

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, March 4, 2019-7:00 pm

CALL TO ORDER: Mayor Walter G. LaCicero, presiding

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

Also present: Eric Bernstein, Borough Attorney
Donnelly Amico, Municipal Clerk
Robert Brice, Borough Administrator

READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT: Notice of this meeting was published in the Ocean Star on January 4, 2019. Notice was also posted on our municipal bulletin board and municipal website.

MOMENT OF SILENCE: The Mayor asked for a moment of silence stating that thankfully there were no locals who passed away recently. Take a moment to remember your loved ones who have passed.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated the replenishment is moving along and it looks like it is going to be ahead of schedule on the completion. They have already started the walkovers so it's looking good so far. We received two RFP's for the revaluation and the prices are much lower than we had anticipated so that also is looking good. 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.

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

No one wished to comment.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of February 19, 2019

A Motion to approve the minutes 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.

REPORTS:

- a) Lavallette Construction Report for February 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for February 2019-Councilwoman Filippone-read report
- c) Municipal Court Report for January & February 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for January 2019-Councilwoman Filippone –read report
- e) Animal Control Report for January 2019-Councilwoman Filippone-read report
- f) Public Works Report for February 2019-Councilman Lamb-read report
- g) Public Affairs Report-Council President Zalom-the County is looking to do paving on Pershing Blvd. and Dickman Drive as soon as some of the houses still under construction have been completed. There is a list downstairs for people who are looking to dedicate a bench in their loved one's honor so get your name on it. The NYC bus trip will be on May 4th and due to the replenishment project the Beach Sweeps has been cancelled for April but still on for October. The Lavallette School children will be coming to the April 8th meeting to give us a presentation on the regulations of recycling. Also, Donations of Love is doing a fundraiser for Providence House in honor of our dear friend Barbara Florimont who was very active with Providence House.
- h) Tax Account Report for February 2019-Tax Collector
- i) Revenue Transaction Report for January 2019-Chief Financial Officer

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

ON CONSENT AGENDA/OFF CONSENT AGENDA, AND VOUCHERS:

RESOLUTIONS - ON CONSENT:

- 2019-83 approving a facilities use application to Team Zebra Multisport, LLC to hold a triathlon on Bay Blvd. from Washington to Ortle Avenue and use our Washington Avenue parking lot and bay beach on Saturday, June 8, 2019 from 6am to 10:30am and on Friday, June 7, 2019 at 5pm for bike rack setup-The Clerk advised Council that there are two weddings at the gazebo on this day starting at 12 noon so the garbage will have to be cleaned up and picked up before that. Councilman Lamb stated that last year there was definitely a problem with the excessive garbage left and some kind of colored lines that were painted on the street. Councilman Borowski stated that he too remembers the garbage issue as well as the lines. He also remembers the noise being heard too early in the morning. He stated that he also believes that the town wide garage sale is that weekend. The Mayor stated that obviously this requires more discussion so let's carry this resolution until the next meeting.
- 2019-84 authorizing the redemption of a tax lien sale certificate in the amount of \$57,978.96
- 2019-85 authorizing the refund of a 2019 tax overpayment in the amount of \$1,310.37
- 2019-86 approving a facilities use application to Breathe Life Yoga to hold yoga classes on the ocean beach at President and at Trenton Avenues, Wednesday through Sundays starting June 1, 2019 through September 30, 2019 including Memorial Day and Labor Day-The

Mayor stated that this has been an annual request and they have paid our share of the proceeds from last year.

