

BOROUGH OF LAVALLETTE(minutes)
CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL
LAVALLETTE MUNICIPAL BUILDING
Monday, August 5, 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 for the two tragic mass shootings in Texas and Ohio where a total of 31 people were killed.

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

MAYOR'S WELCOMING STATEMENT: The Mayor thanked everyone for coming to tonight's meeting. He sees some unfamiliar faces and thinks maybe this is due to the Jersey Shore filming. To update the public on this, we received a letter from 495 Productions seeking approval to film the show on private property at one of the Lavallette residences. They never gave an exact address in Lavallette. The Clerk reached out to them and requested an exact address in Lavallette where the filming was going to take place. She was advised they did not secure a place as of yet but they just wanted to know if Lavallette would allow it. The Clerk advised him that the Borough cannot have any discussions on this issue until they know the exact address and to also make sure it is, in fact, in the Borough and not in Toms River. They never responded back so this issue has gone away. 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)

Sal Conte, 18 Brown Avenue, thanked the Mayor and Council for making sure everything went smoothly with the beach replenishment. It looks great! He stated that he too is not a fan of the Jersey Shore show filming in Lavallette. He lives up north and they filmed in a town nearby him and they had nothing but issues.

Mayor LaCicero stated that the Borough was never in favor of the filming; however, we cannot control filming on private property unless it moves to the Borough property. Only then can we deny it. We will be having the attorney look into an ordinance banning any filming permanently. Hopefully, we can take care of that right away.

Councilwoman Filippone stated that she thinks that if a private residence will be used to film a show that it automatically becomes a commercial use and they would have to go to the Planning Board for a change of use. That is something to look into as well.

Vincent Mazza, 901 Bay Blvd., stated that he was at the last meeting about the Pickleball courts lights being on until 11:30pm. These lights shine so bright into his windows it is becoming a nuisance. At the last meeting, I was told that it would be taken care of but they are still on till that time.

Mayor LaCicero stated that there must have been some kind of issue with the timer after the storms and the power outages. Councilman Lamb and the Borough Administrator will definitely look into and take care of the problem.

REPORTS:

- a) Lavallette Construction Report for July 2019-Councilwoman Filippone-read report
- b) Lavallette Zoning Report for July 2019-Councilwoman Filippone-no report
- c) Municipal Court Report for June 2019-Councilwoman Filippone-read report
- d) Police Overtime Report for April, May & June 2019-Councilwoman Filippone-read report
- e) Animal Control Report for July 2019-Councilwoman Filippone-no report
- f) Beach Badge Report for June & July 2019-Councilman Stogdill-read reports
- g) Public Works Report for July 2019-Councilman Lamb-read report
- h) Public Affairs Report-Council President Zalom-the swings were installed this morning. She has to thank Public Works for being so quick in getting things done. The residents are very pleased. We collected so far \$1,800 in donations at the concerts. She has been told by many that Lavallette has the best fireworks and concerts. We have so many events so get your summer schedules downstairs and there is also a recreation exercise schedule. The breast cancer walk was a big hit. There were a 1,000 people who walked and they collected \$30,000 in donations. The flea market turned out great! Don't forget about the pancake breakfast at the Union Church on August 10th from 8am to 11am.
- i) Tax Account Report for July 2019-Tax Collector
- j) Revenue Transaction Report for June 2019-Chief Financial Officer
- k) Sale of Bond Anticipation Note Sale for July 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:

2019-213 renewing the Borough's membership in the Ocean Municipal Joint Insurance Fund for a three-year period beginning January 1, 2020 and ending December 31, 2022

2019-214 hiring 3 lifeguards for the remainder of the 2019 summer season

- 2019-215 appointing members to the 2019 revised Emergency Management Team for the Borough of Lavallette
- 2019-216 increasing the original contract of \$10,636.64 with Universal Instrument Service Company for the replacement of the Scadata Radio Communication System for Well#3 and Well#5 by \$12,657.78 bringing the amended contract price to \$23,294.42-Mr. Brice stated that there were a lot of parts that needed to be replaced and upgraded than expected for the analog system. Councilman Lamb stated that this system was implemented and up and running one week before the black out so it worked out well because of the upgrade we had no issues with the wells.
- 2019-217 accepting the retirement of Richard Stanton and authorizing payment of unused sick and vacation time
- 2019-218 approving a facilities use application to Corie Caccese to hold a children's yoga camp on once a month on Friday and Saturdays from September through December 2019
- 2019-219 approving a facilities use application to Soccer Shots to hold soccer classes on Mondays in September and October 2019 from 4:30pm to 7pm
- 2019-220 authorizing the proposal of services from O'Donnell, Stanton & Associates in the amount of \$2,250 for the Jersey City Puddle Correction to be included with the Philadelphia Avenue road improvement project-Mr. Brice stated that the puddling on Jersey City Avenue and Bay Blvd. has become a problem. The engineer's recommendation for this to be taken care of is to have the paving in that area redone to elevate the road there. He suggests including this project along with the Philadelphia Avenue road project bid.
- 2019-221 approving a residential parking permit to Frank and Sandra Blundetto of 110 New Brunswick Avenue-Mr. Brice stated that this property meets all the requirements.
- 2019-221A awarding a contract to Van Duynes Bros., Inc. for the purchase of a lifeguard boat in the amount of \$9,950.00-Mayor LaCicero stated that this is the lifeguard boat that sustained damage last week. This boat is covered under our insurance and we will be receiving a check to cover the

