

**BOROUGH OF LAVALLETTE(minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTE MUNICIPAL BUILDING**  
**Monday, June 3, 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 the families and victims in the Virginia Beach shooting.

**PLEDGE OF ALLEGIANCE:** Councilman Borowski 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 he met with the Governor and Senator Menendez along with Mr. Brice and Councilwoman Filippone up at the beach last week about the beach replenishment and it all went very well. He stated that anyone 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)**

Kathy Grandstrand, 1 Brown Avenue, stated that the Pickleball in town has become so very successful that it has become a little too overwhelming for her to be in charge of it. She has been taking care of renting the courts for the groups by the hour and collecting the monies needed for the courts but the problem with this is that with Pickleball, you rotate in and out during the games not by the hour so it becomes difficult to figure it out. The program needs to be rearranged a bit so it works more efficiently and she cannot do it by herself. We need to be able to have some kind of formal schedule to make it run more smoothly. I have been giving them stickers once they pay that I made up myself so I can keep track of the people who paid.

The Mayor stated that he doesn't understand why this game can't just be played like any other game. Why does the Borough have to get involved? We are not involved in any other games in town.

Councilman Lamb suggested that Kathy come up with some type of proposal on what she recommends and Council will review it.

Mayor LaCicero stated that maybe this needs to be done under the facilities use application if she is talking about blocking time.

Councilwoman Filippone stated that if there is 60 people playing in groups at one time then we should be charging by the person not by the court. This is something entirely different from renting a court to play tennis for an hour.

Mrs. Grandstrand stated that she will write up a proposal with her recommendations but in the mean time for now can we be authorized to have access to 4 courts instead of two and possibly have the repairs done.

Councilwoman Filippone stated that there have already been a lot of complaints by tennis players that they only can play on two courts.

Mrs. Grandstrand questioned if a timeline could be given on when the repairs would be done?

Councilman Lamb stated that Public Works is very busy with getting ready for the summer season and will try to get them done as soon as they can but it is not a priority right now.

The Mayor asked for a motion to authorize two more courts to be reserved for Pickleball.

A Motion was made by Council President Zalom. There was no Second on this motion. The Motion Failed.

Pat Doles 14 Bryn Mawr Avenue, thanked Kathy Grandstrand for securing the grant to play Pickleball at the Lavallette School. She has been instructing a Pickleball program on Saturdays and Sundays, 8am to 11am as part of the Lavallette Recreation. She stated that the tennis courts do need repairs of the lines and thinks that volunteers would be more than happy to paint the lines for the Borough. She thinks that this program that Kathy runs should also be under the Lavallette Recreation.

Mayor LaCicero stated that Council will review all the options given and the proposal from Kathy once she submits it.

Karen Papsin, 104 Vance Avenue stated that Pickleball is really a great game and there are so many people that play. They should go down to the courts when they are playing and see how popular it has become.

Jill Peterson, 6 New Brunswick questioned if there is any regulations regarding contractor trucks being parked on the streets for long periods of time?

Mayor LaCicero stated that contractor trucks as long as they are no more than 10,000 can be parked in residential areas and have the proper registration and insurance.

Mrs. Peterson questioned if dogs are allowed on the new walkovers?

Mayor LaCicero stated that dogs are not allowed anywhere on the boardwalk, beach or walkovers. We seem to be having a big problem with this issue and are trying to figure how to prevent them from doing so.

Mrs. Peterson questioned if benches will be provided for the sitting area on the walkovers?

Council President Zalom stated that we will be getting a grant to purchase benches for every walkover area and hopefully they will be here before the summer is over.

Clem Boyers, 20 Kerr Avenue questioned why the snow fencing is 10 feet from the boardwalk in the south end of town but only 8 feet in the north end of town?

Mr. Brice stated that the berm is further out in the south end as where the berm meanders to the west in the north end.

Ed Hart, 86 Ocean Front questioned if more garbage receptacles were going to be put on the beach?

Councilman Lamb stated that they have already been delivered and they will be there before the season starts.

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

Minutes of Regular Meeting of May 20, 2019

A Motion was made by Councilman Lamb to approve the minutes. 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 May 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for Zoning 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for May 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for April & May 2019-Councilwoman Filippone-no report
- e) Animal Control Report for May 2019-Councilwoman Filippone-read report
- f) Beach Badge Report for May 2019-Councilman Stogdill-read report
- g) Public Works Report for May 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-Our Memorial Day services were fantastic! A big thank you to Public Works for doing a great job of setting up and all the plantings. It was a perfect day and perfect weather. The speaker was great! The town wide garage sale was a big hit again this year. There will be shuffleboard again this year but the court needs to be power washed at some point.
- i) Tax Account Report for May 2019-Tax Collector
- j) Revenue Transaction Report for April 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 voted Yes. The Motion Passed.