- 2019-87 authorizing the refund of a 2017 state tax appeal in the amount of \$1,103.63
- 2019-88 approving a facilities use application to the Jersey Shore Running Club for use of our boardwalk for their annual relay run from Seaside to Asbury Park on Saturday, April 6, 2019 between 8am and 10am in conjunction with the Special Olympics-The Mayor stated that this is an annual request and there have never been any issues.
- 2019-89 approving a facilities use application to the National Multiple Sclerosis Society for the use of our Washington Avenue parking area to use as a rest stop for their charity bicycle ride through town on Saturday, May 18, 2019 between the hours of 9:30am and 4pm-The Mayor stated that this is annual request and there has never been any issues.
- 2019-90 approving the annual certifications submitted by the Lavallette Fire Department of all volunteer members who have qualified for credit under the LOSAP program for 2018-Councilman Borowski requested this resolution be put off consent.
- 2019-91 authorizing the Mayor to sign and execute an amendment to the Wireless Telecommunications Facilities Lease Agreement between Omnipoint Communications, Inc. and the Borough of Lavallette-Mr. Brice stated that there are some upgrades that need to be done with T-Mobile and the previous lease agreement has expired.
- 2019-92 awarding a contract to Cherry Hill Winner Ford under State Contract A88728 for the purchase of a 2019 Ford F150 for the Department of Public Works in the amount \$39,993.00-The Mayor stated that this vehicle is for the Public Works Department and the amount has been decreased to \$34,668.00 because we decided against the plow.

A Motion was made by Councilwoman Filippone to approve the consent agenda. The Motion was Seconded by Councilman Borowski.

The Mayor opened the floor to the public and asked if anyone wished to comment on the consent agenda.

Mark Speaker, 111 Brown Avenue stated that he knows that Philadelphia is the next street for road improvements and was concerned if it was going to conflict with Founder's Day.

Mayor LaCicero stated that when paving is done it is either done during the spring or in the fall after September.

Jon Corney, 1 Newark Avenue questioned Resolution 2019-84 and whether the \$57,978.96 was just one lien on one property redeemed or on multiple properties?

Mr. Brice stated that it was for one property at 805 Grand Central Avenue for one of those units.

Mr. Corney stated that it was a pretty substantial amount for one property and he was impressed.

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:

2019-90 approving the annual certifications submitted by the Lavallette Fire Department of all volunteer members who have qualified for credit under the LOSAP program for 2018

A Motion was made to approve this resolution by Councilman Stogdill. 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 Finter voted Yes. Council Members Borowski and Lamb abstained. The Motion Passed.

APPROVAL OF VOUCHERS:

2019-93 Bills List in the amount of \$1,075,070.24

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.

ORDINANCE ON FOR FIRST READING/INTRODUCTION:

ORDINANCE NO. 2019-02 (1192): ORDINANCE OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 20 OF THE CODE OF THE BOROUGH OF LAVALLETTE, TO AMEND §20-3, ENTITLED, "FEES"

Mr. Brice stated that there were some construction fees that needed to be amended since the elimination of the shared services with Seaside Park and also the State DCA requiring some mandatory amended fees as well.

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

Public Hearing and Final Adoption is scheduled for March 18, 2019.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/2019 CDBG Funding Application/Received February 19, 2019

New Jersey League of Municipalities:

- a) First Meeting of the New PFRS Board of Trustees/Received February 4, 2019
- b) State & Federal Issues/Received February 8, 2019
- c) State Issues/Received February 11, 2019
- d) State & Federal Issues/Received February 15, 2019
- e) Marijuana Legalization Update/Received February 19, 2019
- f) State & Federal Issues/Received February 22, 2019

General with No Action:

- a) Janet Piazza/56 Pershing Blvd/ copies of letters sent to Senators Booker and Menendez and Congressman Kim regarding the deployment of 5G by Verizon/Received February 4, 2019
- b) Ocean County Utilities Authority/Keith Maroon, Executive Director/Deficiency Notification for 2019 Calendar Year/Received February 4, 2019
- c) Vincent & Joanne Marino/1501 Bay Blvd/copy of letter sent to the Senators and Congressman regarding the Verizon 5G nodes/Received February 7, 2019
- d) DEP News Release/DEP Statement on US Environmental Protection Agency PFAS Actions/Received February 19, 2019
- e) Stephen Mortensen/23 Pershing Blvd/in opposition of tax dollars being spent on a legal fight with Verizon regarding the 5G nodes/Received March 1, 2019

General with Action:

- a) Pat Marrone/Friends of Lavallette Beautification Committee/requesting approval of a letter to send to the State of New Jersey, Department of Transportation encouraging the approval of the Grand Central Avenue Beautification Project Application/Received February 12, 2019-Mayor LaCicero stated that this letter seems to be a good idea.

