

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, April 8, 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 for all loved ones lost.

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

MAYOR'S WELCOMING STATEMENT: The Mayor welcomed everyone to tonight's meeting. He stated that the beach project is progressing nicely. The budget looks good and is on for introduction tonight. We are looking into using our interlocal schedule C with the County to see if they could help with replacing the bulkhead and boat ramp down at the bay. It is in really bad shape and needs to be taken care of sooner than later. Hopefully we can figure something. 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)

No one wished to comment.

APPROVAL OF MINUTES:

Minutes of Regular Meeting of March 18, 2019

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

REPORTS:

- a) Lavallette Construction Report for March 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for March 2019-Councilwoman Filippone-no report

- c) Municipal Court Report for March 2019-Councilwoman Filippone-no report
- d) Police Overtime Report for February-Councilwoman Filippone
- e) Animal Control Report for March 2019-Councilwoman Filippone-no report
- f) Beach Badge Report for March 2019-Councilman Stogdill-read report
- g) Public Works Report for March 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-Let's not forget about all the great events in town this month. The Roast Pork Dinner at the Firehouse and the Taste of the Barrier Island. We also are in need of a Tai Chi instructor. Our longtime instructor, Pat Gilman, will not be doing it anymore. She also is looking into ordering swings for the playground and is trying to get Dunkin Donuts to give their donation of \$2,000 towards the purchase.
- i) Tax Account Report for March 2019-Tax Collector
- j) Revenue Transaction Report for February 2019-Chief Financial Officer

A Motion to approve the reports was made by Councilwoman Filippone. 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:

- 2019-109 approving a final quantities change order to the contract with Earle Asphalt Company for the President Avenue road improvement project in the amount of \$11,660.61
- 2019-110 approving a facilities use application from USABL Baseball to hold baseball games on Sundays, June through August from 9am to 2:30pm-Mayor LaCicero stated that there seems to be an awful lot of requests for the field this year. It seems to be being utilized every weekend from now until after the summer which seems to be quite a bit. Councilwoman Filippone stated that it seems that this field is reserved so much that it takes away from the kids and families in town to enjoy it. Maybe we should think about only allowing a certain amount of leagues and not every single weekend. Mayor LaCicero stated that maybe we need to hold off on all the field requests on tonight and request rosters and schedules from each of them to see if there are even any Lavallette players on these teams. I mean it seems like all these teams are from Toms River. All of Council was in agreement to carry the field requests until more information is received.
- 2019-111 approving a facilities use application from Toms River Black Sox to hold baseball practices on Friday nights, April through November 2019 from 5:00pm to 7:00pm
- 2019-112 approving a facilities use application from This Is Yoga to hold yoga classes on the Kerr Avenue ocean beach Tuesdays and Thursdays starting May 28, 2019 through August 2019 from 6:30pm to 7:30pm
- 2019-113 refunding the unused balance of planning board escrow funds in the amount of \$185.00

- 2019-114 approving the interlocal agreement with the Toms River Fire Commissioners to provide fuel to the Ocean Beach fire vehicles for a term of one year commencing March 2019
- 2019-115 approving two raffle licenses to the Lavallette PTO on May 10, 2019 and October 20, 2019
- 2019-116 proclaiming the week of April 7th through April 13th 2019 as “National Volunteer Week” in the Borough of Lavallette
- 2019-117 approving six applicants to attend the Ocean County Academy Class I Special Police training commencing Wednesday, April 3, 2019
- 2019-118 awarding a contract to Fireworks Extravaganza in the amount of \$8,000 to perform our fireworks display on Sunday, July 7th with a rain date of Sunday, July 14th 2019-Mayor LaCicero stated that we had to increase our fireworks budget this year. There has been a lot of issues with one resident about our fireworks and they have involved the State Fire Marshall as well. Since there now will be more entailed with our fireworks for the vendor we had no choice but to increase the budget.
- 2019-119 authorizing the disposal of surplus property through GovDeals
- 2019-120 authorizing the refund of a construction permit fee in the amount of \$50.00
- 2019-121 authorizing the refund of a 2019 tax overpayment in the amount of \$3043.77
- 2019-122 amending the 2019 temporary budget in the amount of \$169,217.41
- 2019-123 approving a facilities use application to the Jersey Shore Rottlers to hold baseball games on April 28th, 9am 7pm and May12th and 19th from 9am to 2pm
- 2019-124 awarding a contract to Universal Instrument Service Company in the amount of \$10,636.64 for the repairs and replacement of the SCADATA Radio Communication System utilized by Well#3 and Well#5-Mayor LaCicero stated that this system was extremely old and was definitely in need of replacement.
- 2019-125 authorizing the Construction Official to act in an official capacity as the Alternate Zoning/Code Enforcement Officer on an as needed basis.
- 2019-125A authorizing the Borough Administrator to sign and execute a service agreement between the Borough of Lavallette and PJM Interconnection
- 2019-125B approving a facilities use application to Waves of Impact to hold their surfing and paddleboard events for special needs children Thursday through Saturday, August 1st through August 3rd from 9am to 3pm

