

**BOROUGH OF LAVALLETTE (minutes)**  
**CAUCUS/REGULAR MEETING OF THE MAYOR AND COUNCIL**  
**LAVALLETTTE FIRST AID BUILDING**  
**December 2, 2013-7:00 pm**

**CALL TO ORDER:** Mayor Walter G. LaCicero, presiding

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

Also present: Eric M. Bernstein, Borough Attorney  
Donnelly Amico, Deputy Municipal Clerk

Mayor LaCicero stated that Mr. Parlow will not be at the meeting tonight due to personal reasons. He asked if Council could excuse him.

A Motion was made by Councilman Lamb to excuse Mr. Parlow from the meeting. The Motion was seconded by Councilman Horan. Vote: All of Council was in favor. The Motion Passed.

**READING OF THE OPEN PUBLIC MEETINGS ACT STATEMENT:** Notice of this meeting was published in the Ocean Star on May 31, 2013. Notice was also posted on our municipal website.

**MOMENT OF SILENCE:** Mayor LaCicero asked for a moment of silence for a long time resident Joyce Deutsch whose father passed away over the weekend and for all our troops overseas.

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

**MAYOR'S WELCOMING STATEMENT:** Mayor LaCicero thanked everyone for coming out to tonight's meeting. He stated that he and Mr. Parlow attended a meeting at the governor's office and they advised us that there is going to be 1.46 billion more in funding to be issued soon. The RREM and Relocation grants will be financed. We also discussed the loss of our municipal building and maybe getting some funding for that as well. We were advised that there were a dozen or so of towns that lost their municipal buildings during Sandy but they would look into how to get some funding for us. They will be demolishing the buildings the week of Christmas break at the school.

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

Mayor LaCicero asked if anyone in the audience wished to comment on any items that were not on the agenda or if they could not stay for the remainder of the meeting could do so now.

No one wished to comment at this time.

Mayor LaCicero closed the floor to public comment.

**APPROVAL OF CLERK’S MINUTES:**

Caucus/Regular Meeting of November 18, 2013  
Executive Session Minutes of November 18, 2013  
Bid Opening Minutes for Cell Antennae Lease of November 22, 2013

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

**REPORTS:**

- a) Construction Report for November 2013-Councilwoman Filippone-read report
- b) Zoning Report for November 2013-Councilwoman Filippone-read report
- c) Public Affairs Report-Council President Zalom-We spoke to someone about restoring the clock in front of Borough Hall and he said it would be pricey to restore so she spoke to Pam Maguire from Heritage who purchased the clock and she said she would talk to the Committee to see if they would pay for the restoration. We are going to have Public Works take the clock down and store it away until the new building is ready and then we will have it restored before then. The school is having a play on December 11<sup>th</sup> and they invited all residents during the day to watch the Dress Rehearsal. The Library is having a piano event on December 11<sup>th</sup> at 7pm. The tree lighting is December 6<sup>th</sup> and so many activities for kids on December 7<sup>th</sup>.
- d) Revenue Transaction Report for October 2013-Chief Financial Officer
- e) Tax Account Report for November 2013-Tax Collector
- f) Public Works Report for November 2013-Councilman Horan-Winter Collection is once a week for both Garbage and Recycling. The boardwalk has been cleaned. Well house #3 has been worked on.

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

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

**RESOLUTIONS – ON CONSENT:**

- 2013-353 rescinding resolution 2013-267 awarding a contract to N T & P Contractors, Inc. for the reconstruction of the Lavallette Lifeguard Headquarters-Mayor LaCicero stated that there were some structural issues found regarding this building that were over the 10% change order so we had to cancel the contract. We will be weighing our options on this soon.
- 2013-354 approving a Chapter 159 amendment for 2011 Recycling Tonnage Grant in the amount of \$7,813.71

- 2013-355 supporting NJ State Legislature Bills A-2753 and S-1923 requiring direct payment of energy taxes to municipal governments-Mayor LaCicero stated that this is in regards to our energy taxes that we use to get back from the state every year for our electric utility and now they keep it to balance their budget the last couple of years. We would like to get these fees back for the Borough's use.
- 2013-356 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members who have qualified for credit under the LOSAP Program for 2012-Councilman Lamb asked that we amend this resolution to say for the Lavallette First Aid Squad so he can vote on this. Councilman Horan asked that this be put off consent.
- 2013-357 urging the County of Ocean to provide a bicycle lane on Bay Boulevard as part of the Bay Boulevard Reconstruction Plan

A Motion was made by Councilman Lamb to approve the consent agenda minus Resolution 2013-356. 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 on the consent agenda. 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, Horan and Lamb voted Yes. The Motion Passed.