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:

2019-222 approving the annual certifications submitted by the Lavallette First Aid of all volunteer members who have qualified for credit under the LOSAP program for 2018

A Motion to approve this resolution 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 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 Lamb voted Yes. Council Members Borowski and Finter abstained. The Motion Passed.

Mayor LaCicero stated that Councilman Borowski and Finter are members of the First Aid so they cannot vote on this resolution.

APPROVAL OF VOUCHERS:

2019-223 Bills List in the amount of \$7,004,137.89

A Motion to approve the bills list was made by Councilman Stogdill. The Motion was Seconded by Councilman Finter. Vote: Council Members Borowski, Filippone, Zalom, Stogdill and Finter voted Yes. Councilman Lamb abstained from PO#19-00696 and yes to all others. The Motion passed.

ORDINANCES ON FOR INTRODUCTION/FIRST READING:

ORDINANCE NO. 2019-07 (1197) 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

The Mayor stated that this handicap space was always up at the ocean on Elizabeth Avenue. When they did the road project it must have got left out when they lined the spaces. This is just to put the space back up there.

A Motion to introduce this ordinance 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.

Public Hearing and Final Adoption is scheduled for August 19, 2019.

Councilman Borowski stated that they received the ordinance for the junior firefighters' program today but it didn't get on the agenda. He stated that it looks good to him and he would like to add it to this agenda for introduction.

All of Council were in favor of adding it to the agenda for introduction.

ORDINANCE NO. 2019-08 (1198) Ordinance of the Borough of Lavallette, County of Ocean, State of New Jersey, Amending, Revising and Supplementing Chapter 27 of the Borough Code of the Borough of Lavallette Entitled, "Fire Department" By Creating a New Section 27-14, Et. Seq., Entitled, "Lavallette Junior Firefighters" Auxiliary

A Motion to introduce this ordinance was made by Councilman Borowski. 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 August 19, 2019.

COMMUNICATIONS:

League:

- a) Governor Freezes Most Transitional Aid/Received July 3, 2019
- b) State & Federal Issues/Received July 12, 2019
- c) Federal Opioid Epidemic Behavioral Health Funding/Received July 15, 2019
- d) NLC Advocates for Solutions to National Housing Crisis in New NLC Housing Task Force Report/Report July 17, 2019
- e) State & Federal Issues/Received July 19, 2019
- f) State Issues/Received July 26, 2019
- g) League's Annual Audit Statement/Received July 30, 2019

General with No Action:

- a) Mark & Valerie Motylewski/228 Westmont Avenue/Dealing with Building Department regarding their house lift/Received July 1, 2019
- b) Joanne LaCicero/thanking Mayor and Council for their support in hosting our 1st Inaugural 50th Anniversary Dinner for Lavallette Couples/Received July 1, 2019-Council President Zalom stated that this was a wonderful event and it received great feedback.
- c) Robert & Mary Wade/102 Ortley Avenue/in opposition of their code violation for garbage/Received July 8, 2019-Councilwoman Filippone stated that this homeowner received a warning sticker not a summons.
- d) Township of Woodbridge/Mayor John McCormac/2019 NJ Senior Olympics/Received July 12, 2019

- e) Ocean County Utilities Authority/ Kathleen Balassone, Exec. Assistant/Bulk Rate of \$4,039 per million gallons for 2020/Received July 12, 2019-Councilman Finter stated that there will be no increase for 2020.
- f) OC Dept. of Solid Waste Management/Anthony Agliata, Director/Recycling Audits/Received July 12, 2019
- g) ANJEC/Jennifer Coffey, Exec. Director/supporting ordinances against use of plastic bags/Received July 22, 2019
- h) State of New Jersey/Dept. of Transportation/Diane Gutierrez-Scaccetti, Commissioner/NJDOT Fiscal Year (2020) Local Freight Impact Fund/Received August 2, 2019

General With Action:

- a) Lenny's Pizza & Italian Grill/Benny D'Aloisio, owner/requesting two-hour parking signs be placed in spaces in front of 76 Grand Central Avenue/July 1, 2019-Mayor LaCicero stated that the Chief is conducting a survey to see who wants these signs in front of their establishments.
- b) Clean Ocean Action/Alison McCarthy, Coordinator/requesting the date of Saturday, October 26, 2019 for their annual fall beach sweeps/Received August 1, 2019-Mayor LaCicero stated that this is an annual event held in April and October.