A Motion to approve the Beautification Committee to send out this letter to the State DOT in support of the Borough's application for the Phase II Beautification Project was made by Councilman Finter. The Motion was Seconded by Councilman Lamb. Vote: All of Council was in favor. The Motion Passed.

- b) ReMax Real Estate, LTD/Melissa Fogler, Supervisor/requesting permission to have their 3rd Annual "Kick-Off to Summer" to be held on Sunday, May 26, 2019 from 12noon to 4pm and to have a DJ set up outside on the south side of their building during these

hours/Received February 19, 2019-The Mayor stated that this is an annual request and we have had no issues with this.

UNFINISHED BUSINESS:

O'Donnell, Stanton & Associates/Washington Avenue Water Treatment Plant Breakdown/Aquatrol Products, Inc./Quotation

Mr. Brice stated that this is a quote that was given to the Engineer from Aquatrol Products for the labor and materials for the repair of well #4. The repairs need to be done and the price seems to be fair. The Engineer will also be giving us a quote on their costs for this project as well as proposals on a complete new system and a full system but not as complete.

The Mayor stated that a resolution for approval will be on for the next meeting.

O'Donnell, Stanton & Associates-Proposal of Services/Water Quality Accountability Act Compliance/Revised

Mr. Brice stated that there are some mandatory requirements that the DEP is requiring regarding our Water Treatment Plant in order to bring it in compliance with the Water Quality Accountability Act. The Engineer needs to be part of this and Public Works will also be on board with making the repairs necessary.

The Mayor stated that a resolution for approval will be on for the next meeting.

O'Donnell, Stanton & Associates-Proposal of Services/Beach and Dune Maintenance Activities/CAFRA Permit

Mayor LaCicero stated that now that the replenishment project is nearing its completion we now have to start the process of applying for another CAFRA IP permit for our dune maintenance. Our previous permit has expired but the DEP allowed us to still work under our expired permit and extend our renewal application until after the replenishment project was completed. We are unsure if we will have to abide by the same rules as the old permit since this is a whole new beach and dunes but we will see what happens.

Mr. Brice stated that according the meetings he has been attended we will still be held to the same standards as the old permit.

The Mayor stated that a resolution for approval will be on for the next meeting.

Najarian Associates/Proposal of Services/Additional Hours and Work Needed for the Completion of the Tax Maps/Man-Hour and Direct Salary Cost Breakdown Summary

Mr. Brice stated that Najarian sent over the 1st round of the updated tax maps to the State and they in turn kicked them back without approval. They have requested more changes and updates to them. Najarian who was awarded the contract for the preparation and update of these maps first

proposal was for approximately \$19,000 give or take. Since the maps were kicked back with more updates and revisions, they have sent another proposal for the additional man hours and work for these revisions to get done. There were some discussions back and forth with them and we finally came to an agreed additional price for the extra work of \$17,598.00 in addition to the previous proposal.

The Mayor stated that unfortunately we have no choice but to go ahead with the revisions because it is a requirement as part of the reval.

Mr. Brice stated that due to the timeline of the reval and the fact that we are already behind schedule we really need to get moving on the revisions so he would like this proposal to be approved tonight.

A Motion to approve the additional proposal in the amount of \$17,598.00 from Najarian was made by Council President Zalom. The Motion was Seconded by Councilman Finter.

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, Finter and Lamb voted Yes. The Motion Passed.

The Municipal Clerk stated that this will be Resolution 2019-92A.

