

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTTE MUNICIPAL BUILDING**  
**Monday, May 6, 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: Phil George, 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 all residents and family members who passed away recently.

**PLEDGE OF ALLEGIANCE:** Council President Zalom led us in the Salute to the Flag.

**MAYOR'S WELCOMING STATEMENT:** The Mayor thanked everyone for coming to tonight's meeting. He stated that summer is starting soon and we are ready for it. He stated that we will be adopting the budget tonight and he thinks it is a very good budget and is proud of how our finances are. We are in really good shape and he thanks the CFO for that. He stated that anyone in the audience that wished to comment on any items that were not on the agenda they could do so now.

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

Chris Angulo, Trenton Avenue stated that he is unhappy with the big electric signs on the roadway and trailers left unattached on the streets. When he had his trailer on the street unattached he received a summonses every time. It amazes me how only certain people are exempt from the rules in town. He stated that he recently applied to be an EMT and was denied and feels he was only denied because he is very vocal about the corruption in town. He asked that Council approve him now to be an EMT for the First Aid.

Mayor LaCicero stated that Council does not make those decisions, that is strictly decided by the First Aid.

Mr. Angulo asked Councilman Borowski to approve him to be an EMT.

Councilman Borowski stated that he is a member but does not have that power to approve this.

Elaine Derasmo, Haddonfield Avenue, stated that the street signs by the boardwalk are in serious disrepair. She knows they are the winter signs and the artistic ones will be put up for the summer but she thinks that before these are put up again they should order new ones.

Mayor LaCicero thanked her for sharing and will make sure Public Works takes a look at.

### **APPROVAL OF MINUTES:**

Minutes of Regular Meeting of April 22, 2019

A Motion to approve the minutes 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.

### **REPORTS:**

- a) Lavallette Construction Report for April 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for April 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for March & April 2019-Councilwoman Filippone-read reports
- d) Police Overtime Report for April 2019-Councilwoman Filippone-no report
- e) Animal Control Report for April 2019-Councilwoman Filippone-no report
- f) Beach Badge Report for April 2019-Councilman Stogdill-read report
- g) Public Works Report for April 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-that there is no street sign for New York Avenue and Route 35 South so Public Works needs to be notified. Dunkin Donuts donated \$2,000 towards the swings and a family in town has expressed an interest to donate the full amount for the purchase as long as they can also have a small sign by the swings in memory of her sister who passed. The Lavallette School 8<sup>th</sup> grade trip fundraiser will be this weekend and they will also have a 50/50 raffle. Movies on the Bay will be on Tuesdays, July and August again this summer and the movies have already been picked. Don't forget about the mother's day flowers the Ladies Auxiliary of the fire department are selling this weekend. Also, Pat Gilman who has been the Tai Chi instructor for many, many years is moving out of town so we are in need of another instructor and if anyone knows someone, let me know.
- i) Tax Account Report for April 2019-Tax Collector
- j) Revenue Transaction Report for March 2019-Chief Financial Officer

A Motion to approve the reports was made by Councilman Stogdill. The Motion was seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter an Lamb voted Yes. The Motion Passed.

The Mayor stated that he is going to move around the agenda a bit and do the adoption and public hearing for the budget now since our Auditor, Bob Oliwa has arrived.

### **PUBLIC HEARING AND FINAL ADOPTION OF THE 2019 BUDGET: (Clerk to read budget by title only)**

2019-142 allowing for the 2019 budget be read by title only

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

The Municipal Clerk read the 2019 budget by title only.

Bob Oliwa, Auditor stated that the Borough is self-examination this year which is always easier and faster which would be the 3<sup>rd</sup> time for us. Overall, we are in really good shape with this budget. We added some extra money to some of the items to give them some cushion and paid off a big ban as well. We had to add some extra funds into the sewer utility budget due to higher costs from the OCUA. The big ban paid off was from the electric budget. The town's general net debt is roughly \$7,612,932 and we are \$67 million borrowing power which is fantastic. The tax rate went up ½ cent which is not a big increase at all. We are using the surplus for the revaluation instead of bonding the project which is a big plus and saves on interest. We paid off some of the water utility bans. The current fund is down \$10 million which is great. The Borough is really in good shape with their finances.

Mr. Brice stated complimented the CFO for doing a great job with the budget.

Councilman Lamb asked for an update on the PJM issue with the electric.

The CFO stated that we are currently still paying on the rate increase due to the lawsuit but this year is the transition year so we should start seeing it go down.

Councilman Borowski stated that the black box will be eliminated in July so we should start seeing a significant decrease.

A Motion was made by Councilwoman Filippone to open the Public Hearing on the 2019 Budget. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

The Mayor asked if anyone wished to comment on the 2019 Budget.

Jon Corney, 1 Newark Avenue stated that it was a pretty good budget but wanted know why the reserve for uncollected taxes went up?

Mr. Oliwa stated that the collection rate on taxes is 98.51% but there was a reduction in non-cash appropriations which would impact surplus so there was a slight increase but it was minimal. He stated that funds are funds and everything is stable right now.

