Sea/Received July 27, 2018-Mayor stated that this is Mary Semler's thank you as well.
- j) NJDOT/Diane Gutierrez-Scacceti/2019 Fiscal Aid Programs/Received July 27, 2018-Mayor LaCicero stated that this is for our next year's picks for road improvements. The first street we will apply for is Philadelphia since it was the denied one from this year and the second street we will request for is the bay block of Bryn Mawr from Rt. 35 South down to bay. Somehow that section was left out with the road improvements to Bryn Mawr for this year so it will get done for year 2020.
- k) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/Second Quarter/2018 Metered Flow Data/Received July 27, 2018
- l) DEP News Release/DEP Seeks Recruits for 2018-2019 Americorps Watershed Ambassadors Class to Cultivate Future Environmental Leaders/Received July 30, 2018
- m) NJNG/Petition of NJNG for Approval of Base Rate Adjustments Pursuant to Its NJ Rise and Safe II Programs/Received July 31, 2018
- n) NJNG/Annual Review and Revision of Its Basic Gas Supply Service and Conservation Incentive Program Rates for F/Y 2019/Received July 31, 2018
- o) NJNG/Establishment of a Universal Service Fund Pursuant to Section 12 of the Electric Discount and Energy Competition Act of 1999/Received July 31, 2018
- p) NJDOT/Sally Walker, Title Examiner/payment in the amount of \$500 for the temporary easement for the State Highway Project/Received August 2, 2018-Mayor stated that this payment is for the easement that the DOT needed in order to do some more work with the outfall pipes from the DOT highway project.
- q) OC Dept. of Solid Waste Management/Gerry Little, Freeholder/Ocean County Recycling Revenue Sharing Program/refund check in the amount of \$1,232.20 for our share/Received August 3, 2018-Mayor stated that this is our portion of the Recycling program.

General with Action:

- a) Clean Ocean Action/Alison McCarthy/confirming approval for the 33<sup>rd</sup> Annual Fall Beach Sweeps to be held in town on October 20, 2018 from 9am to 12:30 pm/Received July 26,

2018-Mayor LaCicero stated that this is a yearly request and we look forward to it every year.

- b) Michael Rothman/2000 Ocean Front/requesting the removal and decommission of parking spaces on Jersey City Avenue and Ocean that are currently in front of the curb area that will be used to access 2000 Ocean Front/Received July 27, 2018-Mayor LaCicero stated that this homeowner constructing a home and where his curb cut needs to be is being blocked by a parking space. Mr. Brice stated that this is already being worked on. Councilwoman Filippone stated that the curb cut is included on his plans so it was approved.
- c) Brian Bovasso and Michael Aiello/Bryn Mawr Avenue/requesting a response to the questions received regarding the paving of Bryn Mawr Avenue /Received July 31, 2018-Mayor stated that this is about the Bryn Mawr Avenue portion that was not included in this year's plan. We will make sure it is on for 2020.
- d) American Littoral Society/Helen Henderson, Ocean Program Manager/requesting the Borough consider doing an ordinance banning release of balloons in town/Received July 31, 2018-Mayor LaCicero stated that he thinks that maybe this ordinance banning the use of balloons should be done. He goes fishing far out in the ocean and he sees how destructive these balloons are to the sea life when they deflate and land in the water with the ribbon attached. It is definitely a problem. Mayor asked Council to make a motion to go ahead with Mr. George preparing ordinance.

A Motion to approve the preparation of the ordinance banning the release of balloons in town was made by Councilman Borowski. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

#### **UNFINISHED BUSINESS:**

O'Donnell, Stanton & Associates-Proposal for Services for West Point Island Bridge/Boat Ramp Maintenance Dredging

Mayor LaCicero stated that we weren't able to secure a grant for the dredging under the bridge but we are trying to see if the DEP will include it with their dredging project they will be starting soon in the surrounding waters.

Councilman Borowski stated that before we approve this proposal he would like to send the information to Dr. Farrell at Rutgers and see what he thinks and if he could be of service.

Mayor LaCicero stated that sounded like a good idea. We will hold off on this proposal until we get the feedback from Dr. Farrell.

Proposals for Professional Engineering Services for Tax Map Updates submitted by O'Donnell, Stanton & Associates and Najarian Associates

Mayor LaCicero stated that we have a new Tax Assessor now and she is doing a great job. She has reported to us that there were some discrepancies with some assessments so she also advised that we need to do the reval.

Mr. George suggested that we hold off on this proposal until the next meeting so I can make sure the state is aware of the Borough moving forward but will still need the extension.

Council President Zalom stated that she has talked to the County about signage and parking on Bay Blvd. She also talked to Mike O'Donnell and he stated that the ordinance states where the signs, parking spaces and bike path painted. The County has advised me they will do whatever they have to put it back the way it was.

#### **NEW BUSINESS:**

Mayor LaCicero stated that he has been informed that the County has advised that they will require a lifeguard every 300 feet on the beach next year.

Councilman Stogdill stated when the new replenishment project starts part of the project is to cover the jetties that are currently there right now. In doing this it will create 4 additional beaches for us.

Mr. George stated that he will look into the additional lifeguards and see what he finds out.

Councilman Borowski stated that it has always been the lifeguard captain that chooses where the lifeguard stands are located and he always chooses the areas that require more safety.

Councilwoman Filippone stated that her concern is when the cover the jetties it is going to become extremely dangerous when swimmers are in that area of water above them. This sounds like it will become a big safety issue.