**RESOLUTION OFF CONSENT:**

- 2013-356 approving the annual certifications submitted to the Borough by emergency service organizations of all volunteer members of the Lavallette First Aid Squad who have qualified for credit under the LOSAP Program for 2012

A Motion was made by Councilman Lamb to approve Resolution 2013-356. 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 at this time. 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 Horan abstained. The Motion Passed.

**APPROVAL OF VOUCHERS:**

- 2013-358 Bills List in the amount of \$306,651.22

A Motion was made by Councilwoman Filippone to approve the bills list. The Motion was seconded by Councilman Horan. Vote: Council Members Borowski, Filippone, Stogdill and Lamb

voted Yes. Council President Zalom abstained on PO # 13-01257 and PO #13-01191 and yes to all others Councilman Horan abstained on PO # 13-01251 and yes to all others. The Motion Passed.

**ORDINANCES ON FOR ADOPTION:**

**BOND ORDINANCE NO. 2013-10 (1125) BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS TO VIRGINIA AVENUE AND LAVALLETTE AVENUE, AND APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$150,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAVALLETTE, IN THE COUNTY OF OCEAN, NEW JERSEY**

Mayor LaCicero stated that this is for our road improvements to Virginia Avenue from Route 35 North to Bay Boulevard and for the portion of Lavallette Avenue where the new houses were constructed. We received a grant for \$225,000 so we will be responsible for this \$150,000.

A Motion was made by Councilman Horan to adopt Bond Ordinance 2013-10 (1125). The Motion was seconded by Councilman Lamb.

The Mayor opened the public hearing and asked if anyone wished to comment on this Ordinance. No one wished to comment on this Ordinance. The Mayor closed the public hearing and asked Council for a vote on this Ordinance.

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

**COMMUNICATIONS:**

Legal:

- a) Eric M. Bernstein & Associates/Eric M. Bernstein, Esq/Bid Review for “Demolition of Municipal and Police Buildings/Received November 20, 2013
- b) Eric M. Bernstein & Associates/Jeffrey Ziegelheim, Esq/Jon Andrews & Borough of Lavallette/Received December 2, 2013

Engineering:

- a) O’Donnell, Stanton & Associates/Michael O’Donnell/Demolition of Municipal and Police Buildings/Received November 20, 2013
- b) O’Donnell, Stanton & Associates/Michael O’Donnell/Lifeguard Building Renovation/Received November 25, 2013
- c) O’Donnell, Stanton & Associates/Chuck Applegate/Demolition of Municipal & Police Buildings/Pre-Construction Meeting/Received November 27, 2013

New Jersey League of Municipalities:

- a) Legislation regarding Defeated School Budget Deadline Advances/A-323/S-2074 Permits “Agricultural Tourism” Activities on Preserved Farmland/Received November 15, 2013
- b) Request for Nominations for NJBIA New Good Neighbor Awards/Received November 27, 2013
- c) County Beach Legislation, Allows Municipal Opt-Out, A-3891/S-2601/Received November 27, 2013-Mayor LaCicero stated that this is so Counties could control all of the beaches. There will be an opt out for municipalities which we will definitely be doing.
- d) Important Health Insurance Contribution Decision/Received November 27, 2013

General With No Action:

- a) Ocean County Utilities Authority/Richard M. Warren, Executive Director/Preliminary Estimate of 2014 Annual Charge/Received November 18, 2013
- b) Cablevision/R. Thurman Barnes, Area Director/NBC Sports Network Package Move/Received November 18, 2013
- c) Cablevision/R. Thurman Barnes, Area Director/Removal of Howard TV Subscription Video on Demand a la carte/Received November 19, 2013
- d) Environmental & Technical Services, LLC/Utility Billing Services/Received November 20, 2013
- e) Municipal Excess Liability Joint Insurance Fund/Fred Semrau, Esq., Fund Attorney/Super Storm Sandy/Flood Loss Claims due by December 20, 2013/Received November 20, 2013
- f) NJBIA/Philip Kirschner, President/New Good Neighbor Awards/Received November 20, 2013
- g) State of New Jersey/Office of Attorney General/SFC Patrick Gorman, State Coordinating Officer/Disaster Relief Appropriations Act of 2013/Funds Obligated under a Project Worksheet must be fully expended within two years of the date of obligation/Received November 22, 2013-Mayor stated that with these funds we have two years to use the money.
- h) New Jersey Economic Development Authority/Michele Brown, CEO/ copy of letter to Lavallette business congratulating them on receiving a Stronger NJ Business Grant/Received November 22, 2013-Council President Zalom congratulated Pat Doles Photography on receiving her business loan.
- i) State of New Jersey/Department of Transportation/Anthony J. Attanasio, Assistant Commissioner/thanks to Resolution the NJDOT will be revaluating the sidewalk, curb and other amenities on the southbound highway/Received December 2, 2013-Mayor LaCicero stated that thanks to Anita the State will be revaluating the sidewalk situation on Route 35 South.
- j) USDA/Kenneth Drewes, Director/Emergency Community Water Assistance Grants/Received December 2, 2013