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

UNFINISHED BUSINESS:

Councilman Finter stated that the bike issue has become so out of control. We need to really figure something out before someone gets hurt or killed.

Council President Zalom stated that at every "Movies on the Bay" night a police officer comes and discusses bicycle safety and the laws that need to be followed and they are given a card with the rules and regulations on it.

Councilman Lamb stated that he thinks this summer is the worst he has seen.

Mr. Brice stated that reval has been in progress for over a month now and they have completed the walk-throughs of 1,000 homes already. Make sure you schedule your appointment with them if you have not done so already. If you don't respond and let them walk through they will estimate your assessment value which is usually higher than it might be.

NEW BUSINESS:

Council President stated that she took a trip over to Seaside Park to take a look at their 4 foot pathway that goes from the ramp down to the water for the handicap who are in wheel chairs. She reached out to the company and they have two options of these pathways, one is the cheaper version where you would have to move it in order for the beach rake to do that area and then put it back and the other option is more expensive where the rake can just lift up the rake and go over it without

moving it. She spoke to the Supt. and he said the more expensive one would definitely work and not interfere with the rake. She stated that she is also looking into getting some type of grant funding for this purchase. She is looking more into this.

Councilman Lamb stated that he also talked to the Supt. and he said he would make it work no matter what.

Mr. Brice stated that the dunes in the norther part of town have become very robust. The height and depth are very significant affecting 14 properties. Our DEP permit expired in 2013 but because of the beach replenishment project progressing they gave us a stay with the permit until after the beach replenishment was complete in town. The permit application is in the process of being done by the Engineer. Due to the new rules we can't do some maintenance work that was done in the past. There is also active litigation between the DEP and one or two properties on the ocean in Lavallette for the removal of sand without permission. The engineer will be doing boundary surveys along with this application which will be helpful to us long term. The general permit is \$1,000 but the individual permit will run \$30,000 as a whole. Maintaining the design feature of the dunes is laid out in the Army Corps. manual so we have to abide by that.

Councilman Lamb questioned how the pavilions fit into this.

Mr. Brice stated that they will stay the same but we have to follow the same rules.

Mayor LaCicero stated that he wanted the 10-foot easement from the property line to the tow of the dune but was told that they were afraid it would be molesting the dune. We have always taken care of our dunes but this is going to create a maintenance nightmare and the property owners are not going to be happy up there. The cases with the DEP and the two property owners is because the property owners removed some of the sand from the dune that was encroaching on their property which is a big no-no with the DEP.

COMMENTS FROM THE PUBLIC:

Joe Palinsky, 122 Washington Avenue questioned the application regarding the yoga for kids and using the gazebo. The gazebo is separate from the facility use applications and the fee for the gazebo is \$200.00 so if they are using the gazebo they should be paying that fee.

Mayor LaCicero stated that the approval was for the area in front of the gazebo and not the gazebo itself. The clerk will make sure she is aware of this.

Mark Speaker, 111 Brown Avenue stated that the businesses in town are up 20% in revenues. Also, before they do the two-hour parking spaces ordinance please let the LBA know.

Val Stefanelli, 1 Magee Avenue stated that she has come tonight to oppose the filming of the Jersey Shore show and is glad to see that it won't be happening.

Mayor LaCicero stated that we also will be looking into some type of ordinance that will ban any type of filming in town.

Jon Corney, 1 Newark Avenue questioned how the land is going to be assessed with this reval?

Mr. Brice stated that he does not know how they do the assessing and what it is based on. He should call the phone number on the card to get that information.

Mr. Corney stated that the gentleman who came to his house to assess it were very professional.

COMMENTS OF THE MAYOR AND COUNCIL MEMBERS:

Councilwoman Filippone stated that at the last meeting they discussed replacing these new mics with our old ones and she thinks that should be done.

Councilman Borowski stated that the Waves of Impact event was another big hit. There were two camps for 2 days. NJ12 came to film it which was great! He wants to thank Lenny's Pizza who donated food as well as Dunkin Donuts. Also, the residents of Dover Avenue should be thanked for putting up with a lot of traffic and chaos.

Councilman Stogdill stated that there will be a ocean mile swim on August 10th and there will be a women's and men's lifeguard tournament on separate dates but does not have those dates right now. They can find out the dates on our website or calling the Borough Hall.

Mr. George stated that Sherman Hospitality/Capriccio's has filed an appeal with the ABC regarding their license revocation. They have requested additional time to review the paperwork as well as wanting to schedule a settlement conference with the Director. Also, as of the other day, the applicant has also appealed our denial of their recent renewal as a pocket license. We have to wait on the state to make a decision on the revocation before we schedule any hearings.

EXECUTIVE SESSION:

There was no executive session.

ADJOURNMENT:

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

The Council Meeting was adjourned at 8:16pm.

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 5th day of **August 2019**


Donnelly Amico
Municipal Clerk