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

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

Mark Speaker, 111 Brown Avenue questioned if a list of the items going to sale was available.

Mayor LaCicero stated that the list is attached to the resolution in the public packet on the back table but Donnelly can email you a copy tomorrow.

The Mayor closed the floor to the public and asked Council for a vote on the consent with the exception of Resolutions 2019-110, 2019-111 and 2019-123.

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

RESOLUTIONS: OFF CONSENT:

2019-126 approving a facilities use application to Lavallette Select Baseball to hold baseball games on Sundays, from March 31st through June 23rd at 4pm and 7pm and on Saturdays, from September 1st through November 3rd at 4pm and 7pm in addition to the dates and times that were already approved in February

This resolution was pulled.

APPROVAL OF VOUCHERS:

2019-127 Bills List in the amount of \$473,587.80

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.

ORDINANCE ON FOR FIRST READING/INTRODUCTION:

ORDINANCE NO. 2019-05 (1195) ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMITS AND TO ESTABLISH A CAP BANK

Mayor LaCicero stated that this ordinance always goes hand in hand with the budget annually.

A Motion to introduce this ordinance 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.

Public hearing and final adoption is scheduled for April 22, 2019.

ORDINANCES ON FOR PUBLIC HEARING/FINAL ADOPTION:

CAPITAL ORDINANCE NO. 2019-03 (1193) CAPITAL ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF VEHICLE FOR SEWER UTILITY IN AND FOR THE BOROUGH AND APPROPRIATING \$40,000 TO FUND THE SAME.

Mayor LaCicero stated that this is for the purchase of a truck for the sewer department. The money was already put aside in the capital improvement fund so we just need to do this ordinance to be able to access the funds. There are no monies being borrowed at all.

A Motion to adopt this capital ordinance was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone 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.

BOND ORDINANCE NO. 2019-04 (1194) BOND ORDINANCE OF THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY AMENDING BOND ORDINANCE #2013-14 (1119), FINALLY ADOPTED APRIL 22, 2013, TO AMEND PURPOSES AND USEFUL LIFE

Mayor LaCicero stated that we adopted a previous bond ordinance back in 2013 for the purchase of some items that we needed at that time. There were some funds left over from that ordinance so we want to transfer it over for some repairs and upgrades to the water treatment plant. There will be no bonding or borrowing of any monies.

A Motion to adopt this ordinance was made by Councilman Lamb. The Motion was Seconded by Councilman Stogdill.

The Mayor opened the public hearing and asked if anyone 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.

INTRODUCTION OF THE 2019 BUDGET: (Clerk Read Budget Resolution 2019)

Mayor LaCicero that the budget increased 1.57% from 2018. The tax rate was flat last year but as per our Auditor we had to increase it by half a penny for this year which is roughly \$24.00 annually. We have paid off a decent amount of bans which has decreased that debt by 44.36%. Our zoning budget is down 48% but that had a lot to do with the shared services. We needed to increase the Engineer line item by 72% because of all the projects we have going on right now. We also are bouncing projects between our Borough Engineer as well as our Consulting Engineer trying to get the best prices. We are thankful for the surplus that we have because we can pay for the reval in full without having to borrow any monies. Overall, we are looking pretty good so far.