Mr. Corney stated that it is usually a 3year running average.

Mr. Oliwa stated that we are using a little less than that. There are always offsets along the way.

Mr. Corney questioned the tax sales and why we don't do them more than once a year?

Mr. Oliwa stated that right now we have no tax liens and we use the general fund to offset the taxes. Besides, we get 18% with the tax liens so why wouldn't we keep doing it this way. The Borough does not have high delinquencies.

Joe Palinsky, Washington Avenue, questioned how much liability do we get with the pension and health benefits for retirees that are in the budget?

The CFO stated that once an employee retires they are not included in our budget.

Mr. Palinsky questioned the contracts and if the new hires coming in start lower salaries?

The Mayor stated that with the contracts the new hire rates are much lower than the current employees.

The Mayor closed the Public Hearing and asked Council for a vote on the 2019 Budget

Resolution No. 2019-154      Adoption of the 2019 Budget

A Motion to adopt the 2019 budget was made by Councilman Stogdill. 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:**

2019-140      accepting the donation of two American Flags from Nicholas Simzak of 102 Bond Avenue

2019-141      approving a facilities use application to Northern Habitat for Humanity to utilize the Lavallette boardwalk to hold their "Walk to Build" fundraiser on Saturday, September 7, 2019 from 8:30am to 10:30am in conjunction with Lavallette Founder's Day

2019-143      approving a facilities use application to Soccer Shots to hold children's soccer games on Chandler Field on Mondays in July & August from 5:00pm to 7:30pm

2019-144      approving a facilities use application to Soul Sessions with Kate to hold meditation classes on the Virginia Avenue ocean beach on Thursdays in July and August 2019 from 7:30am to 8:30am

- 2019-145      awarding a contract to Ocean Appraisal to assist with tax court appeals for commercial and/or unique properties in an amount not to exceed \$2,500
- 2019-146      authorizing a credit in the amount of \$1,160.74 to a water account due to a two family becoming a one family
- 2019-147      appointing Jeremy J. Robertson-Marks as a full time laborer for the Department of Public Works at an annual starting salary of \$33,587
- 2019-148      appointing two summer seasonal laborers for the Department of Public Works effective May 7, 2019
- 2019-148A     authorizing self-examination of the 2019 budget

A Motion to approve the consent agenda minus Resolution 2019-142 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, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS: OFF CONSENT:**

- 2019-149      approving a facilities use application to Louis Castellano of USABL to hold baseball games on Chandler Field on Sundays, June through August 2019 from 9am to 2:30pm

Council President Zalom stated that she spoke to Mr. Castellano and he stated that he does pay for other fields as well. He also stated that the field is not in good shape and he goes a few hours before and cleans up the field and bleachers. He is not a for-profit organization as well so he should not have to abide by the 10% proceeds.

Councilwoman Filippone stated that all non-profit organizations must show proof of this.

Mr. George stated that once an organization is approved as a non-profit they receive a certificate from the State called a 5013c that approves the status of non-profit for tax purposes as well.

The Mayor stated that this person is not a resident and the roster shows no one from the Borough. We have been talking about setting a limit on all of these facility use/events and he thinks it is time to start.

A Motion to approve this resolution was made by Council President Zalom.

A Second Motion was not given. The Motion fails.

2019-150        appointing Mary Beth Grant to the position of Supervisor and Andrea Borowski as a cashier for the beach badge office effective May 7, 2019

A Motion to approve this resolution was made by Councilman Lamb. 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 and asked Council for a vote on this resolution.

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

2019-151        approving a facilities use application to Lavallette Select Baseball/Jersey Shore Waves to hold 6 additional baseball games on Chandler Field on Sundays, May through June 2<sup>nd</sup> 2019 from 4:30pm to 7pm.

Kevin Kolans, Lavallette Select stated that USABL is the National League and there are branches of smaller leagues that play through USABL. USABL is a non-profit league but the smaller leagues are not. These small leagues which we are also a part of do not really make any revenue after we buy the uniforms and the equipment. He apologizes for the mix up with the games dates but we only need the next few Sundays until June 2<sup>nd</sup>. We paid \$80.00 of profits to the Borough for last year and also bought a new pitcher's mound for the field.

The Mayor stated that the number of requests for this field for the weekends is really taking away from our residents, families and our tourists. It doesn't seem to be worth the 10% of the profits anymore. We really need to rethink these requests and maybe charge one flat fee for the field that is substantial since the requests are asking for a lot of dates.

Councilwoman Filippone stated that it is the Borough's responsible to take care of the field and that is why we ask for the 10% of the profits.

A Motion to approve this resolution was made by Council President Zalom. The Motion was Seconded by Councilman Borowski.

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.

2019-152 approving a facilities use application to Stacey Sanzone from 121 Camden Avenue to rent or share of a portion of the profits for the snack stand at Chandler Field during all times that the field is being used for events and games

Mr. George stated that this type of service request would have to be done by RFP.