Councilwoman Filippone stated that the gazebo on Guyer Avenue has been taken down. That gazebo was donated by the Sabarese family who no longer live in town. They were responsible for maintaining but haven't been able to. It was in great disrepair so they asked that it be taken down and in its place put two benches.

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

**RESOLUTIONS - ON CONSENT:**

- 2019-165 approving the renumbering application of 145 Jersey City Avenue to 1918 Bay Blvd.
- 2019-166 amending the 2019 capital budget-Mr. Brice stated that the amendments are for the excess monies after the grant that we will have to pay for Philadelphia Avenues and also the bulkhead and boat ramp replacement.
- 2019-167 appointing a Class II Special Police for the Police Department at an hourly rate of \$13.00
- 2019-168 awarding a contract to Martin A. Ackley Associates, Inc. in the amount not to exceed \$995.00 for the mandatory sampling and testing of the bituminous concrete core used on the President Avenue road improvement project
- 2019-169 authorizing the CFO to refund a tax overpayment in the amount of \$1,113.01
- 2019-170 designating a Stigma-Free Zone for mental health disorders in the Borough of Lavallette to raise awareness of resources
- 2019-171 requesting approval of items of revenue and appropriation in the amount of \$13,486.68 for the Clean Communities Grant
- 2019-172 awarding a contract to Aquatrol Products, Inc. in the amount of \$22,390 for the 2<sup>nd</sup> phase of necessary repairs to Well #4-Mayor LaCicero stated that they did a great job with the first phase so the second phase should go smoothly as well.
- 2019-173 appointing lifeguards for the 2019 summer season
- 2019-174 approving the acceptance of a 2019 Chevy Colorado 4x4 as a loaner vehicle from Lester Glenn Chevrolet for the 2019 summer season at no cost to the Borough

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, Finter and Lamb voted Yes. The Motion Passed.

**RESOLUTIONS: OFF CONSENT:**

2019-175 approving the hiring of two summer seasonal employees for the Department of Public Works

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

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 this resolution.

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

2019-176 approving the hiring of Class I Special Police for the 2019 summer season

A Motion to approve this resolution was made by Councilwoman Filippone. The Motion was Seconded by Councilman Stogdill.

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 Finter voted Yes. Councilman Lamb abstained. The Motion Passed.

2019-177 approving the hiring of the badge checkers for the 2019 summer season

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

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 Finter voted Yes. Councilman Lamb abstained. The Motion Passed.

**APPROVAL OF VOUCHERS:**

2019-178 Bills List in the amount of \$493,257.76

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

**BOND ORDINANCE 2019-06 (1196)** Bond Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Providing for Various Capital Improvements in and for the Borough, Appropriating \$760,000 Therefor, and Authorizing the Issuance of \$506,250 in General Improvement Bonds or Notes of the Borough to Finance Same

Mr. Brice stated that this is to purchase a new front end loader, for the Philadelphia Avenue road improvements, bulkhead and boat ramp replacement and the second phase of new electric meters.

Mayor LaCicero stated that we will be doing short term bans not bonds so the interest rate will be low.

A Motion to introduce this bond 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 June 17, 2019.

**COMMUNICATIONS:**

League:

- a) State & Federal Issues/Received May 10, 2019
- b) State & Federal Issues/Received May 17, 2019
- c) State & Federal Issues/Received May 24, 2019

General with No Action:

- a) Barnegat Bay Partnership/L. Stanton Hales, Jr., Director/NJ Back Bays Feasibility Study/Received May 6, 2019
- b) Federal Communications Commission/Ajit Pai/letter to Andy Kim for his Correspondence Concerning Radiofrequency Issues and for Sharing His Views About the Potential Impact of 5G Deployment on RF Exposure/Received May 10, 2019
- c) State of New Jersey/Department of Transportation/Dianne Gutierrez-Scaccetti, Commissioner/Applications Now Being Accepted for the NJDOT's Fiscal Year 2020 State Aid Programs/Received May 14, 2019
- d) DEP News Release/DEP Awards \$21.5 Million in Clean Communities Grants to Counties and Municipalities/Received May 23, 2019
- e) DEP News Release/State of the Shore Event Kicks Off Season with Overviews of Water Quality, Public Access, Resilience and Swimming Safety/Received May 23, 2019
- f) DEP News Release/DEP Accepting Nominations Through July 26 for Annual Program to Honor Those with Extraordinary Commitment to Recycling/Received May 23, 2019
- g) Ocean County Utilities Authority/Keith Maroon, Exec. Director/Notice of Public Hearing on Proposed 2020 Rates/Received May 28, 2019-Councilman Finter stated that they are not increasing our bulk rate and they replaced all heads on the manholes.