A Motion to introduce the 2019 budget 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 May 6, 2019.

COMMUNICATIONS:

Engineering:

- a) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/President Avenue Road Improvements/Change Order No. 1/Final Quantities/Received March 20, 2019
- b) O'Donnell, Stanton & Associates/Michael O'Donnell, Engineer/Shore Protection/Beach Replenishment Army Corps. of Engineer/NJDEP/Received March 21, 2019

New Jersey League of Municipalities:

- a) Governor's Proposed SFY 2020 Budget/Received March 6, 2019
- b) State Issues/Received March 8, 2019
- c) State Issues/Received March 15, 2019
- d) State Issues/Received March 22, 2019
- e) Cannabis Bill Pulled from Vote/Received March 26, 2019

General with No Action:

- a) DEP News Release/DEP Seeks Applicants for Hundreds of Seasonal Jobs at State Parks, Forests and Historic Sites/Received March 1, 2019
- b) DEP News Release/DEP, Army Corps. of Engineers Seek Public Comment on Interim Report for Back Bay Study/Received March 1, 2019
- c) Ocean County Health Department/Saranda Ceka, Municipal Alliance Coordinator/Upcoming Deadlines for Municipal Alliance/Received March 19, 2019
- d) DEP News Release/DEP's Recycling Coach App is Making Recycling Easier Than Ever in New Jersey/Received March 27, 2019
- e) State of New Jersey/Department of Transportation/Approval of Funding through the 2019 Municipal Aid Program for road improvements to Philadelphia Avenue in the amount of \$185,000

UNFINISHED BUSINESS:

Councilman Finter stated that there are still some seats left for the May 4th bus trip. We will be using Academy Bus for this trip.

Mayor LaCicero stated that we are still working on getting the dredging done with the State. Hopefully, we can work something out and get it done soon.

NEW BUSINESS:

Councilman Stogdill stated that the beach captain has stated some safety and use concerns regarding the Reese Avenue swim beach. This beach does not get utilized much at all because it is right next to the fishing dock and you can't really swim in that section because of all the fishing hooks which causes a safety issue for our beach goers. We also have a lifeguard there as well. What the beach captain would like to do for this year is make that section of the beach a non-bathing and swimming beach and this way it will take care of the safety issues as well as being able to utilize that lifeguard elsewhere. s usually only maybe 3 families that utilize that section of the bay beach on a daily and sometimes there is not many there at all. We do have a lifeguard for that area as well that we pay to sit there daily.

Councilwoman Filippone stated that we should not allow any fishing or crabbing there so close to the swimmers.

Council President Zalom stated that she knows a lot of residents who utilize that beach area.

A Motion to make the Reese Avenue bay beach a non-bathing and swim beach was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Stogdill, Finter and Lamb voted Yes. Councilwoman Filippone voted no and Council President Zalom Abstained. The Motion Passed.

Mr. George stated that he has heard that Capriccio's will be surrendering the liquor license to the State. He has not yet received any confirmation on this but once he does he will advise immediately.

COMMENTS FROM THE PUBLIC:

Jon Corney, 1 Newark Avenue stated that it's a good move with replacing the bulkhead and getting the County on board. He stated that since we have a handicap walkover on Trenton Avenue shouldn't we be getting more than 1 handicap space on the street. It would make sense.

Councilwoman Filippone stated that she has already discussed this with the Chief and he is already working on it.

Mr. Corney questioned a capital surcharge included in the water/sewer bills and why it is needed. It should be looked into.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilman Borowski stated that he too feels that these sports organizations are getting a little out of hand with the requests.

Councilwoman Filippone stated that maybe we should have a separate field charge that is a substantial amount to keep the leagues at a minimum.

Mr. Brice stated that the pumping should be complete this week and they have completed the walkovers up to Washington Avenue to the South. The dune plantings will be done in the fall.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

A Motion to adjourn the Council 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 8:25pm.

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 8th day of April 2019


Donnelly Amico
Municipal Clerk