Councilman Lamb questioned how the County can require us to do anything since the beaches are governed by the State.

Mayor LaCicero stated that Mr. George will look into it and let us know.

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

Clem Boyers, 20 Kerr Avenue questioned what revenue sharing was?

Mayor stated that it has to do with the recycling. The County gives us a percentage back that is based on the tonnage amount.

Bill Murray, 1 Elizabeth Avenue thanked Mayor and Council for the wonderful job they all are doing. He also thanked the Administrator for taking the time to come to my house to rectify a problem we were having. He was able to rectify immediately and we were very thankful.

Mr. Murray stated that he doesn't see a fix with the bicycles because they are never going to follow the rules with riding with the traffic or staying in the bike lanes. He also asked if maybe signs saying dead ends on the ocean block streets could be put up because no one realizes these streets are beach ends. He also would like the fire pit issue to be discussed again. These open fires with the



houses being so close is just so dangerous. The embers fly all over the place and land everywhere. One last thing is that he wanted to give the lifeguards a lot of credit because they do a fantastic job.

Joanne Marino, 1501 Bay Blvd. thanked Council President Zalom for the crosswalks on Bay and New Brunswick. She stated that parking on the east side of Bay Blvd. is becoming a problem for the cars that are trying to pull onto Bay Blvd. from the New Brunswick. She would like to request that signs be put up only allowing parking on the west side of Bay Blvd. and none on the east side. We also need new signage on Bay Blvd. and maybe some barrels and cones so people stop for pedestrians.

The Mayor stated that there is a curve in the road there on Bay Blvd. which makes it difficult to see the cars coming especially if cars are parked there. He will see if something can be done. As far as the cones, he will talk to the Chief and have him check it out.

Mrs. Marino stated that she has been told that the lifeguards are only paid \$10.00 and only for 40 hours when they work 42 hours.

Mayor LaCicero stated that he believes there is a pay scale for the lifeguards that goes by the amount of years and experience each one has. As far as the paid hours, he will check into it but he doubts that is what has occurred.

Susan Kotch, Founder's Day Committee stated that Founder's Day is coming up on September 8<sup>th</sup>. We will have rides for the kids free all day, lots of new vendors, some crafts and the local businesses. Make sure you all come out for a great time!

Mark Speaker stated that he just wanted to say how much of a great and inspiring program the Waves of Impact is. My wife was up there watching it and she was just so impressed. Great program.

Jon Corney, 1 Newark Avenue questioned when the bocce courts will be done?

Councilman Lamb stated that the old wood has been removed already and they are in the process of putting the new wood in and then they can resurface the court.

Mayor LaCicero stated that they should be ready for the September 15<sup>th</sup> tournament.

Joe Palinsky, 122 Washington Avenue stated that he has always said that there needs to be a four way stop at Bay Blvd. and Washington Avenue. He had a conversation with the Chief many years ago and he did not feel it was necessary

Mayor LaCicero stated that he stands by the Chief with his decisions because he is the expert.

Councilwoman Filippone stated that a four way stop in her opinion would be too confusing at that intersection. Maybe a regular light or blinking light might work but not the 4 way stop.

Vincent Marino, 1501 Bay Blvd. stated that there are a lot of people that utilize New Brunswick Avenue from Baltimore to Bay Blvd. and he thinks the County should be made aware of this. Something needs to be done for the safety on Bay Blvd. whether it be some traffic lights or stop signs.

Chris Chamberlain, 26 Bond Avenue stated that he noticed that the bicycles that the special police are using do not have any lights on their bikes.

Councilwoman Filippone stated that she will advise the Chief.

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

Councilman Borowski stated that he again thanks Waves of Impact for the incredible program they do for these kids. This is their 6<sup>th</sup> year here in Lavallette and these volunteers who put together this effort are just amazing. Keith Lovgren who is a native of Lavallette, does this program all over the world. He wants to thank the Baginski family who put up a bunch of volunteers in her rental for the week free of charge and a big thank you also to Lenny's who provided all the food for the event all free of charge. Our lifeguards also helped out so a big thank you to them as well. Sam Hammer was one of the instructors and he took one of these kid out on a board and it was just remarkable to watch. It was so uplifting and inspiring to see the look on the kids face as Sam took him far out on the board and then they rode in on a wave with such ease.

Councilwoman Filippone stated that she was up there checking it out and it was just phenomenal watching it all. The surfers were all so exhausted but they kept going and these kids had no fear. It was just a great experience to watch.

She stated that a few meetings ago Joe Alicino was questioning if our construction department was a H1 or H2 community. She spoke to the Construction Official and he stated that we are an H1 community. All of our inspectors as well as the Construction Official have the highest certifications possible. She stated that on the back wall of this room as well as in some of the offices downstairs, her next project will be to put old photographs of all different areas of Lavallette.

Councilman Stogdill stated that the lifeguards enjoy every minute being able to be a part of the surf program.

Council President Zalom stated that she called Channel 12 News and they came down to do a story on it and the reporter was extremely impressed. Let's not forget the breakfast at the Union Church this weekend. It's great to have the sign coming into town that displays the events going on in town every week.

#### **EXECUTIVE SESSION:**

There was no executive session.

#### **ADJOURNMENT:**

A Motion to adjourn the Caucus/Regular Meeting was made by Councilman Finter. The Motion was Seconded by Councilman Stogdill. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 8:50pm.

**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 6<sup>th</sup> day of **August 2018**

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