Councilman Stogdill stated that at the last meeting there was discussion on doing a pilot program regarding the current moorings and allowing each mooring renter an additional 3 boats or kayaks each for an additional \$25 in addition to their initial rental fee of \$100.00. There is enough of space in between each mooring for these additional boats so there will be no issue as far as any crowding. Each boat/kayak will require a sticker which will have all the same mooring number on it and will be the initial sticker with number and each additional with number and A, B, and C. The reason we want to do a pilot program for this year is so we can see how it goes before we have to open up the ordinance and do changes. We can do this program under a temporary resolution until the ordinance is amended. We would like this resolution approved tonight so we can get started on the process of the renewal applications.

Councilman Borowski stated that he doesn't know how this is all going to happen without too much crowding but we will see.

A Motion to approve the mooring pilot program for this year was made by Council President Zalom. The Motion was Seconded by Councilman Finter.

The Mayor opened the floor to the public and asked if anyone wished to comment on this resolution.

Mark Speaker, 111 Brown Avenue stated that he was the one who initially brought this subject up and he thinks that a pilot program temporarily to see how it works or if any changes or revisions will need to be done is a good way to approach it. He stated that there is definitely enough room in between each mooring so he doesn't see any crowding being an issue.

No one else 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, Finter and Lamb voted Yes. The Motion Passed.

The Municipal Clerk stated that this will be Resolution 2019-92B.

NEW BUSINESS:

There was no new business.

COMMENTS FROM THE PUBLIC:

Marlene Chamberlin, 26 Bond Avenue, stated that Nantucket has a mooring field that they collect big money on. She questioned how the two street ends that allow the cars to enter the beach are going to work with the walkovers?

Mayor LaCicero stated that they are Ortlely and Philadelphia and they are wider ramps up and over for the vehicles.

Mrs. Chamberlin stated that there is a house she sees all the time when she walks the boardwalk that is in really bad shape and is abandoned. She hopes that these issues will be addressed soon.

Mayor LaCicero stated that the Construction Official is hoping to get those issues rectified before the end of the year.

Jon Corney, 1 Newark Avenue questioned stated that he looked over the Revenue Transaction Report for the month of January and sees a drastic increase on the interest on investments and bank interest. He doesn't know what changed but he is very pleased with the increase. He stated that the only problem he has with us is that only PNC Bank is used for all the accounts. We should be putting our monies into multiple banks.

Mayor LaCicero stated that our CFO always tries to find ways for us to increase our revenue. We always aim to please for our residents.

Councilman Borowski stated that we use PNC because they give us more for less. We do not pay any charges or fees even for the amount of transactions we do.

Bob Astorino, 2 Elizabeth Avenue questioned if we are going to allow benches to be purchased by residents to honor their loved ones.

Councilwoman Filippone stated that the CDBG grant if we receive it will be for the purchase of the benches in the south end of town and there will not be any dedications for those. We will be using the list of residents who would like to purchase benches for their loved ones in the north end of town. The list is already started so get your name on it if you haven't already.

Mark Speaker, 111 Brown Avenue questioned if the County will be taking care of the pond issues on Bay Blvd. Since they repaved it seems to have gotten worse.

Mr. Brice stated that this has already been brought to his attention and he has gone down and checked it out. We will be making sure that something is done for this to rectify the issue.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Council President Zalom stated thanked public works for taking care of the lighting on the water tower. She stated that she has been informed that the State of New Jersey is not following the federal guidelines regarding the bike paths. These bike paths should be painted green to make it more efficient by separating them from the highways white lines.

Mr. Brice stated that there have been some issues regarding painting the bike paths green because they have also chosen that color for the electric charging stations.

EXECUTIVE SESSION:

There was no executive session.

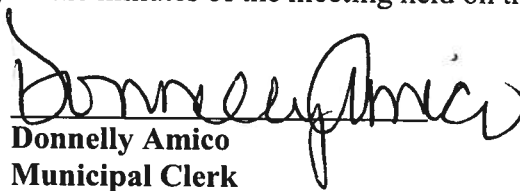
ADJOURNMENT:

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

The Caucus/Regular Meeting was adjourned at 8:21 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 19th day of February 2019


Donnelly Amico
Municipal Clerk