This resolution was pulled and there will be no action taken.

### **APPROVAL OF VOUCHERS:**

2019-153 Bills List in the amount of \$3,338.438.38

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

### **COMMUNICATIONS:**

League:

- a) State & Federal Issues/Received April 5, 2019
- b) State Issues/Received April 12, 2019
- c) State & Federal Issues/April 18, 2019
- d) State & Federal Issues/Received April 26, 2019

General with No Action:

- a) Ocean County/Dept. of Business Development & Tourism/Dana Lancellotti, Director/2019 Tourism Grant has not been approved/Received April 8, 2019
- b) State of New Jersey/Department of Transportation/Laine Rankin, Director/Denial of Municipal Aid Grant for New York Avenue/Received April 9, 2019-the Mayor stated that we were approved for Philadelphia Avenue and this was our second request. We only get approved for one street a year but have to request two. We will request this street first next year.
- c) Ocean County Planning Board/Anthony Agliata, CDBG Liaison/CDBG Urban County Qualification FY 2020-2022/Received April 22, 2019-Council President Zalom stated that we can only apply for this grant every other year and we did it this year so we can apply again in 2021 and she would like to request the grant to do another handicap walkover for the north end of town.

- d) Ocean County Utilities Authority/Robert McGlaughlin, Planning Specialist/First Quarter-2019 Metered Flow Data/Received April 29, 2019-Councilman Finter stated that we are up 3 million gallons already from last year. We will have to keep an eye on this because it seems to be increasing.
- e) Ocean County Health Department/John Protonentis, Health Coordinator/Fiscal Year 2020 Solid Waste Control Program/Received April 29, 2019
- f) Lavallette Board of Education/Peter Morris, Supt./Schedule for 8<sup>th</sup> Grade Graduation/8<sup>th</sup> Grade Awards Night/Received May 3, 2019
- g) DEP News Release/Online Land-Use Permit System Will Improve DEP Efficiency and Public Transparency/Received May 3, 2019
- h) DEP News Release/DEP Awards \$10 Million in Grants to Improve Water Quality in the Barnegat Bay Watershed/Received May 3, 2019-Mayor LaCicero stated that we did apply for this grant but did not receive it because we did not have an approved plan.

**UNFINISHED BUSINESS:**

Council President Zalom stated that there are no yellow curbs on each side of Ortlely and 35 South. She already spoke to the Chief and he will take care of it.

**NEW BUSINESS:**

There was no new business.

**COMMENTS FROM THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue stated that agrees with Council regarding setting a one-time large fee for the ballfield.

Marlene Chamberlin, 26 Bond Avenue questioned if the new bill signed by the Governor regarding the access to beaches is going to affect the Borough?

Mr. George stated that he doesn't think the Borough will have an issue since they already have access from each of the streets.

The Mayor stated that the Borough has the best access to our beaches and we have no parking fees on our streets.

Chris Chamberlin, 26 Bond Avenue just wanted to let everyone know that the demolition crew was over at the Trenton Avenue fire site starting the process.

Joe Palinsky, 122 Washington Avenue stated that there is a one-time fee set of \$200 for the gazebo so why not set that fee for the ballfield as well.

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



Councilman Borowski stated that he attended two games at the ballfield for the school and he noticed that the back stops were in need of repair. He told the Supt. of Public Works and by the next game they were already done.

#### **EXECUTIVE SESSION:**

Mr. George stated that there is a need to go into executive session to discuss some personnel and contractual matters. There is anticipated action to be taken when reconvened.

A Motion to adjourn the Meeting to go into executive session was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned to go into executive session at 9pm.

A Motion to reconvene the Council Meeting was made by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was reconvened at 10:12pm.

Mr. George stated that while in executive session there were discussions regarding two contracts for two Department Heads and the terms of these contracts.

#### **Resolution 2019-154A**

A Motion to approve an increase of \$8,000 to the Chief of Police's salary starting for year 2019 retroactive to January 1, 2019 by Councilwoman Filippone. The Motion was Seconded by Council President Zalom. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. The Motion Passed.

#### **Resolution 2019-154B**

A Motion to approve the Borough Administrator's salary to \$80,000 retroactive to February 7, 2019 was made by Councilwoman Filippone. The Motion was seconded by Councilman Stogdill. Vote: Council Members Borowski, Filippone, Zalom, Stogdill, Finter and Lamb voted Yes. The Motion Passed.

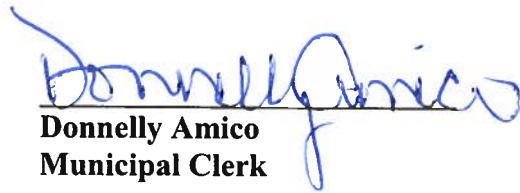
#### **ADJOURNMENT:**

A Motion to adjourn the Council Meeting was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

The Council Meeting was adjourned at 10:14pm.

**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 **May 2019**

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