General With Action:

- a) Board of Chosen Freeholders/Joseph Vicari, Freeholder/requesting the Mayor Accept the Nomination of Being a Member of the Ocean County Complete County Committee for the 2020 Census/Received May 10, 2019-Mayor LaCicero stated that maybe Councilman Finter could volunteer to be on this committee.
- b) Rite Aid/702 Grand Central Avenue/Mike Rhein, Manager/Requesting to hold their Annual "Welcome Back Summer" Event on Saturday, June 15<sup>th</sup> 2019 from 10am to 2pm/Received May 15, 2019-Mayor LaCicero stated that this is annual event and there has never been any issues with it.

A Motion to approve this event was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

- c) Joanne Marino/Jamie Shohfi/family donation of \$1,175.00 towards the swing set for the Kerr Avenue playground area and requesting a small plaque be put by the swings in memory of a loved one who passed away/Received May 29, 2019-Council President Zalom stated the Marino family has donated \$1,285 towards the swing set to put over by the donated playground from "Where Angels Play". They asked if they could just have a small plaque by the swings in memory of her sister with their donations. She stated that she would like approval to go ahead with the order of the swings as well as the plaque.

A Motion to approve the swings and plaque was made by Council President Zalom. The Motion was Seconded by Councilman Finter. Vote: All of Council was in favor. The Motion Passed.

**UNFINISHED BUSINESS:**

Mr. Brice stated that there has been an ongoing issue with puddling and flooding on Jersey City and Bay Blvd. mostly affecting the last four houses where the flooding is from the curb out 5 to 15 feet. The issue started after the County re-paved Bay Blvd. which caused the road to be uneven. We reached out to the County and we were told that the Bond was already released to the contractor so the project is closed. Our Engineer has taken a look at it and his recommendation is to mill a 7-foot-wide strip of asphalt that is 250 feet linear feet and also reset the basin which in total would roughly cost approximately \$8,000. He suggests that we add this project to the Philadelphia Avenue road project.

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

Mr. Brice also stated that he thinks signs are going to be needed at all the beach entrances that the area needs to be clear at all times from dune to fence area for emergency vehicles.

Councilman Lamb stated that he thinks the beach is so large now there is so much room for emergency vehicles so he is not sure we will need the signs.

The Mayor stated that maybe we put 3 signs up per block saying no seating in this area.

Council President Zalom stated that she spoke to the NJDOT about the pedestrian crosswalks on Rt. 35 South. They stated that they have to put handicap curb cuts with every crosswalk so it is going to take a little more time than expected.

She stated that the new owner who took over the building where Salty's and is now a café and ice cream place. He requested a two-hour parking sign for two spaces in front of his place because cars are taking up all the spaces and staying there all day and night.

The Mayor stated that we have always waited to see if more businesses wanted the signs before we opened the ordinance again.

Councilman Borowski suggested that we put it out to the LBA to see if any other businesses are in need of them.

Mr. Brice stated that the final provisions with the tax maps are being reviewed by the state. Once the State gives us the go ahead we are good to go to start the process.

Councilwoman Filippone suggested once we are ready to go with it we should use the emergency phone system to advise the homeowners.

#### **NEW BUSINESS:**

There was no new business.

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



Joe Palinsky, 122 Washington Avenue stated that the size of the flags on flag poles in town are not within code of the size.

Mayor LaCicero stated that he will have Code Enforcement take a look at it.

John DeGrande, Jersey City Avenue stated that there is a construction site on my street and all their trailers are being left in the street all day and overnight not attached to a vehicle. He wondered if that was allowed.

The Mayor stated that they have to be attached to the vehicle on the street. We will have code enforcement take a look.

Bob Astorino, 2 Elizabeth Avenue stated that he would like to rake the bocce ball courts but the rake is in the shed and it is locked. Is there any way he could get access to it?

Councilman Lamb stated that he will let public works know to get it out for you.

Jon Corney, 1 Newark Avenue asked for approval to mark the side of the bocce courts for the distance?

Mr. Brice stated that for insurance purposes we cannot allow anyone to do anything to our facilities except our employees. He will send a work order over to Public Works to get it done for you.

Joanne Marino 1501 Bay Blvd. stated that the intersection at Bay Blvd. and New Brunswick was out of control on Memorial Day with the cars and pedestrians. Something needs to be done there. There were no police patrolling or controlling the intersections at all.

Councilwoman Filippone stated that she will talk to the Chief about it.

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

Councilman Borowski stated that his son was playing ball in the street and accidentally broke the window at the Newark Ave Treatment Plant. I am reimbursing the town for the cost of the window since it was my son's fault.

#### **EXECUTIVE SESSION:**

Mr. Bernstein stated that there is a need to go into executive session to discuss attorney-client privilege matters. There is no action that will be taken.

A Motion to adjourn the Council Meeting to go into executive session 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 to go into executive session at 8:34 pm.

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

The Council Meeting reconvened at 8:56pm.

Mr. Bernstein stated that while in executive session there was discussion on an update on the wireless process and it was decided that once an application is submitted we will discuss our options.


**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 8:57 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 3<sup>rd</sup> day of **June 2019**

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