General With Action:

- a) Environment New Jersey/Dan DeRosa/requesting the Mayor sign letter of support of President Obama's Climate Action Plan on Global Warming/Received November 22, 2013-Mayor LaCicero stated that he would not be signing this letter.
- b) Concrete Washout Solutions, LLC/Lisa Weisse, Sales Manager/requesting to have a meeting with the Mayor to discuss some of the pollution issues due to improper disposal of concrete washout/Received November 22, 2013-Mayor LaCicero stated that they probably want to sell us some equipment.
- c) Edward Deane/128 Jersey City Avenue/requesting his late charge on his electric bill be removed/Received November 27, 2013-Mayor LaCicero stated that we have a policy on this but we will look into it.

**UNFINISHED BUSINESS:**

Mayor LaCicero stated that Mr. Speaker had sent a letter to the DOT with regards to getting some assistance with moving some equipment or debris to get into the businesses. He stated that he received a call from the State and they have no problem putting a special vehicle with workers in it for that immediate assistance.

**NEW BUSINESS:**

Councilman Borowski stated that in support of our local businesses we should think about allowing the businesses to sell our beach badges during the holiday season.

Mayor LaCicero stated that we did that a couple of years ago and gave them certificates to claim their badges when we started selling them but it is too late to do that now

Councilwoman Filippone stated that with regards to the water meter replacement project you only have to make an appointment if your meter is in house. If the meter is in the crawl space you only have to call and tell them that.

**COMMENTS OF THE PUBLIC:**

Clem Boyers, 20 Kerr Avenue stated that with the demolition and reconstruction of the municipal building you left out the fact that the post office will be in the building also.

Mayor LaCicero stated that the lease is signed and confirmed and they will be entering the building in April 2015

Joe Palinsky, 122 Washington Avenue questioned if anyone was working on this letter (j) no action regarding the grants for our water system.

Mayor LaCicero stated that we are in the process of working on getting grants for our water system.

Mr. Palinsky questioned if the parking lot with the new municipal complex is going to meet flood elevation standards.

Mayor LaCicero stated that it will not but we will take the necessary precautions prior to any storms.

Mark Speaker, President LBA thanked the Mayor for the help with the State regarding the businesses. He was elected President again for the 2014 year and is helping Paying It Forward, President Gina Cavallo with restoring the American Legion in Seaside Heights.

Susan Kotch, 119 Camden Avenue stated that during Black Friday and the weekend there was a lot of people out shopping at our businesses.

Jack Sauer, 405 Bay Blvd. stated that selling the beach badges at our local businesses is a great idea.

Mayor LaCicero stated that he is not sure since we are a government entity if we would be allowed to do that as well as the accountability of the funds being all over.

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

Councilman Borowski congratulated Councilman Lamb and Councilman Stogdill with their election wins.

Council President Zalom stated that the Ladies Auxiliary of the Fire Department will have their wreath sale on Friday the 6<sup>th</sup> of December and the Poinsettias will be on Thursday, December 5<sup>th</sup>. Our Lavallette Birthday Celebration will be on December 21<sup>st</sup> and Georgia Calderaro is selling the tickets. We already have 25 people signed up for the ski trip on January 25<sup>th</sup>.

#### **EXECUTIVE SESSION:**

There was no executive session

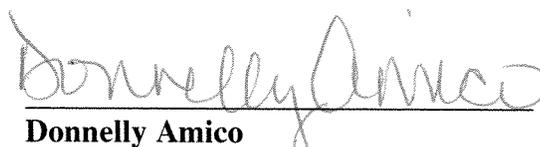
#### **ADJOURNMENT:**

A Motion was made by Councilman Horan to adjourn the Caucus/Regular Meeting. The Motion was seconded by Councilman Stogdill. Vote: All of Council was in favor. The Motion Passed.

The Caucus/Regular Meeting was adjourned at 7:58pm.

#### **CERTIFICATION**

I, Donnelly Amico, Deputy 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 2<sup>nd</sup> day of **December 2013**



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